

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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RULE REVIEW CHECKLIST

File No. 1318 all documents Docket No. 05.0009.1320

DATE RECEIVED 9/26 with 10/6
REVIEW DATE
DUE DATE 10/10 rec'd on Revis's desk 10/14

APPROVED 10/10
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING
EMERGENCY RULE ✓

REVISOR APPROVED 10/1
REVISOR DISAPPROVED
FILED W/SEC. STATE 10/14
RETURNED TO AGENCY 10/14

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion
Dec 16, 1985 Date published in State Register
yes Comments

___ ~~Petition for Adoption of a Rule~~

___ ~~Board's Authorizing Resolution~~

✓ Proposed rule
yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule (Notice of Proposed Adoption of an Emergency Rule)
256B.431 subd 6 Statutory Authority
no Small business statement
yes Expenditure of public money statement
yes Signature

___ ~~Statement of Need and Reasonableness~~

___ Affidavit of Mailing Notice of Intent to Adopt Rule
Date 30/25 days before adoption (calling)

✓ Publication in State Register
Aug 11, 1986 Date 30/25 days before adoption

___ ~~Resolution Adopting~~

✓✓ Findings of Fact, Conclusions & Order Adopting
Sept 26, 1986 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney
John A Brevik Name of SAAG representing agency

___ ~~Notice of Submission to Attorney General~~

___ ~~Affidavit of Mailing Notice to Attorney General~~

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

TO: BOB EELKEMA
Department of Health

DATE: 10/14/86

ATTN: JOHN A. BREVIU
Special Assistant Attorney General

FROM: J. MICHAEL MILES
Assistant Attorney General

PHONE: 296-6555

SUBJECT: Adopted Emergency Rules Relating to Minimum Nursing Staff Requirements in Nursing Homes

The above-referenced rule has been approved as to its legality by the Attorney General on October 10, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JMM/rmk
Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1318

Department of Health

Adopted Emergency Rules Relating to Minimum Nursing Staff Requirements in Nursing Homes

Rules as Adopted

4655.5610 [Emergency] NURSING STAFF IN NURSING HOMES PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM.

Subpart 1. **Application.** Notwithstanding the provisions of part 4655.5600, on and after ~~October~~ November 1, 1986, the staffing standard in this part shall apply to nursing homes participating in the medical assistance program.

Subp. 2. **Requirements for staff.** The nursing home shall have on duty at all times a sufficient number of qualified nursing personnel including registered nurses, licensed practical nurses, nurse aides, and orderlies to meet the needs of the patients on all nurses' stations, on all floors, and in all buildings if more than one building is involved. This includes relief duty, weekends, and vacation replacements.

The nursing staff shall be employed and used for nursing duties only. There shall be sufficient additional staff for housekeeping, dietary, laundry, and maintenance duties and these persons shall not be used to give nursing care.

Subp. 3. **Minimum nursing staff requirement.** The minimum number of hours of nursing personnel to be provided in a nursing home shall be the greater of two hours per resident per 24 hours or 0.95 hours per standardized resident day.

For purposes of this part "hours of nursing personnel" means the paid, on-duty, productive nursing hours of all nurses and nursing assistants, calculated on the basis of any given 24-hour period. "Productive nursing hours" means all on-duty hours during which nurses and nursing assistants are engaged in nursing duties. Examples of nursing duties may be found in parts 4655.5900, 4655.6100, and 4655.6400. Not included are vacations, holidays, sick leave, in-service classroom training,

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

or lunches. Also not included are the nonproductive nursing hours of the in-service training director. In homes with more than 60 licensed beds, the hours of the director of nursing are excluded.

For purposes of this part, "standardized resident days" means the sum of the number of residents in each case mix class multiplied by the case mix weight for that resident class, as found in part 9549.0059, subpart 2, calculated on the basis of a facility's census for any given day.

Calculation of nursing hours per standardized resident day shall be performed by dividing total hours of nursing personnel for a given period by the total of standardized resident days for that same period.

Subp. 4. **Additional nursing staff.** In addition to the minimum nursing staff required in subpart 3, the nursing home shall provide additional qualified nursing staff commensurate with the needs of the patients.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 14 1986
Joan Anderson Growe
Secretary of State
3:00 pm

APPROVED AS TO FORM AND LEGALITY
10/10 19 86
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY _____
ASSISTANT ATTORNEY GENERAL

Exhibit 4

City of Winona	Schuler Chocolates, Inc.	9	1,450,000.00
MN Energy & Economic Development Authority	Advertising Unlimited, Inc.	8	1,000,000.00
City of Rosemount	Koch Refining Company No. 5 Sulfur Plant	8	20,000,000.00
Washington Co. HRA	Nelle, Inc.	8	5,000,000.00
Washington Co. HRA	Washington Square Dvlpt., Inc.	8	2,500,000.00
City of Chanhassen	M. A. Gedney Co. Expansion	7	1,300,000.00
City of Lakeville	Mills Fleet Farm	6	3,500,000.00
City of New Brighton	Cohasset Investments	6	5,200,000.00
City of Plainview	Lakeside Packing Company	6	4,000,000.00
City of Woodbury	Parkwood Place	6	300,000.00
City of Elk River	Hardware Store-Morrell and Plaistad Partnership	5	304,260.00
Total Allocations Awarded:			$48,954,260.00
Amount of Issuance Authority Available as of December 5, 1985:			$ 0.53

Department of Health

Outside Opinion Sought on Proposed Rules Relating to a Phenylketonuria Testing Program, the Treatment for Positive Diagnosis, and a Registry of Cases

Notice is hereby given that the Minnesota Department of Health is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing a phenylketonuria testing program, the treatment for positive diagnosis, and a registry of cases. The adoption of the rules is authorized by Minnesota Statutes, section 144.128, which requires the agency to adopt rules to carry out the purposes of Minnesota Statutes, sections 144.126 and 144.128 (Supp. 1985).

The Minnesota Department of Health requests information and comments concerning the subject matter of the rules. Interested or affected persons or groups may submit data or views on the subject matter of concern orally or in writing. Written statements should be addressed to: Lee Schacht, PhD, Supervisor, Human Genetics Unit, Maternal and Child Health Technical Services, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440. Oral statements will be received during regular business hours over the telephone at (612) 623-5269 and in person at the above address.

All statements of information and comment shall be accepted until January 10, 1986. Any written material received by the Minnesota Department of Health shall become part of the rulemaking record in the event that the rule is adopted.

December 4, 1985

Sister Mary Madonna Ashton
Commissioner of Health

Department of Health
Health Resources Division

Outside Opinion Sought Regarding Proposed Rules Governing Nursing Staff Hour Requirements in Nursing Homes

Notice is hereby given that the State Department of Health is seeking information or opinions from sources outside the agency in preparing to amend Minn. Rules 4655.5600 regarding nursing staff hours in licensed nursing homes. The amendment of this rule is authorized by Minnesota Statutes, sections 144A.02 to .08.

The State Department of Health requests information and comments concerning the subject matter of this rule. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to: Robert Eelkema, 717 Delaware Street Southeast—P.O. Box 9441, Minneapolis, Minnesota 55440.

Oral statements will be received during regular business hours over the telephone at 623-5424 and in person at the above address.

All statements of information and comment will be accepted until thirty days after this Notice appears in the *State Register*. Any written material received by the State Department of Health shall become part of the record in the event that the rule is amended.

Janet G. Brodahl, Director
Health Resources Division

Department of Human Services

Relative Values for Inpatient Hospital Reimbursement

Pursuant to Minnesota Rules, part 9500.1110, subpart 3, notice is hereby given regarding the relative values for the diagnostic categories, Minnesota Rules, part 9500.1090, subpart 20, used in the determination of inpatient hospital reimbursement under the Medical Assistance and General Assistance Medical Care programs for admissions that occur on or after August 1, 1985. Also provided is the geometric mean lengths of stay and day outlier cutoff points for the diagnostic categories.

Relative Values, Geometric Mean Lengths of Stay, and Outlier Cutoffs

		MA			GAMC		
Diagnostic Categories	DRG Numbers within the Diagnostic Category	Relative Value	Geometric Mean LOS	Outlier Cutoff	Relative Value	Geometric Mean LOS	Outlier Cutoff
A. Diseases and Disorders of the Nervous System	(1-35)	1.27844	3.83	44	.96580	3.42	21
B. Diseases and Disorders of the Eye	(36-48)	.66138	2.36	11	.74310	2.59	10
C. Diseases and Disorders of the Ear, Nose and Throat	(49-74)	.45110	2.02	10	.62781	2.19	11
D. Diseases and Disorders of the Respiratory System	(75-97, 99-102)	1.01668	4.13	27	.99363	4.09	18
E. Diseases and Disorders of the Circulatory System	(103-145)	1.96459	4.60	35	1.41371	4.22	19
F. Diseases and Disorders of the Digestive System	(146-183, 185-190)	.85235	3.46	19	.91305	3.69	19
G. Diseases and Disorders of the Hepatobiliary System and Pancreas	(191-208)	1.33679	5.40	22	1.29468	5.79	24
H. Diseases and Disorders of the Musculoskeletal System and Connective Tissues	(209-256)	1.02084	4.11	23	1.00476	4.07	20
I. Diseases and Disorders of the Skin, Subcutaneous Tissue and Breast	(257-284)	.77683	3.41	21	.84409	3.70	21
J. Endocrine, Nutritional, and Metabolic Diseases and Disorders	(285-301)	1.05528	4.62	21	.98795	4.52	22
K. Diseases and Disorders of the Kidney and Urinary Tract	(302-333)	.97518	3.83	20	.97761	3.93	18
L. Diseases and Disorders of the Male Reproductive System	(334-352)	.66092	2.48	12	.88187	3.34	12
M. Diseases and Disorders of the Female Reproductive System	(353-369)	.79162	3.15	11	.79242	3.62	12

Department of Health

Proposed Emergency Rules Relating to Minimum Nursing Staff Requirements in Nursing Homes

Rules as Proposed (all new material)

4655.5610 [Emergency] NURSING STAFF IN NURSING HOMES PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM.

Subpart 1. **Application.** Notwithstanding the provisions of part 4655.5600, on and after ~~October~~ November 1, 1986, the staffing standard in this part shall apply to nursing homes participating in the medical assistance program.

Subp. 2. **Requirements for staff.** The nursing home shall have on duty at all times a sufficient number of qualified nursing personnel including registered nurses, licensed practical nurses, nurse aides, and orderlies to meet the needs of the patients on all nurses' stations, on all floors, and in all buildings if more than one building is involved. This includes relief duty, weekends, and vacation replacements.

The nursing staff shall be employed and used for nursing duties only. There shall be sufficient additional staff for housekeeping, dietary, laundry, and maintenance duties and these persons shall not be used to give nursing care.

Subp. 3. **Minimum nursing staff requirement.** The minimum number of hours of nursing personnel to be provided in a nursing home shall be the greater of two hours per resident per 24 hours or 0.95 hours per standardized resident day.

For purposes of this part "hours of nursing personnel" means the paid, on-duty, productive nursing hours of all nurses and nursing assistants, calculated on the basis of any given 24-hour period. "Productive nursing hours" means all on-duty hours during which nurses and nursing assistants are engaged in nursing duties. Examples of nursing duties may be found in parts 4655.5900, 4655.6100, and 4655.6400. Not included are vacations, holidays, sick leave, in-service classroom training,

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

or lunches. Also not included are the nonproductive nursing hours of the in-service training director. In homes with more than 60 licensed beds, the hours of the director of nursing are excluded.

For purposes of this part, "standardized resident days" means the sum of the number of residents in each case mix class multiplied by the case mix weight for that resident class, as found in part 9549.0059, subpart 2, calculated on the basis of a facility's census for any given day.

Calculation of nursing hours per standardized resident day shall be performed by dividing total hours of nursing personnel for a given period by the total of standardized resident days for that same period.

Subp. 4. **Additional nursing staff.** In addition to the minimum nursing staff required in subpart 3, the nursing home shall provide additional qualified nursing staff commensurate with the needs of the patients.

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APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Proposed Adoption of an Emergency Rule Governing Minimum Nursing Staff Requirements in Nursing Homes Participating in the Medical Assistance Program

NOTICE OF PROPOSED ADOPTION OF AN EMERGENCY RULE AND ORDER FOR PUBLICATION

Notice is hereby given that the Minnesota Department of Health proposes to adopt the above-entitled emergency rule. The statutory authority to adopt this rule is contained in Minnesota Statutes, section 256B.431, subd. 6. In accordance with the agency's rule-making authority, the agency is following the procedures set forth in Minnesota Statutes, sections 14.29 to 14.36 in effect on March 1, 1984. If adopted this rule will have the force and effect of law until June 30, 1987.

All persons have 20 days after publication to submit in writing data and views on this proposed emergency rule. Comments and materials should be submitted to Robert Eelkema, Minnesota Department of Health, Health Resources Division, 717 S.E. Delaware Street, P.O. Box 9441, Minneapolis, MN. 55440. Telephone number: (612)623-5424.

The proposed emergency rule sets a minimum nursing staff requirement for nursing homes participating in the medical assistance program. This staffing requirement is based on data used in the implementation of the case mix reimbursement system.

A free copy of this proposed emergency rule is available by contacting Mr. Eelkema at the address listed above.

This proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

Upon adoption of the emergency rule by the Department, the rule as adopted and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Mr. Eelkema at the address listed above. Failure of the Attorney General to approve or disapprove this rule within five working days is approval. See Minnesota Statute section 14.33 (1982).

In accordance with Minnesota Statutes section 256B.431, subd. 6, this emergency rule will be effective five days after publication in the State Register.

Adoption of this rule will not require expenditure of public moneys by local public bodies.

Promulgation of this rule is exempt from the requirements of Minnesota Statutes, section 14.115, by virtue of subd. 7, items (a) and (c) of that law.

IT IS HEREBY ORDERED that this Notice and the proposed Minnesota Rules 4655.5610 [EMERGENCY] be published in the State Register and mailed to all persons on the agency's mailing list.

STATE OF MINNESOTA

Date: 8-4-86

COMMISSIONER OF HEALTH

In the Matter of the Proposed Adoption of an Emergency Rule Governing Minimum Nursing Staff Requirements in Nursing Homes Participating in the Medical Assistance Program

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)SS.
COUNTY OF HENNEPIN)

Monica Garcia, being first duly sworn deposes and says:

That on the 6th day of August, 1986, at the City of Minneapolis, County of Hennepin, State of Minnesota, She served the attached Notice of Proposed Adoption of an Emergency Rule and Order for Publication by depositing in the State of Minnesota Central Mail System for United State mailing a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Health for the purpose of receiving notice of the proposed adoption of rules by this agency.

Monica Garcia

Subscribed and sworn to before me this 7th day of August, 1986.

Marie B. Tromiczak

MARIE B. TROMICZAK
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct. 23, 1987

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

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In accordance with Minnesota Statutes section 256B.431, subd. 6, this emergency rule will be effective five days after publication in the State Register.

Adoption of this rule will not require expenditure of public moneys by local public bodies.

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IT IS HEREBY ORDERED that this Notice and the proposed Minnesota Rules 4655.5610 [EMERGENCY] be published in the State Register and mailed to all persons on the agency's mailing list.

STATE OF MINNESOTA

Date: 8-4-86

COMMISSIONER OF HEALTH

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT of Health

Office Memorandum

TO: ALL INTERESTED PERSONS

DATE: August 7, 1986

FROM: Robert Eelkema R. Eelkema
Assistant to the Director/Standards Development
Health Resources Division

PHONE: 623-5424

SUBJECT: COMMENT PERIOD FOR PROPOSED EMERGENCY RULES

The enclosed Notice and Proposed Emergency Rules will be published in the August 11, 1986 edition of the State Register. All comments and materials should be submitted by September 2, 1986.

RE:gvs

Department of Health

Proposed Emergency Rules Relating to Minimum Nursing Staff Requirements in Nursing Homes

Rules as Proposed (all new material)

4655.5610 [Emergency] NURSING STAFF IN NURSING HOMES PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM.

Subpart 1. **Application.** Notwithstanding the provisions of part 4655.5600, on and after October 1, 1986, the staffing standard in this part shall apply to nursing homes participating in the medical assistance program.

Subp. 2. **Requirements for staff.** The nursing home shall have on duty at all times a sufficient number of qualified nursing personnel including registered nurses, licensed practical nurses, nurse aides, and orderlies to meet the needs of the patients on all nurses' stations, on all floors, and in all buildings if more than one building is involved. This includes relief duty, weekends, and vacation replacements.

The nursing staff shall be employed and used for nursing duties only. There shall be sufficient additional staff for housekeeping, dietary, laundry, and maintenance duties and these persons shall not be used to give nursing care.

Subp. 3. **Minimum nursing staff requirement.** The minimum number of hours of nursing personnel to be provided in a nursing home shall be the greater of two hours per resident per 24 hours or 0.95 hours per standardized resident day.

For purposes of this part "hours of nursing personnel" means the paid, on-duty, productive nursing hours of all nurses and nursing assistants, calculated on the basis of any given 24-hour period. "Productive nursing hours" means all on-duty hours during which nurses and nursing assistants are engaged in nursing duties. Examples of nursing duties may be found in parts 4655.5900, 4655.6100, and 4655.6400. Not included are vacations, holidays, sick leave, in-service classroom training,

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or lunches. Also not included are the nonproductive nursing hours of the in-service training director. In homes with more than 60 licensed beds, the hours of the director of nursing are excluded.

For purposes of this part, "standardized resident days" means the sum of the number of residents in each case mix class multiplied by the case mix weight for that resident class, as found in part 9549.0059, subpart 2, calculated on the basis of a facility's census for any given day.

Calculation of nursing hours per standardized resident day shall be performed by dividing total hours of nursing personnel for a given period by the total of standardized resident days for that same period.

Subp. 4. **Additional nursing staff.** In addition to the minimum nursing staff required in subpart 3, the nursing home shall provide additional qualified nursing staff commensurate with the needs of the patients.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

STATE OF MINNESOTA
COUNTY OF HENNEPIN

In the Matter of the Proposed Adoption of an Emergency Rule Governing Minimum Nursing Staff Requirements in Nursing Homes Participating in the Medical Assistance Program

CERTIFICATE OF AGENCY MAILING LIST

I, Dee Woodard, secretary to the Commissioner of Health, hereby certify that I am responsible for maintaining the list of persons, associations, and other interested groups who register with the Department of Health for the purpose of receiving notice of rule hearings on proposed rules and amendments thereto pursuant to Minnesota Statutes, section 14.14, subdivision 1a, and further certify that the list attached and made a part hereof constitutes the complete list of the persons, associations, and other interested groups who, as of 8:00 A.M., this 6th day of August, 1986, have so registered with the Department.

Date: 8/6/86

Jimmy Baca
for Dee Woodard
Secretary to the Commissioner

Michael J. Ahern
Moss and Barnett
1200 Pillsbury Center
Minneapolis, MN 55402

Alpha Homes, Inc.
P.O. Box 487
Spicer, MN 56288

Donna M. Anderson
Dakota County Community Health Services
Human Services Building
1600 Highway 55
Hastings, MN 55033

Herbert Anderson
418 Eighth Street South
Virginia, MN 55792

James F. Andre, City Manager
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Anoka County Health Department
c/o Robert M. Hutchison
Courthouse - Fourth Floor
Anoka, MN 55303

Joan M. Archer
MN Manufactured Housing Association
222 East Little Canada Road
Suite 222
St. Paul, MN 55117

Allyson Ashley
Southwestern Mental Health Center
P.O. Box D
Luverne, MN 56156

Assisi Residences of Faribault County, Inc.
218 South Linton
Blue Earth, MN 56013

Association for Retarded Citizens of Olmsted County
903 West Center
Rochester, MN 55902

Lee H. Beecher, M.D.
President-elect, MN Psychiatric Society
Suite 121
Creekside Professional Building
6600 Excelsior Boulevard
St. Louis Park, MN 55426-4746

Walter A. Baldus
Woodvale Management Services, Inc.
P.O. Box 1047
Austin, MN 55912

Bergerson - Caswell, Inc.
5115 Industrial Street
Maple Plain, MN 55359

Les Block
Public Health Administration
School of Public Health - U of M
Box 197, Mayo
Minneapolis, MN 55455

Nancy Briggs
New Connection Programs
73 Leech Street
St. Paul, MN 55102

Broeker and Grant
2850 Metro Drive - Suite 800
Minneapolis, MN 55420

John H. Butala
Koppers Company, Inc.
1201 Koppers Building
Pittsburgh, PA 15219

Patricia A. Butcher, Administrator
Northeast Residence, Inc.
4680 Bald Eagle Avenue
White Bear Lake, MN 55110

Cathy Cavanaugh
P.O. Box 313
Benson, MN 56215

William R. Carter, III
POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

Thomas F. Catania, Jr.
Second Floor Ford Building
117 University Avenue
St. Paul, MN 55117

Becky A. Comstock, Esq.
Dorsey and Whitney
2200 First Bank Place East
Minneapolis, MN 55402

William W. Conley
Mental Health Association of MN
328 East Hennepin Avenue
Minneapolis, MN 55414

Milton Conrath
Wekton, Inc.
633 North Snelling
St. Paul, MN 55104

Kathleen Cota, RN, JD
Minnesota Nurses Association
1821 University Avenue
St. Paul, MN 55104

Crippled Children's School, Inc.
Irene Holmquist
Box 23
Worthington, MN 56187

Jan Cuccia
SEIU Local 113
3001 University Avenue Southeast
Minneapolis, MN 55414

Patricia Cullen/Greenbrier Home
941 Birmingham
St. Paul, MN 55106

Nancy Dagg
Anoka County Community Health
and Social Service Department
Anoka County Courthouse - Fourth Floor
Anoka, MN 55303

Dakota County Mental Health Center, Inc.
744 - 19th Avenue North
South St. Paul, MN 55075

Jean Dawson
Minnesota Government Report
Room B-28, Press Room, State Capitol
St. Paul, MN 55155

Donald A. Dee
MN State Pharmaceutical Association
2221 University Avenue Southeast, #326
Minneapolis, MN 55414

Janice M. Devens
Wright County Human Services
Courthouse
Buffalo, MN 55313

Judith S. Douglas
The Phoenix Residence, Inc.
135 Colorado Street East
St. Paul, MN 55107

John E. Drawz
LeFeverre, Lefler, Kennedy,
O'Brien and Drawz
2000 First Bank Place West
120 South Sixth Street
Minneapolis, MN 55402

Paul Farseth
Minnesota Medicaid
Box 64170
St. Paul, MN 55164

David Felske
Pine Ridge Homes, Inc.
915 - 18th Street
Cloquet, MN 55720

Bob Fitzgerald, D.C.
133 West Lake Street
Minneapolis, MN 55408

Friendship Haven, Inc.
Box 576
Sherburn, MN 56171

Miller A. Friesen
Range Mental Health Center
P.O. Box 1188
Virginia, MN 55792

Peter X. Fugina
MN Senior Federation
301 Fuller Avenue
St. Paul, MN 55103

Carol Fielders
PHN Administrator
St. Louis County Health Department
504 East Second Street
Duluth, MN 55805

Kathy Gaalswyk, Executive Director
Region 5 Regional Development Commiss
611 Iowa Avenue
Staples, MN 56479

Jan Gervais
3201 Lyndale Avenue South
Minneapolis, MN 55408

Ric M. Giese
Pharmacy Department
Box 611 Mayo
420 Delaware Street Southeast
Minneapolis, MN 55455

James Glasoe, Executive Director
Homeward Bound, Inc.
4741 Zealand Avenue North
New Hope, MN 55428

Jerry Gross
Community Living, Inc.
Box 130
Victoria, Mn 55386

Eileen L. Harris, Administrator
Outreach Group Homes, Inc.
Suite 304
3601 Park Center Boulevard
St. Louis Park, MN 55416

J. William Haun, P.E.
Suite 343, 13911 Ridgedale Drive
Minnetonka, MN 55343

Robert L. Haven
Twin Town Treatment Center
1706 University Avenue
St. Paul, MN 55104

Tom Heenan, Supervising Sanitarian
Crystal Health Department
4141 Douglas Drive
Crystal, MN 55422

Beverly Helgeson
Presbyterian Family Foundation
901 Memorial Parkway
Willmar, MN 56201

Harold Hietala
St. Louis County Health Department
910 South 8½ Street
Virginia, MN 55792

Charles B. Hoffman
Pickands Mather and Company
Suite 811 - 200 West Superior Street
Duluth, MN 55802

Hope Residence, Inc.
Box 63
Waterville, MN 56096

Cathie Hughes, Governmental Affairs
North Memorial Medical Center
3300 Oakdale Avenue North
Robbinsdale, MN 55422

Ingleside Engineering and Construction, Inc.
Brian Van Beusekom
R. 1, Box 175
Rockford, MN 55373

Alan W. Ingram, Executive Director
NASW, Minnesota Chapter
614 Portland
St. Paul, MN 55102

James Jack
Department of Recreation, Parks and Leisure Services
Mankato State University
Mankato, MN 56001

Gaynold Jensen, R.D.
111 West 107th Street
Minneapolis, MN 55420

Richard Jochem, Executive Director
Mental Health Advocates Coalition -- Alliance for the Mentally Ill of MN
265 Fort Road
St. Paul, MN 55102

Sharon Kannenberg
Group Homes of Winona, Inc.
252 West Wabasha Street
Winona, MN 55987

Barbara W. Kaufman, Exec. Di
MN Assoc. of Voluntary Socia
Service Agencies
141 S Griggs-Midway Building
1821 University Avenue
St. Paul, MN 55104

Bob Kent
Kent Well Drilling
Rt. 1, Box 67-C
Wrenshall, MN 55797

Raylene Kimball
Heartland Homes, Inc.
Box 214
Park Rapids, MN 56470

Koep Group Homes, Inc.
P.O. Box 764
Fergus Falls, MN 56537

Jim Koesling
Capitol Supply Company
600 Lafayette Road
St. Paul, MN 55101

Vicki M. Kunerth
627 Oak Street Southeast
Minneapolis, MN 55414

Byron Laher
United Way of Minneapolis
404 South Eighth Street
Minneapolis, MN 55404

Ms. Tobey Lapakko
Minnesota AFL-CIO
175 Aurora Avenue
St. Paul, MN 55103

Carol A. Lee
Harry Meyering Center
P.O. Box 302
Mankato, MN 56001

Gail Lee
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Virgil H. Lee, R.Ph.
St. Mary's Hospital -
Pharmacy Services
1216 Second Street Southwest
Rochester, MN 55902

Ernest K. Lehmann and Assoc.
1409 Willow Street #300
Minneapolis, MN 55403

Karen Lenander
Northern States Power Company
A. S. King Plant
5701 St. Croix Trail N., Box 34
Stillwater, MN 55082

Georgianne Lowney
609 West First Street
Waconia, MN 55387

David Lurie, Commissioner of Health
City of Minneapolis
250 South Fourth Street
Minneapolis, MN 55415

Mary Luth
Washington County Public Health
2000 Industrial Boulevard
Stillwater, MN 55082



Mantyla Well Drilling, Inc.
1392 St. Croix Trail North
P.O. Box 797
Lakeland, MN 55043

Paul Martsdam
1730 Seventh Avenue South
St. Cloud, MN 56301

Michael E. Maus, Ph.D.
Woodvale Management Services, Inc.
P.O. Box 1047
Austin, MN 55912

Mary Kay McJilton
1885 University #350
St. Paul, MN 55104

Carl F. Meissner
City of Cottage Grove
7516 - 80th Street South
Cottage Grove, MN 55016

Nancy Meyer
410 South Fifth Street
Mankato, MN 56001

Minnesota Dental Association
2236 Marshall Avenue
St. Paul, MN 55104

Roger Moore
P.O. Box 1249
Minnetonka, MN 55345-0249

Bud Morin
Association for Retarded Citizens
of Hennepin County
Suite 370 - 2344 Nicollet Avenue
Minneapolis, MN 55404

Timothy S. Mowbray
Residential Services of Northeast
Minnesota, Inc.
707 West Arrowhead Road
Duluth, MN 55811

Richard M. Miller
American Ecology Services, Inc.
127 East 59th Street
New York, NY 10022

Larry Mosow
5620 Wycliff Road
Edina, MN 55436

Louis R. Nelson
620 North Wood Street
Mora, MN 55051

Toni Nesheim
Region 9 Development Commission
P.O. Box 3367
Mankato, MN 56001

New Dawn, Inc.
Box G
Fulda, MN 56131

Phillip C. Newberg
Rm. 104
2700 University Ave. W.
Minneapolis, MN 55114

Jan Navarro, R.N.C., B.S.N.
Nurse Manager - Crisis Intervention Unit
Bethesda Lutheran Medical Center
559 Capitol Boulevard
St. Paul, MN 55103

D. Bill Olson
P.O. Box 123
Windom, MN 56101

Olson Well Service
Donald Olson
Halstad, MN 56548

Mary C. Pattock, Executive Director
Minnesota Chiropractic Association
2353 Rice Street
St. Paul, MN 55113

Gordon R. Peake, Land Manager
Texasgulf Minerals and Metals, Inc.
5932 McIntyre Street
Golden, CO 80403

Guy Peterson, Administrator
Goodhue-Wabasha CHS
426 West Avenue
Red Wing, MN 55066

LeeRoy Peterson
Ebenezer Society
2500 Park Avenue
Minneapolis, MN 55404

Alex Petterson, Executive Director
Community Involvement Programs
2217 Nicollet Avenue South
Minneapolis, MN 55404

Kathleen Pine
400 West Marie Avenue
West St. Paul, MN 55118

Pine River Group Home
Box 96
Pine River, MN 56474

QSS, Inc.
P.O. Box 838
Faribault, Mn 55021

Range Center, Inc.
1001 N.W. Eighth Avenue
P.O. Box 629
Chisholm, MN 55719

The Residence, Inc.
2499 North Rice #220
Roseville, MN 55113

Paul Riddle
Metropolitan Council
300 Metro Square Building
Seventh and Robert Streets
St. Paul, MN 55101

Robert R. Roe
Kerr - McGee Corporation
7430 Haines Road
Duluth, MN 55811

Alfred Ross
6356 Ware Road
Lino Lakes, MN 55014

Marjorie L. Ross
1145 Quentin Avenue South
Lakeland, MN 55043

Bruce T. Rowe, Administrator
Community Health Services Board
325 Lake Avenue South/Suite 604
Duluth, MN 55802

Neil A. Rowland
901 South Main Street
Chatfield, MN 55923

Sam Ruhle
Office of Administrative Hearings
400 Summit Bank Building
310 Fourth Avenue South
Minneapolis, MN 55415

Benno W. Salewski
MAHCF
2850 Metro Drive, Suite 429
Bloomington, MN 55420

Harold Tapper
ARRM
1885 University Avenue
St. Paul, MN 55104

G. F. Walsh, Executive Director
Mount Olivet Rolling Acres
7200 Rolling Acres Road
Excelsior, MN 55331

Barry Schade
Director, Water Quality
MN Pollution Control Agency
1935 West County Road B-2
Roseville, MN 55113

Torgerson Well Company, Inc.
6855 Dogwood Street
Greenfield, MN 55373

Roy O. Waters
Northwestern Mental Health Clinic
Crookston, MN 56716

Joyce C. Schowalter, Exec. Dir.
MN Bd. of Nursing
Room 108
2700 University Ave. W.
Minneapolis, MN 55114

Dominic J. Sposeto
Public Affairs/Legislative Services
2824 Irving Avenue South
Minneapolis, MN 55408

Kathleen Weile
Ramsey County Medical Society
215 Lowry Medical Building
St. Paul, MN 55102

Jean Searles
Resa, Inc.
38 Seventh Avenue North
Hopkins, MN 55343

Colleen Wieck, Ph.D., Exec. Dir.
Developmental Disabilities Program
State Planning Agency
201 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

South Center Manor
Park Island
Center City, MN 55012

Valley Group Home
1330 Second Avenue North
Moorhead, MN 56560

Mark Wiger
801 Center Street
New Ulm, MN 56073

State and Federal Association
Regulatory Services Division
1110 Vermont Avenue Northwest #110
Washington, D.C. 20005

James Varpness, State Ombudsman
MN Board on Aging
204 Metro Square Building
Seventh and Robert Streets
St. Paul, MN 55101

Merlin A. Wilbur
100 Sibley Street
Hastings, MN 55033

Michael A. Steffel
Route 4, Box 249A
Willmar, MN 56201

David Velde
Edina Health Department
4801 West 50th Street
Edina, MN 55424

Terri Williams
Residential Alternatives, Inc.
6300 Shingle Creek Parkway
Suite 195
Brooklyn Center, MN 55430

Linda Stratton
Metropolitan Senior Federation
1885 University Avenue
St. Paul, MN 55104

W. C. Viitala
Public Affairs Department
Honeywell
P.O. Box 524
Minneapolis, MN 56267

Donald C. Willeke
Willeke & Daniels
Attorneys and Counselors at Law
Suite 330
1201 Marquette Avenue
Minneapolis, MN 55403-2455

H. A. Swift
5165 North St. Albans
St. Paul, MN 55126

In the Matter of the Proposed Adoption of an Emergency Rule Governing Minimum Nursing Staff Requirements in Nursing Homes Participating in the Medical Assistance Program

AFFIDAVIT OF INTER-OFFICE MAILING

STATE OF MINNESOTA)
)SS.
COUNTY OF HENNEPIN)

Monica Garcia, being first duly sworn deposes and says:

That on the 6th day of August, 1986, at the City of Minneapolis, County of Hennepin, State of Minnesota, She served the attached Notice of Proposed Adoption of an Emergency Rule and Order for Publication by depositing in the State of Minnesota Central Mail System for Inter-Office Mailing, a copy thereof, properly enveloped, on all Minnesota State Senators, and all Minnesota State Representatives.

Monica Garcia

Subscribed and sworn to before me this 7th day of August, 1986.

Marie B. Tromiczak

MARIE B. TROMICZAK
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct. 23, 1987

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Proposed Adoption of an Emergency Rule Governing Minimum Nursing Staff Requirements in Nursing Homes Participating in the Medical Assistance Program

NOTICE OF PROPOSED ADOPTION OF AN EMERGENCY RULE AND ORDER FOR PUBLICATION

Notice is hereby given that the Minnesota Department of Health proposes to adopt the above-entitled emergency rule. The statutory authority to adopt this rule is contained in Minnesota Statutes, section 256B.431, subd. 6. In accordance with the agency's rule-making authority, the agency is following the procedures set forth in Minnesota Statutes, sections 14.29 to 14.36 in effect on March 1, 1984. If adopted this rule will have the force and effect of law until June 30, 1987.

All persons have 20 days after publication to submit in writing data and views on this proposed emergency rule. Comments and materials should be submitted to Robert Eelkema, Minnesota Department of Health, Health Resources Division, 717 S.E. Delaware Street, P.O. Box 9441, Minneapolis, MN. 55440. Telephone number: (612)623-5424.

The proposed emergency rule sets a minimum nursing staff requirement for nursing homes participating in the medical assistance program. This staffing requirement is based on data used in the implementation of the case mix reimbursement system.

A free copy of this proposed emergency rule is available by contacting Mr. Eelkema at the address listed above.

This proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

Upon adoption of the emergency rule by the Department, the rule as adopted and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Mr. Eelkema at the address listed above. Failure of the Attorney General to approve or disapprove this rule within five working days is approval. See Minnesota Statute section 14.33 (1982).

In accordance with Minnesota Statutes section 256B.431, subd. 6, this emergency rule will be effective five days after publication in the State Register.

Adoption of this rule will not require expenditure of public moneys by local public bodies.

Promulgation of this rule is exempt from the requirements of Minnesota Statutes, section 14.115, by virtue of subd. 7, items (a) and (c) of that law.

IT IS HEREBY ORDERED that this Notice and the proposed Minnesota Rules 4655.5610 [EMERGENCY] be published in the State Register and mailed to all persons on the agency's mailing list.

STATE OF MINNESOTA

Date: 8-4-86

COMMISSIONER OF HEALTH

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT of Health

Office Memorandum

TO: ALL INTERESTED PERSONS

DATE: August 7, 1986

FROM: Robert Eelkema R. Eelkema

PHONE: 623-5424

Assistant to the Director/Standards Development
Health Resources Division

SUBJECT: COMMENT PERIOD FOR PROPOSED EMERGENCY RULES

The enclosed Notice and Proposed Emergency Rules will be published in the August 11, 1986 edition of the State Register. All comments and materials should be submitted by September 2, 1986.

RE:gvs

Department of Health

Proposed Emergency Rules Relating to Minimum Nursing Staff Requirements in Nursing Homes

Rules as Proposed (all new material)

4655.5610 [Emergency] NURSING STAFF IN NURSING HOMES PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM.

Subpart 1. **Application.** Notwithstanding the provisions of part 4655.5600, on and after October 1, 1986, the staffing standard in this part shall apply to nursing homes participating in the medical assistance program.

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Calculation of nursing hours per standardized resident day shall be performed by dividing total hours of nursing personnel for a given period by the total of standardized resident days for that same period.

Subp. 4. Additional nursing staff. In addition to the minimum nursing staff required in subpart 3, the nursing home shall provide additional qualified nursing staff commensurate with the needs of the patients.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

The Hon. Betty Adkins
235 Capitol
St. Paul, MN 55155

The Hon. Don Anderson
103 State Office Building
St. Paul, MN 55155

The Hon. William V. Belanger
107 State Office Building
St. Paul, MN 55155

The Hon. Duane D. Benson
109 State Office Building
St. Paul, MN 55155

The Hon. Charles A. Berg
115 State Office Building
St. Paul, MN 55155

The Hon. Linda A. Berglin
323 Capitol
St. Paul, MN 55155

The Hon. John J. Bernhagen
113 State Office Building
St. Paul, MN 55155

The Hon. Joe Bertram, Sr.
328 Capitol
St. Paul, MN 55155

The Hon. Nancy Brataas
139 State Office Building
St. Paul, MN 55155

The Hon. Florian Chmielewski
325 Capitol
St. Paul, MN 55155

The Hon. Greg Dahl
G-24 Capitol
St. Paul, MN 55155

The Hon. Charles R. Davis
G-24 Capitol
St. Paul, MN 55155

The Hon. Gary DeCramer
303 Capitol
St. Paul, MN 55155

The Hon. Ron R. Dicklich
306 Capitol
St. Paul, MN 55155

The Hon. A. W. Diessner
325 Capitol
St. Paul, MN 55155

The Hon. Neil Dieterich
235 Capitol
St. Paul, MN 55155

The Hon. Don Frank
G-28 Capitol
St. Paul, MN 55155

The Hon. Mel Frederick
119 State Office Building
St. Paul, MN 55155

The Hon. Dennis R. Fredericks
143 State Office Building
St. Paul, MN 55155

The Hon. Michael O. Freeman
303 Capitol
St. Paul, MN 55155

The Hon. James Gustafson
132 State Office Building
St. Paul, MN 55155

The Hon. Jerome M. Hughes
328 Capitol
St. Paul, MN 55155

The Hon. Doran L. Isackson
151 State Office Building
St. Paul, MN 55155

The Hon. Dean E. Johnson
105 State Office Bulding
St. Paul, MN 55155

The Hon. Doug J. Johnson
205 Capitol
St. Paul, MN 55155

The Hon. Tad Jude
235 Capitol
St. Paul, MN 55155

The Hon. Randy P. Kamrath
133 State Office Building
St. Paul, MN 55155

The Hon. Fritz Knaak
149 State Office Building
St. Paul, MN 55155

The Hon. Howard A. Knutson
121 State Office Building
St. Paul, MN 55155

The Hon. Carl W. Kroening
G-24 Capitol
St. Paul, MN 55155

The Hon. Patricia L. Kronebusch
153 State Office Building
St. Paul, MN 55155

The Hon. Gary W. Laidig
145 State Office Building
St. Paul, MN 55155

The Hon. Keith L. Langseth
G-24 Capitol
St. Paul, MN 55155

Hon. Marilyn M. Lantry
24 Capitol
St. Paul, MN 55155

The Hon. Robert B. Lessary
328 Capitol
St. Paul, MN 55155

The Hon. William P. Luther
205 Capitol
St. Paul, MN 55155

The Hon. Phyllis McQuaid
132B State Office Building
St. Paul, MN 55155

The Hon. Lyle G. Mehrkens
127 State Office Building
St. Paul, MN 55155

The Hon. Gene Merriam
G-24 Capitol
St. Paul, MN 55155

The Hon. Donald M. Moe
309 Capitol
St. Paul, MN 55155

The Hon. Roger D. Moe
208 Capitol
St. Paul, MN 55155

The Hon. Tom A. Nelson
301 Capitol
St. Paul, MN 55155

The Hon. Steven G. Novak
203 Capitol
St. Paul, MN 55155

The Hon. Gen Olson
132C State Office Building
St. Paul, MN 55155

The Hon. James C. Pehler
306 Capitol
St. Paul, MN 55155

The Hon. Collin C. Peterson
205 Capitol
St. Paul, MN 55155

The Hon. Darrel L. Peterson
141 State Office Building
St. Paul, MN 55155

The Hon. Donna C. Peterson
G-29 Capitol
St. Paul, MN 55155

The Hon. Randy W. Peterson
326 Capitol
St. Paul, MN 55155

The Hon. Eric Petty
323 Capitol
St. Paul, MN 55155

The Hon. Lawrence J. Pogemille
G-24 Capitol
St. Paul, MN 55155

The Hon. Clarence M. Purfeerst
303 Capitol
St. Paul, MN 55155

The Hon. Jim Ramstad
123 State Office Building
St. Paul, MN 55155

The Hon. Ember D. Reichgott
G-27 Capitol
St. Paul, MN 55155

The Hon. Earl W. Renneke
117 State Office Building
St. Paul, MN 55155

The Hon. Conrad M. Vega
G-29 Capitol
St. Paul, MN 55155

The Hon. Don B. Samuelson
121 Capitol
St. Paul, MN 55155

The Hon. Gene Waldorf
G-24 Capitol
St. Paul, MN 55155

The Hon. Robert J. Schmitz
235 Capitol
St. Paul, MN 55155

The Hon. Darril Wegscheid
309 Capitol
St. Paul, MN 55155

The Hon. Ron Sieloff
135 State Office Building
St. Paul, MN 55155

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121 Capitol
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303 Capitol
St. Paul, MN 55155

The Hon. Allan H. Spear
G-27 Capitol
St. Paul, MN 55155

The Hon. Don A. Storm
125 State Office Building
St. Paul, MN 55155

The Hon. LeRoy A. Stumpf
306 Capitol
St. Paul, MN 55155

The Hon. Glen A. Taylor
147 State Office Building
St. Paul, MN 55155

The Hon. Glen H. Anderson
281 State Office Building
St. Paul, MN 55155

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335 State Office Building
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529 State Office Building
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The Hon. David P. Battaglia
231 State Office Building
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549 State Office Building
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337 State Office Building
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229 State Office Building
St. Paul, MN 55155

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379 State Office Building
St. Paul, MN 55155

The Hon. Dave T. Bishop
583 State Office Building
St. Paul, MN 55155

The Hon. Kathleen A. Blatz
509 State Office Building
St. Paul, MN 55155

The Hon. Jim Boerboom
423 State Office Building
St. Paul, MN 55155

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407 State Office Building
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311 State Office Building
St. Paul, MN 55155

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251 State Office Building
St. Paul, MN 55155

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211 State Office Building
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411 State Office Building
St. Paul, MN 55155

The Hon. Douglas W. Carlson
485 State Office Building
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The Hon. Joel D. Carlson
531 State Office Building
St. Paul, MN 55155

The Hon. Lyndon R. Carlson
209 State Office Building
St. Paul, MN 55155

The Hon. Karen Clark
225 State Office Building
St. Paul, MN 55155

The Hon. Dale A. Clausnitzer
523 State Office Building
St. Paul, MN 55155

The Hon. Richard J. Cohen
273 State Office Building
St. Paul, MN 55155

The Hon. Terry M. Dempsey
537 State Office Building
St. Paul, MN 55155

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381 State Office Building
St. Paul, MN 55155

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539 State Office Building
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521 State Office Building
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233 State Office Building
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The Hon. Robert L. Ellingson
221 State Office Building

The Hon. Wendell O. Erickson
563 State Office Building
St. Paul, MN 55155

The Hon. Dave Fjoslien
471 State Office Building
St. Paul, MN 55155

The Hon. Mary M. Forsythe
365 State Office Building
St. Paul, MN 55155

The Hon. Marcel Frederick
525 State Office Building
St. Paul, MN 55155

The Hon. Dennis C. Frederickson
429 State Office Building
St. Paul, MN 55155

The Hon. Donald L. Frerichs
367 State Office Building
St. Paul, MN 55155

The Hon. Lee Greenfield
223 State Office Building
St. Paul, MN 55155

The Hon. David B. Gruenes
571 State Office Building
St. Paul, MN 55155

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491 State Office Building
St. Paul, MN 55155

The Hon. John M. Hartinger
413 State Office Building
St. Paul, MN 55155

The Hon. Dean P. Hartle
421 State Office Building
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The Hon. Bob Haukoos
371 State Office Building
St. Paul, MN 55155

The Hon. Jim Heap
409 State Office Building
St. Paul, MN 55155

The Hon. John Himle
453 State Office Building
St. Paul, MN 55155

The Hon. Joel Jacobs
217 State Office Building
St. Paul, MN 55155

The Hon. Mike Jaros
503 State Office Building
St. Paul, MN 55155

The Hon. David M. Jennings
463 State Office Building
St. Paul, MN 55155

The Hon. Loren G. Jennings
501 State Office Building
St. Paul, MN 55155

The Hon. Virgil J. Johnson
487 State Office Building
St. Paul, MN 55155

The Hon. Phyllis Kahn
389 State Office Building
St. Paul, MN 55155

The Hon. Henry J. Kalis
277 State Office Building
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The Hon. Randy C. Kelly
307 State Office Building
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The Hon. Ralph R. Kiffmeyer
31 State Office Building
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The Hon. Gerald Knickerbocker
443 State Office Building
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The Hon. Daniel J. Knuth
345 State Office Building
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The Hon. Richard J. Kostohryz
349 State Office Building
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The Hon. Rick Krueger
215 State Office Building
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The Hon. Adolph L. Kvam
479 State Office Building
St. Paul, MN 55155

The Hon. Connie Levi
459 State Office Building
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The Hon. Bernie L. Lieder
315 State Office Building
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The Hon. Dee Long
387 State Office Building
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449 State Office Building
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437 State Office Building
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The Hon. Bob McEachern
203 State Office Building
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The Hon. Bert J. McKasy
403 State Office Building
St. Paul, MN 55155

The Hon. Peter McLaughlin
321 State Office Building
St. Paul, MN 55155

The Hon. Harriet A. McPherson
527 State Office Building
St. Paul, MN 55155

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545 State Office Building
St. Paul, MN 55155

The Hon. Howard G. Miller
579 State Office Building
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The Hon. Lona A. Minne
243 State Office Building
St. Paul, MN 55155

The Hon. Willard M. Munger
283 State Office Building
St. Paul, MN 55155

The Hon. Mary Murphy
259 State Office Building
St. Paul, MN 55155

The Hon. Darby Nelson
301 State Office Building
St. Paul, MN 55155

The Hon. Ken Nelson
317 State Office Building
St. Paul, MN 55155

The Hon. Bob Neuenschwander
201 State Office Building
St. Paul, MN 55155

The Hon. Fred C. Norton
267 State Office Building
St. Paul, MN 55155

The Hon. Richard M. O'Connor
357 State Office Building
St. Paul, MN 55155

The Hon. Paul A. Ogren
323 State Office Building
St. Paul, MN 55155

The Hon. Sally Olsen
559 State Office Building
St. Paul, MN 55155

The Hon. Edgar L. Olson
553 State Office Building
St. Paul, MN 55155

The Hon. Ben P. Omann
581 State Office Building
St. Paul, MN 55155

The Hon. Tony Onnen
515 State Office Building
St. Paul, MN 55155

The Hon. C. Thomas Osthoff
597 State Office Building
St. Paul, MN 55155

The Hon. Todd H. Otis
313 State Office Building
St. Paul, MN 55155

The Hon. Dennis D. Ozment
577 State Office Building
St. Paul, MN 55155

The Hon. Sandra L. Pappas
241 State Office Building
St. Paul, MN 55155

The Hon. Sidney Pauly
451 State Office Building
St. Paul, MN 55155

The Hon. Jerome Peterson
253 State Office Building
St. Paul, MN 55155

The Hon. Mark Piepho
565 State Office Building
St. Paul, MN 55155

The Hon. Pat Piper
295 State Office Building
St. Paul, MN 55155

The Hon. Dennis J. Poppenhagen
401 State Office Building
St. Paul, MN 55155

The Hon. Len Price
359 State Office Building
St. Paul, MN 55155

The Hon. Joe Quinn
261 State Office Building
St. Paul, MN 55155

The Hon. Allen J. Quist
567 State Office Building
St. Paul, MN 55155

The Hon. Elton R. Redalen
591 State Office Building
St. Paul, MN 55155

The Hon. Tom Rees
439 State Office Building
St. Paul, MN 55155

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213 State Office Building
St. Paul, MN 55155

The Hon. James I. Rice
245 State Office Building
St. Paul, MN 55155

The Hon. Don Richter
575 State Office Building
St. Paul, MN 55155

The Hon. Phillip J. Riveness
327 State Office Building
St. Paul, MN 55155

The Hon. Peter G. Rodosovich
551 State Office Building
St. Paul, MN 55155

The Hon. John T. Rose
585 State Office Building
St. Paul, MN 55155

The Hon. John J. Sarna
353 State Office Building
St. Paul, MN 55155

The Hon. Gary Schafer
557 State Office Building
St. Paul, MN 55155

The Hon. Linda Scheid
593 State Office Building
St. Paul, MN 55155

The Hon. Jerry Schoenfeld
201 State Office Building
St. Paul, MN 55155

The Hon. William H. Schreiber
543 State Office Building
St. Paul, MN 55155

The Hon. Arthur W. Seaberg
377 State Office Building
St. Paul, MN 55155

The Hon. Gloria F. Segal
393 State Office Building
St. Paul, MN 55155

The Hon. Craig H. Shaver
331 State Office Building
St. Paul, MN 55155

The Hon. Tim Sherman
477 State Office Building
St. Paul, MN 55155

The Hon. Wayne Simoneau
239 State Office Building
St. Paul, MN 55155

The Hon. Wes J. Skoglund
507 State Office Building
St. Paul, MN 55155

The Hon. Loren A. Solberg
227 State Office Building
St. Paul, MN 55155

The Hon. Wally A. Sparby
351 State Office Building
St. Paul, MN 55155

The Hon. Brad Stanius
329 state Office Building
St. Paul, MN 55155

The Hon. Randy W. Staten
289 State Office Building
St. Paul, MN 55155

The Hon. Steve A. Sviggum
417 State Office Building
St. Paul, MN 55155

The Hon. Paul M. Thiede
473 State Office Building
St. Paul, MN 55155

The Hon. Ted Thorson
533 State Office Building
St. Paul, MN 55155

The Hon. Chris M. Tjornhom
415 State Office Building
St. Paul, MN 55155

The Hon. John D. Tomlinson
303 State Office Building
St. Paul, MN 55155

The Hon. Eileen Tompkins
515 State Office Building
St. Paul, MN 55155

The Hon. Jim Tunheim
287 State Office Building
St. Paul, MN 55155

The Hon. Sylvester B. Uphus
433 State Office Building
St. Paul, MN 55155

The Hon. Merlyn O. Valan
375 State Office Building
St. Paul, MN 55155

The Hon. Don Valento
343 State Office Building
St. Paul, MN 55155

The Hon. Robert E. Vanasek
237 State Office Building
St. Paul, MN 55155

The Hon. Kathleen Vellenga
279 State Office Building
St. Paul, MN 55155

The Hon. Gordon O. Voss
255 State Office Building
St. Paul, MN 55155

The Hon. Bob Waltman
445 State Office Building
St. Paul, MN 55155

The Hon. Alan W. Welle
247 State Office Building
St. Paul, MN 55155

The Hon. Stephen G. Wenzel
291 State Office Building
St. Paul, MN 55155

The Hon. Ann Wynia
309 State Office Building
St. Paul, MN 55155

The Hon. Maurice J. Zaffke
569 State Office Building
St. Paul, MN 55155

In the Matter of the Proposed Adoption of an Emergency Rule Governing Minimum Nursing Staff Requirements in Nursing Homes Participating in the Medical Assistance Program

AFFIDAVIT OF DISCRETIONARY MAILING

STATE OF MINNESOTA)
)SS.
COUNTY OF HENNEPIN)

Monica Garcia, being first duly sworn deposes and says:

That on the 6th day of August, 1986, at the City of Minneapolis, County of Hennepin, State of Minnesota, She served the attached Notice of Proposed Adoption of an Emergency Rule and Order for Publication by depositing in the State of Minnesota Central Mail System for United State mailing a copy thereof, properly enveloped, with postage prepaid, on all persons and associations whose names and addresses appear on the attached lists.

Monica Garcia

Subscribed and sworn to before me this 7th day of August, 1986.

Marie B. Tromiczak

MARIE B. TROMICZAK
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct. 23, 1987

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Proposed Adoption of an Emergency Rule Governing Minimum Nursing Staff Requirements in Nursing Homes Participating in the Medical Assistance Program

NOTICE OF PROPOSED ADOPTION OF AN EMERGENCY RULE AND ORDER FOR PUBLICATION

Notice is hereby given that the Minnesota Department of Health proposes to adopt the above-entitled emergency rule. The statutory authority to adopt this rule is contained in Minnesota Statutes, section 256B.431, subd. 6. In accordance with the agency's rule-making authority, the agency is following the procedures set forth in Minnesota Statutes, sections 14.29 to 14.36 in effect on March 1, 1984. If adopted this rule will have the force and effect of law until June 30, 1987.

All persons have 20 days after publication to submit in writing data and views on this proposed emergency rule. Comments and materials should be submitted to Robert Eelkema, Minnesota Department of Health, Health Resources Division, 717 S.E. Delaware Street, P.O. Box 9441, Minneapolis, MN. 55440. Telephone number: (612)623-5424.

The proposed emergency rule sets a minimum nursing staff requirement for nursing homes participating in the medical assistance program. This staffing requirement is based on data used in the implementation of the case mix reimbursement system.

A free copy of this proposed emergency rule is available by contacting Mr. Eelkema at the address listed above.

This proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

Upon adoption of the emergency rule by the Department, the rule as adopted and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Mr. Eelkema at the address listed above. Failure of the Attorney General to approve or disapprove this rule within five working days is approval. See Minnesota Statute section 14.33 (1982).

In accordance with Minnesota Statutes section 256B.431, subd. 6, this emergency rule will be effective five days after publication in the State Register.

Adoption of this rule will not require expenditure of public moneys by local public bodies.

Promulgation of this rule is exempt from the requirements of Minnesota Statutes, section 14.115, by virtue of subd. 7, items (a) and (c) of that law.

IT IS HEREBY ORDERED that this Notice and the proposed Minnesota Rules 4655.5610 [EMERGENCY] be published in the State Register and mailed to all persons on the agency's mailing list.

STATE OF MINNESOTA

Date: 8-4-86

COMMISSIONER OF HEALTH

. SF-00006-03

STATE OF MINNESOTA

. DEPARTMENT of Health

Office Memorandum

TO: ALL INTERESTED PERSONS

DATE: August 7, 1986

FROM: Robert Eelkema R. Eelkema
Assistant to the Director/Standards Development
Health Resources Division

PHONE: 623-5424

SUBJECT: COMMENT PERIOD FOR PROPOSED EMERGENCY RULES

The enclosed Notice and Proposed Emergency Rules will be published in the August 11, 1986 edition of the State Register. All comments and materials should be submitted by September 2, 1986.

RE:gvs

Department of Health

Proposed Emergency Rules Relating to Minimum Nursing Staff Requirements in Nursing Homes

Rules as Proposed (all new material)

4655.5610 [Emergency] NURSING STAFF IN NURSING HOMES PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM.

Subpart 1. **Application.** Notwithstanding the provisions of part 4655.5600, on and after October 1, 1986, the staffing standard in this part shall apply to nursing homes participating in the medical assistance program.

Subp. 2. **Requirements for staff.** The nursing home shall have on duty at all times a sufficient number of qualified nursing personnel including registered nurses, licensed practical nurses, nurse aides, and orderlies to meet the needs of the patients on all nurses' stations, on all floors, and in all buildings if more than one building is involved. This includes relief duty, weekends, and vacation replacements.

The nursing staff shall be employed and used for nursing duties only. There shall be sufficient additional staff for housekeeping, dietary, laundry, and maintenance duties and these persons shall not be used to give nursing care.

Subp. 3. **Minimum nursing staff requirement.** The minimum number of hours of nursing personnel to be provided in a nursing home shall be the greater of two hours per resident per 24 hours or 0.95 hours per standardized resident day.

For purposes of this part "hours of nursing personnel" means the paid, on-duty, productive nursing hours of all nurses and nursing assistants, calculated on the basis of any given 24-hour period. "Productive nursing hours" means all on-duty hours during which nurses and nursing assistants are engaged in nursing duties. Examples of nursing duties may be found in parts 4655.5900, 4655.6100, and 4655.6400. Not included are vacations, holidays, sick leave, in-service classroom training,

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

or lunches. Also not included are the nonproductive nursing hours of the in-service training director. In homes with more than 60 licensed beds, the hours of the director of nursing are excluded.

For purposes of this part, "standardized resident days" means the sum of the number of residents in each case mix class multiplied by the case mix weight for that resident class, as found in part 9549.0059, subpart 2, calculated on the basis of a facility's census for any given day.

Calculation of nursing hours per standardized resident day shall be performed by dividing total hours of nursing personnel for a given period by the total of standardized resident days for that same period.

Subp. 4. **Additional nursing staff.** In addition to the minimum nursing staff required in subpart 3, the nursing home shall provide additional qualified nursing staff commensurate with the needs of the patients.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

Mary Absolon
Minnesota Nurses Association
1821 University Avenue N-377
St. Paul, MN 55104

Mary Alcorn
Good Neighbor Care Association
2177 Youngman Avenue
St. Paul, MN 55116

Bev Barker, President
Directors Association
County Office Building
P.O. Box 130
Glencoe, MN 55336

Linda Berglin, Co-Chair
Long Term Care Commission
323 Capitol
St. Paul, MN 55155

Fran Bly
Beverly Enterprises
500 Ford Road
Minneapolis, MN 55426

Dianne Crawford
Director of Nursing Services
St. Therese Nursing Home
8000 Bass Lake Road
New Hope, MN 55428

Jane Delage
Rules Unit
4th Floor
Centennial Office Building
Department of Human Services
St. Paul, MN 55155

Gabrella Downey
Minnesota AFL-CIO
Hospital and Nursing Home Employees
Local #113
3001 University Southeast, Suite 507

Bobbie DuChamp
Wilder Residence West
514 Humboldt
St. Paul, MN 55107

Roger Elverhoy
St. Louis County Social Services
320 West Second Street
Duluth, MN 55802

Iris Freeman, Director
Advocates Program
3231 First Avenue South
Minneapolis, MN 55408

William J. Hargis
Good Neighbor
2177 Youngman Avenue
Suite 200
St. Paul, MN 55116

Harold Heggerness
#2 River Terrace Court
Minneapolis, MN 55414

Ruth Hundi
5941 - 12th Avenue South
Minneapolis, MN 55417

Allan Johnson
Health Economist
Council of Community Hospitals
2221 University Avenue Southeast
Suite 223
Minneapolis, MN 55414

Judy Landwehr
Saint Benedict's Center
1810 Minnesota Boulevard Southeast
St. Cloud, MN 56301

Kristin Larson
MAHA
2221 University Avenue Southeast
Suite 425
Minneapolis, MN 55414

Wayne Larson
Crow Wing County Social Services
Box 686
Brainerd, MN 56401

Marion Lewis
MDH
717 Southeast Delaware
Minneapolis, MN 55440

sent interoffice

Joelyn Malone
c/o Medicare Partners
2829 University Avenue Southeast
Minneapolis, MN 55414

Michael McConnell, C.P.A.
Larson, Allen, Weishair and Co.
1200 Shelard Tower
Minneapolis, MN 55426

Ken McCormick
Hennepin County Welfare Department
Policy and Management Support
A-1009 Government Center
Minneapolis, MN 55487

Meg McPherson
MAHCF, Suite 429
2850 Metro Drive
Bloomington, MN 55420

Jeanette Metz
Ebenezer Society
Luther Hall
2636 Park Avenue
Minneapolis MN 55407

Carol Mills, Executive Director
Guardian Angels Foundation
400 Evans Avenue
Elk River, MN 55330

Grace Nelson
Minnesota Senior Federation
7500 York Avenue South, #307
Edina, MN 55435

Representative Tony Onnen
Rural Route 2, Box 211
Cokato, MN 55321

James J. Pattee
Minnesota Medical Association
15 South First Street, A502
Minneapolis, MN 55401

Tom Paul
Crest View Lutheran Home
4444 Reservoir Boulevard
Columbia Heights, MN 55421

Cynthia Polich
4800 Doninick Way
Minnetonka, MN 55343

Virginia Rootkie
Pine County Nursing Service
Court House
Pine City, MN 55063

Milton Schwartz
735 - 6th Avenue Northeast
Sleepy Eye, MN 56085

George Steiner
Courthouse
Anoka, MN 55303

Wally Sundberg
Seminary Memorial Home
906 College Avenue
Red Wing, MN 55066

Ed Svetc
Chief Accountant
Hennepin County
Room A-1005
Hennepin County Government Center
Minneapolis, MN 55487

Sergei Shvetzoff
White Bear Lake Care Center
1891 Florence Street
White Bear Lake, MN 55110

Mary Jane Thompson
Northridge Care Center
5430 Boone Avenue North
New Hope, MN 55428

Lou Towner
160 East Kellogg
St. Paul, MN 55101

Mike Tripple
Minnesota Department of Health
Room 225
717 Delaware Street Southeast
Minneapolis, MN 55440

sent inter office

Charles Ulrich
C.P.A.
200 West Fourth Street
Willmar, MN 56201

Susan Voigt
Minnesota Association of Health Care
Facilities
Suite 429
2850 Metro Drive
Bloomington, MN 55420

Kim Waldron
Minnesota AFL/CIO
Hospital and Nursing Home Employees
Local #113
3001 University Southeast
Suite 507
Minneapolis, MN 55414

Elva Walker, Board Member
Minnesota Board on Aging
110 - 5th Avenue Southeast
Minneapolis, MN 55414

BARRY FOSS
AICOTA NURSING HOME 0848
850 SECOND ST NW 01
AITKIN MN 56431

STEVEN FELSENBERG
ANOKA MAPLE MANOR CARE CENTER 0893
1040 MADISON STREET 02
ANOKA MN 55303

BARBARA CHRISTEN
TWIN RIVER CARE CENTER 0866
305 FREMONT STREET 02
ANOKA MN 55303

THOMAS W PAUL
CREST VIEW LUTHERAN HOME 0005
4444 RESERVOIR BLVD NE 02
COLUMBIA HEIGHTS MN 55421

NORMA BRENDLE
CAMILIA ROSE CONV CENTER 0757
11800 XEON BLVD NW 02
COON RAPIDS MN 55433

STEVEN CHIES
PARK RIVER ESTATES CARE CENTER 0010
9899 AVOCET STREET 02
COON RAPIDS MN 55433

JACKIE JEDLICKI
FRIDLEY CONVALESCENT HOME 0801
7590 LYRIC LANE 02
FRIDLEY MN 55432

ROBERT JENKINS
LYNWOOD HEALTHCARE CENTER 0935
5700 E RIVER ROAD 02
FRIDLEY MN 55432

MARK HOPLIN
EMMANUEL NURSING HOME 0013
MADISON AVE+NO SHORE DR 03
DETROIT LAKES MN 56501

JOHN KORZENDORFER
ST MARYS NURSING CENTER 0907
1014 LINCOLN AVENUE 03
DETROIT LAKES MN 56501

ROBERT B' MCTAGGERT
FRAZEE RETIREMENT CENTER 0730
2ND STREET SW BOX 96 03
FRAZEE MN 56544

GARY ASK
SUNNYSIDE NURSING HOME 0016
ROUTE 2 03
LAKE PARK MN 56554

LARRY SCHUETTE
BELTRAMI NURSING HOME 0017
1633 DELTON AVE 04
BEMIDJI MN 56601

EUNICE ULSHAFER
NORTH COUNTRY NSG + REHAB' 0823
109 EAST 8TH STREET 04
BEMIDJI MN 56601

JON KOSIAK
NORTHERN PINES GOOD SAM CTR 0021
RT 1 P O BOX 190 04
BLACKDUCK MN 56630

DUANE J DELANEY
GOOD SAMARITAN CENTER 0020
PO BOX 189 MAIN STREET 04
KELLIHER MN 56650

WALTER E BAHNER
FOLEY NURSING CENTER 0629
10 PINE STREET 05
FOLEY MN 56329

HOLLIS HELGESON
COUNTRY MANOR NURSING HOME 0627
520 FIRST ST NE 05
SARTELL MN 56377

PATRICK KELLY
CLINTON GOOD SAM CENTER 0026
PO BOX 379 HWY 75 CO RD 6 06
CLINTON MN 56225

CHARLES E LUND
GRACE HOME 0762
116 W SECOND STREET 06
GRACEVILLE MN 56240

RICHARD SLIETER
NORTHRIDGE RESIDENCE 0771
1075 ROY STREET 06
ORTONVILLE MN 56278

DAVID GISLASON
LAKE CRYSTAL HEALTHCARE CTR 0034
202 LACLAIRE 07
LAKE CRYSTAL MN 56055

DOROTHY LEDUC
HILLCREST HEALTH CARE CNTR 0031
ROUTE 9 BOX 3 07
MANKATO MN 56001

KEVIN W KING
MANKATO HOUSE HEALTH CARE CNT 0035
700 JAMES AVENUE 07
MANKATO MN 56001

HARVEY PELOVSKY

CHRIS THRO

CALVIN WARD

718 MOUND AVE
MANKATO MN 56001

07

1112 MULBERRY
MANKATO MN 56001

07

MAPLETON MN 56065

ELROY E UBL
HIGHLAND MANOR
405 NO HIGHLAND AVE
NEW ULM MN 56073

0041
08

MARGARET MARY SCHISSLER
DIVINE PROVIDENCE COMM HOME
700 THIRD AVE NW
SLEEPY EYE MN 56085

0040
08

DEL BEGALKA
SLEEPY EYE CARE CENTER
1105 3RD AVE SW
SLEEPY EYE MN 56085

0776
08

RANDY D SNYDER
ST JOHN LUTHERAN HOME
P O BOX 167
SPRINGFIELD MN 56087

0045
08

LARRY PENK
CARLTON NURSING HOME
810 3RD STREET
CARLTON MN 55718

0047
09

WILLIAM ZELLMAN
MERCY HOSPITAL + C+NC

MOOSE LAKE MN 55767

0049
09

MURIEL MAASS
NIGHTINGALE NURSING HOME
232 SOUTH ELM ST
WACONIA MN 55387

0053
10

JIM DUCHENE
WACONIA HEALTHCARE CENTER
333 WEST 5TH STREET
WACONIA MN 55387

0924
10

JOHN GRIMLEY
AH GWAH CHING NURSING HOME

AH GWAH CHING MN 56430

0057
11

JIM WOLF
GOOD SAMARITAN CENTER
BOX 29
PINE RIVER MN 56474

0058
11

SHIRLEY ZIEGLER
WOODREST NURSING HOME
BOX J
WALKER MN 56484

0995
11

MARK ROSSI
CLARA CITY COMMUNITY NH
1012 DIVISION ST NO
CLARA CITY MN 56222

0061
12

JAMES FLAHERTY
LUTHER HAVEN NURSING HOME
1109 EAST HIGHWAY 7
MONTEVIDEO MN 56265

0062
12

HAROLD A SWIFT
HAZELDEN FOUNDATION
BOX 11 PLEASANT VALLEY RD
CENTER CITY MN 55012

0067
13

CHARLES ZIMMERMAN
THE MARGARET S PARMLY RES
28210 OLD TOWNE ROAD
CHISAGO CITY MN 55013

0065
13

ELLIS R JOHNSON
GREEN ACRES NURSING HOME

NORTH BRANCH MN 55056

0066
13

PATRICIA A BEHRENDT
HILLCREST HEALTH CARE CENTER
650 BREMER AVE SO
RUSH CITY MN 55069

0994
13

MICHAEL PATTEE
BARNESVILLE CARE CENTER
600 FIFTH STREET SE BOX 129
BARNESVILLE MN 56514

0968
14

DAVID TORKILDSON
EVENTIDE LUTHERAN HOME
1405 SOUTH 7TH ST
MOORHEAD MN 56560

0072
14

ROGER PAULSBERG
MOORHEAD HEALTHCARE CENTER
2810 NORTH 2ND AVE
MOORHEAD MN 56560

0938
14

TODD KJOS
VIKING MANOR NURSING HOME

ULEN MN 56585

0075
14

JAN OTNESS
GREENSVIEW NURSING HOME
ROUTE 1
BAGLEY MN 56621

0974
15

COLLIN EID
GOOD SAMARITAN CENTER
PO BOX 47
CLEARBROOK MN 56634

0078
15

CRAIG KANTOS
COOK CO NORTHSHORE HOSPITAL
GUNFLINT TRAIL
GRAND MARAIS MN 55604

0080
16

GARY BAUMGARTNER
GOOD SAMARITAN VILLAGE 0755
745 BASINGER MEM DR 17
MOUNTAIN LAKE MN 56159

DALE BACKHAUS
BETHANY GOOD SAMARITAN CENTER 0087
804 WRIGHT STREET 18
BRAINERD MN 56401

THOMAS F REEK
CUYUNA RANGE DIST HOSPITAL 0091
18
CROSBY MN 56441

LESTER FAIR
HAVEN HOMES 0877
930 W 16TH STREET 19
HASTINGS MN 55033

OTTO J OLSON
GOLDEN OAKS NURSING HOME 0925
1025 9TH AVE SO 19
SO ST PAUL MN 55075

STEVEN MOSS
FIELD CREST NURSING HOME 0104
RT 2 BOX 6A 20
HAYFIELD MN 55940

RICHARD BEADLING
CRESTVIEW MANOR INC 0110
649 STATE STREET 21
EVANSVILLE MN 56326

ROGER JESPERSON
BEHR PARKVIEW NURSING HOME 0784
55 10TH ST SE 22
WELLS MN 56097

GARY HOFER
WESTBROOK GOOD SAM CENTER 0082
149 1ST AVE BOX 218 17
WESTBROOK MN 56183

MARY FEIG
BRAINERD GOOD SAMARITAN CTR 0092
803 KINGWOOD STREET 18
BRAINERD MN 56401

PEARL A. LEMIEUX
APPLE VALLEY HEALTH CENTER 0979
14650 GARRETT AVENUE 19
APPLE VALLEY MN 55124

STEVEN FOSTER
INVER GROVE CARE CENTER 0022
4700 SO ROBERT TRAIL 19
INVER GROVE HEIGHTS MN 55075

HARRY J LEMIEUX
SOUTHVIEW ACRES HLTH CARE CTR 0102
2000 OAKDALE AVENUE 19
WEST ST PAUL MN 55118

DELBERT G CLARK
BETHANY HOME 0108
1020 LARK ST 21
ALEXANDRIA MN 56308

GARY LARSON
COMMUNITY MEMORIAL HOME 0109
410 MAIN ST SW 21
OSAKIS MN 56360

KENNETH PRESLEY
WINNEBAGO BAPTIST HOME 0120
211 6TH STREET NW 22
WINNEBAGO MN 56098

WAYNE O BRODLAND
SOGGE GOOD SAMARITAN CTR 0085
FULLER DRIVE 17
WINDOM MN 56101

GARY HJELMSTAD
WOODLAND ACRES HCC 0956
100 BUFFALO HILLS LANE 18
BRAINERD MN 56401

ROBERT D JOHNSON
SANFORD MEM HOSPITAL 0101
913 MAIN STREET 19
FARMINGTON MN 55024

EDWARD W LEHMANN
WEDGEWOOD HEALTH CARE CENTER 0829
2060 UPPER 55TH ST EAST 19
INVER GROVE HEIGHTS MN 55075

DONALD BAKKE
FAIRVIEW NURSING HOME 0103
RT 1 BOX 334 20
DODGE CENTER MN 55927

DAVID L SORBEL
KNUTE NELSON MEMORIAL HOME 0113
420 12TH AVE E 21
ALEXANDRIA MN 56308

DEBORAH BARNES
SAINT LUKES LUTHERAN HOME 0116
1217 SO RAMSEY 22
BLUE EARTH MN 56013

RUTH JENSEN
CHOSEN VALLEY CARE CENTER 0750
1102 LIBERTY ST SE 23
Chatfield, MN 55923

GREG BRAUN
HARMONY COMMUNITY HOSPITAL 0125
815 SO MAIN STREET 23
HARMONY MN 55939

THOMAS RISLOW
PRESTON CARE CENTER 0959
608 WINONA 23
PRESTON MN 55965

CRAIG JOHNSEN
ALBERT LEA GOOD SAMARITAN HOME 0131
ROUTE 2 BOX 217 24
ALBERT LEA MN 56007

DALE L RIPPEY
THORNE CREST RET CENTER 0833
1201 GARFIELD AVE 24
ALBERT LEA MN 56007

MARIANN WIEBUSCH
LAKE CITY NURSING HOME 0770
405 WEST GRANT ST 25
LAKE CITY MN 55041

DONNA VAN LOON
RED WING HEALTH CENTER 0149
1400 WEST 4TH STREET 25
RED WING MN 55066

DAVID D LAMB'
PELICAN LAKE NURSING HOME 0156
305 MELBY BOX 227 26
ASHBY MN 56309

JIM JASPER
BLOOMINGTON MAPLE MANOR 0895
8916 LYNDALE AVE SO 27
BLOOMINGTON MN 55420

GREG M JOHNSON
GREEN LEA MANOR 0124
BOX 306 23
MABEL MN 55954

BOB' LETICH
GOOD SHEPHERD LUTHERAN HOME 0123
800 HOME BOX 747 23
RUSHFORD MN 55971

ROBERT BLUM
ALBERT LEA HEALTH CARE CENTER 0134
617 10TH STREET 24
ALBERT LEA MN 56007

BONNIE CAMPEAU
CANNON FALLS MANOR NSG HOME 0758
300 NO DOW STREET 25
CANNON FALLS MN 55009

SANDI LAMPHERE
PINE HAVEN NH 0148
210 NW 3RD STREET 25
PINE ISLAND MN 55963

WALLACE C SUNDBERG
SEMINARY MEMORIAL HOME 0150
906 COLLEGE AVE 25
RED WING MN 55066

BETTY DE CLERCQ
BARRETT CARE CENTER INC 0153
26
BARRETT MN 56311

SHIRLEY E HEIM
BLOOMINGTON NURSING HOME 0169
9200 NICOLLET AVE SOUTH 27
BLOOMINGTON MN 55420

DOTTY LIEBOLD ACTING
OSTRANDER CARE CENTER 0922
BOX 36 23
OSTRANDER MN 55961

DAVID HERDER
COMMUNITY MEM HOSP + C+NC 0121
800 MEMORIAL DRIVE 23
SPRING VALLEY MN 55975

CLIFFORD R PAULSEN
SAINT JOHNS LUTHERAN HOME 0138
901 LUTHER PLACE 24
ALBERT LEA MN 56007

MARK R ROBINSON
KENYON SUNSET HOME 0145
127 GUNDERSON BLVD 25
KENYON MN 55946

JOHN BOUGHTON
HAVEN HOME OF RED WING 0787
213 PIONEER ROAD 25
RED WING MN 55066

JERRY HOGANSON
ZUMBROTA NURSING HOME 0917
433 MILL STREET 25
ZUMBROTA MN 55992

DANIEL WAAGE
HOFFMAN CARE CENTER 0014
104 SO 6TH STREET 26
HOFFMAN MN 56339

WILLIAM J EAGLE
EAGLE NURSING HOME 0189
401 WEST 95TH ST 27
BLOOMINGTON MN 55420

JOYCE M UNDERKOFLER
MARTIN LUTHER MANOR 0227
1401 E 100TH STREET 27
BLOOMINGTON MN 55420

PATRICIA KALAIDIS
CRYSTAL CARE CENTER 0255
3245 VERA CRUZ AVE N 27
CRYSTAL MN 55422

LOIS CENTER - ACTING
EXCELSIOR NURSING HOME 0988
515 DIVISION STREET 27
EXCELSIOR MN 55331

SHARON BERTSCH
TREVILLA OF GOLDEN VALLEY 0112
7505 COUNTRY CLUB RD 27
GOLDEN VALLEY MN 55427

MAUREEN KEHOE
HOPKINS HEALTH CARE CENTER 0872
724 COUNTY ROAD 18 27
HOPKINS MN 55343

TODD CARSEN
ANGELUS CONVALESCENT HOME 0185
4544 4TH AVE SO 27
MINNEAPOLIS MN 55409

DAVID NELSON ACTING
BAPTIST RESIDENCE 0166
512 49TH AVENUE N 27
MINNEAPOLIS MN 55430

RICHARD JOHNSON
CAMDEN CARE CENTER 0254
4659 LYNDALE AVE NORTH 27
MINNEAPOLIS MN 55412

PHYLLIS WINTERS
CHATEAU HEALTHCARE CENTER 0937

EDWIN A MARTINI
MINNESOTA MASONIC CARE CTR 0232
11400 NORMANDALE BLVD 27
BLOOMINGTON MN 55437

JEAN MULDER
CASTLE RIDGE CARE CENTER 0973
625 PRAIRIE CENTER DRIVE 27
EDEN PRAIRIE MN 55344

KATHLEEN MELIN
MINNETONKA HLTH CARE CTR INC 0234
20395 SUMMERVILLE RD 27
EXCELSIOR MN 55331

NANCY CRUISE
WELDWOOD HEALTH CARE CENTER 0896
5411 CIRCLE DOWNS 27
GOLDEN VALLEY MN 55416

PATRICK MCNEIL
LONG LAKE NURSING HOME 0992
345 BROWN RD SOUTH 27
LONG LAKE MN 55356

JOHN C HULT
AUGUSTANA HOME OF MPLS 0164
1007 EAST 14TH ST 27
MINNEAPOLIS MN 55404

SCOTT T MIXER
BETHANY COVENANT HOME 0167
2309 HAYES ST NE 27
MINNEAPOLIS MN 55418

JACK NUGENT
CEDAR PINES NURSING HOME 0179
2739 CEDAR AVE 27
MINNEAPOLIS MN 55407

MARION L RESNICK
DAVID HERMAN HEALTH CARE CTR 0186

DAVID V VILAND
MARANATHA CONSERVATIVE HOME 0226
5401 69TH AVE NO 27
BROOKLYN CENTER MN 55429

LEILA E CAMPBELL
EDINA CARE CENTER 0740
6200 XERXES AVE SO 27
EDINA MN 55423

DIANE CROSS
COURAGE RESIDENCE 0751
3915 GOLDEN VALLEY RD 27
GOLDEN VALLEY MN 55422

ROGER M JEWETT
CHAPEL VIEW INC 0727
615 MINNETONKA MILLS RD 27
HOPKINS MN 55343

DAN FAIR
HAVEN HOMES OF MAPLE PLAIN 0950
1520 WYMAN AVE 27
MAPLE PLAIN MN 55359

DOUGLAS W BANNOCHIE
BANNOCHIE NURSING HOME 0165
3515 2ND AVE S 27
MINNEAPOLIS MN 55408

MARY ROSCH
BRYN MAWR NURSING HOME 0175
275 PENN AVE N 27
MINNEAPOLIS MN 55405

JOANNE GILBERTSON
CENTRAL CARE CENTER 0867
1828 CENTRAL AVE NE 27
MINNEAPOLIS MN 55418

SUSAN O'SHEA
EBENEZER HALL 0191

MINNEAPOLIS MN 55404

KEVIN GERBER
EBENEZER SOC LUTHER & FIELD 0192
2636 PARK AVE 27
MINNEAPOLIS MN 55407

ERNEST L MIDTHUN
FIRST CHRISTIAN CHURCH RES 0202
2300 STEVENS AVE SO 27
MINNEAPOLIS MN 55404

GLORIA FIEBIGER, ACTING
JONES-HARRISON HOME 0216
3700 CEDAR LAKE AVE 27
MINNEAPOLIS MN 55416

JOAN BANGASSER
NICOLLET HEALTH CARE CENTER 0897
4429 NICOLLET AVE SO 27
MINNEAPOLIS MN 55409

FRED STRANDBERG
REDEEMER RESIDENCE 0160
3111 LYNDALE AVE SO 27
MINNEAPOLIS MN 55408

RICHARD F HOLY
ST OLAF RESIDENCE 0260
2912 FREMONT AVE N 27
MINNEAPOLIS MN 55411

PAUL MIKELSON
WALKER METHODIST HEALTH CTR 0276
3737 BRYANT AVENUE SOUTH 27
MINNEAPOLIS MN 55409

GORDON BREUER
WILLOWS EAST HEALTH CARE CTR 0275
719 E 16TH ST 27
MINNEAPOLIS MN 55404

MINNEAPOLIS MN 55404

STEPHEN KLAPPA
EMERSON PLACE NORTH 0215
2304 EMERSON AVE N 27
MINNEAPOLIS MN 55411

MONA MEINKE
FRANKLIN PLACE EAST 0172
2100 FIRST AVE SO 27
MINNEAPOLIS MN 55404

JON LUNDBERG
LASALLE CONVALESCENT HOME 0187
1920 LASALLE AVENUE 27
MINNEAPOLIS MN 55403

JULIE DITZLER
NILE HEALTH CARE CENTER 0096
3720 23RD AVENUE SOUTH 27
MINNEAPOLIS MN 55407

DAVID WESTBROOK
ST ANTHONY ELDER CTR ON MAIN 0984
817 MAIN STREET NORTHEAST 27
MINNEAPOLIS MN 55413

RACHEL RUSTAD
STEVENS SQUARE 0263
101 EAST 32ND STREET 27
MINNEAPOLIS MN 55408

DOROTHY RAGLAND
WILLOWS CONV CENTER CENTRAL 0874
625 EAST 16TH STREET 27
MINNEAPOLIS MN 55404

JENEAN ERICKSON
YORKSHIRE MANOR 0841
2200 PARK AVE SO 27
MINNEAPOLIS MN 55404

MINNEAPOLIS MN 55404

THOMAS THOMPSON
FAIR OAKS HEALTH CARE 0198
321 E 25TH STREET 27
MINNEAPOLIS MN 55404

MARGARET STEWART
HORIZON WEST HEALTH CARE 0816
1620 OAK PARK AVE NO 27
MINNEAPOLIS MN 55411

BECKY BRENNA
METRO CARE CENTER 0188
1300 OLSON MEMORIAL HWY 27
MINNEAPOLIS MN 55411

G RAYMOND THISS
QUEEN NURSING HOME 0250
300 QUEEN AVE NO 27
MINNEAPOLIS MN 55405

SALLY A DUNN
ST MARY'S REHAB CENTER 0259
2512 SOUTH 7TH STREET 27
MINNEAPOLIS MN 55454

LEON ROTERING
UNIVERSITY HEALTH CARE CENTER 0890
22 27TH AVENUE SE 27
MINNEAPOLIS MN 55414

SHARON KLEFSAAS
WILLOWS CONV CENTER SOUTH 0855
6130 LYNDALE AVE SO 27
MINNEAPOLIS MN 55419

CARYL CROZIER
AMBASSADOR HEALTH CARE CENTER 0898
8100 MEDICINE LAKE ROAD 27
NEW HOPE MN 55427

CHARLES P THOMPSON
NORTH RIDGE CARE CENTER 0238
5430 BOONE AVE NO 27
NEW HOPE MN 55428

JAMES M. PEARSON
MISSION FARMS NURSING HOME 0235
3401 MEDICINE LK BLVD 27
PLYMOUTH MN 55441

LOREN COLEMAN
TREVILLA OF ROBBINSDALE 0122
3130 GRIMES AVE NO 27
ROBBINSDALE MN 55422

JANE A WRIGHT
PARK PLAZA HEALTHCARE CENTER 0943
3201 VIRGINIA AVE SO 27
ST LOUIS PARK MN 55426

LAVONNE HAGEMEYER
HILLCREST HEALTH CARE CTR 0213
15409 WAYZATA BLVD 27
WAYZATA MN 55391

GAEL A. BRUSSEL
LACRESCENT HEATHCARE CENTER 0936
701 MAIN STREET 28
LACRESCENT MN 55947

DALE THOMPSON
CAMBRIDGE HEALTH CARE CTR 0292
548 FIRST AVENUE 30
CAMBRIDGE MN 55008

DAVID MCCLURE
COMM MEM HOSP & HOMESTEAD NH 0296
1002 COMSTOCK DRIVE 31
DEER RIVER MN 56636

RONALD EVENSEN
LEISURE HILLS INC 0299

KENNETH J GALLUS
SAINT THERESE HOME 0261
8000 BASS LAKE RD 27
NEW HOPE MN 55428

ROBERT R. HAMPTON
RICHVIEW 0253
7727 PORTLAND AVENUE SOUTH 27
RICHFIELD MN 55423

SHARON O GISLASON
TWIN BIRCH HEALTH CARE CENTER 0271
4527 SHORELINE DRIVE 27
SPRING PARK MN 55384

CLARK NORDBERG
TEXAS TERRACE CONV CENTER 0144
7900 WEST 28TH STREET 27
ST LOUIS PARK MN 55426

ELIZABETH AMMAN
CALEDONIA HEALTH CARE CTR 0073
425 NORTH BADGER 28
CALEDONIA MN 55921

PETER KOUKOLA
TWEETEN MEMORIAL HOSPITAL 0285
125 5TH AVE SE 28
SPRING GROVE MN 55974

GREG CARLSON
GRANDVIEW CHRISTIAN HOME 0294
800 NW 2ND AVENUE 30
CAMBRIDGE MN 55008

GENE HANSON
ITASCA MEMORIAL HOSPITAL 0297
126 FIRST AVE SE 31
GRAND RAPIDS MN 55744

MICHAEL DULANEY
HERON LAKE MUN HOSP & C&NC 0304

JOE STANISLAV
OSSEO HEALTH CARE 0868
525 2ND STREET SE 27
OSSEO MN 55369

PAM GUYER
CRYSTAL LAKE HEALTH CARE CTR 0899
3815 WEST BROADWAY 27
ROBBINSDALE MN 55422

THOMAS CHAMBERLAIN
PARK NURSING & CONV CENTER 0129
4415 W 36 1/2 STREET 27
ST LOUIS PARK MN 55416

CHERYL NYBO
WESTWOOD NURSING HOME 0278
7500 W 22ND STREET 27
ST LOUIS PARK MN 55426

RICK BUECHNER
VALLEY VIEW NURSING HOME 0286
510 EAST CEDAR STREET 28
HOUSTON MN 55943

DALE JACKSON
SUNSET NURSING HOME 0288
WEST 5TH STREET 29
PARK RAPIDS MN 56470

LILLIAN M KRUEGER
NORTHERN ITASCA NURSING HOME 0834
258 PINE TREE DRIVE 31
BIGFORK MN 56628

ANTHONY OGDAHL
ITASCA NURSING HOME 0298
HALE LAKE ROAD 31
GRAND RAPIDS MN 55744

WILLIAM BROWN
GOOD SAMARITAN SUNSET HOME 0303

GRAND RAPIDS MN 55744

MAUREEN MCDONALD
JACKSON MUNICIPAL HOSP 0305
NORTH HIGHWAY 32
JACKSON MN 56143

LARRY E JUHL
GLEN OAKS NURSING HOME 314
207 NORTH MAIN STREET 34
NEW LONDON MN 56273

DENNIS KAMSTRA
CHRISTIAN NURSING & LIVING CTR 0313
1801 WILLMAR AVE 34
WILLMAR MN 56201

JERRY PEAK
KARLSTAD MEMORIAL NSG CENTER 0830
THIRD & WASHINGTON 35
KARLSTAD MN 56732

PAUL RAYGOR
NORTHOME NURSING HOME 0325
BOX 138 36
NORTHOME MN 56661

JODELL WIZNER, ACTING
SUNRISE HOME 0844
13TH AVE AND 4TH STREET 38
TWO HARBORS MN 55616

JOHN ROBSON
MINNESOTA VALLEY MEM HOSP 0336
621 SO FOURTH ST 40
LE SUEUR MN 56058

MARIETTE KETTERER
DIVINE PROVIDENCE HOSP + HOME 0339
312 EAST GEORGE STREET 41
IVANHOE MN 56142

HERON LAKE MN 56137

JAMES E PEDE
COLONIAL MANOR 0302
MANOR DRIVE 32
LAKEFIELD MN 56150

DOUGLAS DEWANE
BETHESDA HERITAGE CENTER 0312
1012 E THIRD ST 34
WILLMAR MN 56201

PHYLLIS SAUNDERS
WILLMAR HEALTH CARE CENTER 0996
500 RUSSELL STREET 34
WILLMAR MN 56201

ROSE M MATTHEWS
FALLS CARE CENTER 0322
HIGHWAY 11-71 36
INTERNATIONAL FALLS MN 56649

MARK RINEHARDT
JOHNSON MEMORIAL HOSP & HOME 0326
WALNUT STREET & MEMORIAL PLACE 37
DAWSON MN 56232

SHAR RAY PALM
PIONEER NURSING HOME 0332
410 3RD AVE SE 39
BAUDETTE MN 56623

DOUGLAS J DOLINSKY
WATERVILLE CARE CENTER 0962
205 1ST ST NORTH 40
WATERVILLE MN 56096

SEVERIN DUEHREN
ALVADHEIM MEMORIAL HOSPITAL 0338
240 WILLOW ST 41
TYLER MN 56178

JACKSON MN 56143

ROBERT SUNDBERG
SUNSHINE VILLA 0814
BIRCH MOR MEDICAL PARK 33
MORA MN 55051

WARREN BECKEN
BETHESDA NH-PLEASANTVIEW 0792
901 WILLMAR AVE SE 34
WILLMAR MN 56201

BRUCE BERG
KITTSON MEMORIAL HOSPITAL 0321
1010 SOUTH BIRCH 35
HALLOCK MN 56728

CALVIN OLSON
LITTLEFORK MUNICIPAL HOSPITAL 0324
BOX N 36
LITTLEFORK MN 56653

STEPHEN H JOHNSON
MADISON LUTHERAN HOME 0329
900 SECOND AVE 37
MADISON MN 56256

SCOTT JACKSON
CENTRAL HEALTH CARE 0800
444 NORTH CORDOVA 40
LE CENTER MN 56057

BETTY BUSETH
HENDRICKS COMM HOSP 0340
503 E LINCOLN STREET 41
HENDRICKS MN 56136

MARK NOBLE
COLONIAL MANOR OF BALATON 0982
PO BOX 375 HWY 14 EAST 42
BALATON MN 56115

RICHARD ERICKSON
MINNEOTA MANOR HCC 0887
700 NORTH MONROE STREET 42
MINNEOTA MN 56264

HOMER G DOBSON
CHRISTIAN MANOR NURSING HOME 0342
502 FIFTH ST E 42
TRACY MN 56175

GOLDIE WILKING
TRACY NURSING HOME 0345
487 SECOND STREET 42
TRACY MN 56175

JOHN C DOIDGE
GLENCOE AREA HEALTH CENTER 0351
705 E 18TH STREET 43
GLENCOE MN 55336

MAVIS J GEIER
BURNS MANOR NSG HOME 0348
NORTH HIGH DRIVE 43
HUTCHINSON MN 55350

JEANNE JOHNSON
ST MARYS HOSPITAL 0352
551 FOURTH ST N 43
WINSTED MN 55395

DWIGHT VOIGT
GOOD SAMARITAN CENTER 0356
410 SO MCKINLEY ST 45
WARREN MN 56762

GEORGE W KLUS
LAKEVIEW METHODIST HCC 0360
610 SUMMIT DRIVE 46
FAIRMONT MN 56031

THOMAS TALLANT
TRIMONT NURSING HOME 0365
303 BROADWAY AVE SO 46
TRIMONT MN 56176

RODNEY DAHLBERG
LUTHERAN RET HOME OF SO MINN 0361
400 NORTH 4TH AVE EAST 46
TRUMAN MN 56088

MARK RUST
COSMOS HEALTHCARE CENTER 0932
NEPTUNE & PEGASUS 47
COSMOS MN 56228

WM D WARD
DASSEL LAKESIDE COMM HOME 0773
441 WILLIAM AVE 47
DASSEL MN 55325

MICHAEL BOYLE
EMMANUEL HOME 0775
600 SOUTH DAVIS 47
LITCHFIELD MN 55355

JANICE PALMER
HILLTOP CARE CENTER 0798
RT 1 BOX H 47
WATKINS MN 55389

GARY WEYGANT
ELIM HOME 0376
730 SECOND ST SE 48
MILACA MN 56353

GENE M HELLE
COMMUNITY MERCY HOSPITAL 0374
200 N ELM STREET 48
ONAMIA MN 56359

WILLIAM MYERS - ACTING
ELIM HOME 0375
101 SO 7TH AVE 48
PRINCETON MN 55371

HUBERT T ZYWOLOSKI
LUTHERAN SENIOR CITIZENS HOME 0382
1200 FIRST AVE NE BOX 248 49
LITTLE FALLS MN 56345

GERALD SPINNER
ST OTTOS HOME 0817
920 SE 4TH STREET 49
LITTLE FALLS MN 56345

JAMES B'BIRCHEM
ST MARYS VILLA NH 0384
FIRST AVE SO + FAUST STREET 49
PIERZ MN 56364

JAMES THALBERG
ADAMS HEALTH CARE CENTER 0754
RURAL ROUTE 2 BOX 300 50
ADAMS MN 55909

EUGENE GUSTASON
BURR OAK MANOR 0954
400 10TH AVE NW 50
AUSTIN MN 55912

DAN COLGAN
COMFORCARE CENTER 0967
205 14TH ST NW 50
AUSTIN MN 55912

MADONNA WALETZKE
SACRED HEART HOSPICE 0393
1200 12TH ST SW 50
AUSTIN MN 55912

GLENN E MAIR
SAINT MARKS LUTHERAN HOME 0394

ROBERT A LAMP
MEADOW MANOR NURSING HOME 0390

LISA ABICHT
MAPLE LAWN NURSING HOME 0396

AUSTIN MN 55912

GRAND MEADOW MN 55936

FULDA MN 56131

STEVEN TJELTVEIT
SLAYTON MANOR 0915
2957 REDWOOD 51
SLAYTON MN 56172

LANE ANDERSON
LAFAYETTE GOOD SAM CENTER 0401
BOX 19 ESTHER AVENUE 52
LAFAYETTE MN 56054

DAVID LARSON
COMMUNITY HOSP & HCC 0399
618 W BROADWAY 52
ST PETER MN 56082

DAVID LARSON
GRANDVIEW CARE CENTER 0400
830 NORTH SUNRISE DRIVE 52
ST PETER MN 56082

CHARLOTTE HEITKAMP
ARNOLD MEM HOSPITAL 0405
601 LOUISIANA AVE BOX 279 53
ADRIAN MN 56110

JANE DAVIDSON
PARKVIEW MANOR NURSING HOME 0406
RR 1 53
ELLSWORTH MN 56129

FERNE E LUNDY
FAUSKEE NURSING HOME INC 0407
965 MCMILLAN ST 53
WORTHINGTON MN 56187

RICHARD ATCHISON
LAKE HAVEN NURSING HOME 0885
1307 SOUTH SHORE DRIVE 53
WORTHINGTON MN 56187

ROBERT CAMERON
ADA MUNICIPAL HOSPITAL 0413
405 EAST 2ND AVE 54
ADA MN 56510

MICHAEL S ACKLEY
HALSTAD LUTHERAN MEM HOME 0764
133 4TH AVE EAST 54
HALSTAD MN 56548

DWIGHT FUGLIE
LUTHERAN MEMORIAL NH 0414
HIGHWAY 32 NORTH 54
TWIN VALLEY MN 56584

EARL SCHILLO
BETHANY SAMARITAN HEIGHTS 0883
1530 11TH AVE NW 55
ROCHESTER MN 55901

STEVE WUITSCHICK
MADONNA TOWERS INC 0419
4001 19TH AVE NW 55
ROCHESTER MN 55901

PATRICK BLUM
MAPLE MANOR NURSING HOME 0916
1875 19TH STREET NW 55
ROCHESTER MN 55901

JOSEPH STANISLAU
ROCHESTER HEALTHCARE CENTER 0941
2215 HWY 52 NORTH 55
ROCHESTER MN 55901

LORRAINE PETERSON
SAMARITAN BETHANY HOME 0427
24 8TH ST NW PO 5947 55
ROCHESTER MN 55901

PATRICK J RAFFERTY
WOODSIDE CONVALESCENT CENTER 0953
501 8TH AVE SE 55
ROCHESTER MN 55901

FRANCIS A JENSEN
STEWARTVILLE NURSING HOME 0429
120 4TH ST NE 55
STEWARTVILLE MN 55976

JOHN RIEKE
BATTLE LAKE CARE CENTER 0146
GLENHAVEN DRIVE BOX 68 56
BATTLE LAKE MN 56515

MARK TYSVER
OTTER TAIL NURSING HOME 0182
RT 2 BOX 257 56
BATTLE LAKE MN 56515

INA M LARSON
BROEN MEMORIAL HOME 0862
824 SOUTH SHERIDAN EAST 56
FERGUS FALLS MN 56537

CARMON JACKSON
PIONEER HOME INC 0443
1006 SOUTH SHERIDAN STREET 56
FERGUS FALLS MN 56537

RICHARD CLOETER
HENNING NURSING HOME 0799
907 MARSHALL AVE 56
HENNING MN 56551

ANDREW TUMBERG
ELDERS HOME 0432
SOUTH TOUSLEY 56
NEW YORK MILLS MN 56567

CYRILLA BITZAN
SAINT WILLIAMS NURSING HOME 0444
SOO STREET 56
PARKERS PRAIRIE MN 56361

ARTHUR GUSTAFSON
GOOD SAMARITAN CENTER 0435
119 NORTH BROADWAY 56
PELICAN RAPIDS MN 56572

CHARLES F HARMS
PELICAN VALLEY HEALTH CENTER 0442
211 EAST MILL ST 56
PELICAN RAPIDS MN 56572

RICK FAILING
PERHAM MEMORIAL HOSP & HOME 0438
665 THIRD ST SW 56
PERHAM MN 56573

SHERRYLL C IRVINE
OAKLAND PARK NURSING HOME 0449
123 BAKEN ST 57
THIEF RIVER FALLS MN 56701

MARY BLAUFUSS
LAKESIDE MEDICAL CENTER 0451
129 E 6TH ST 58
PINE CITY MN 55063

JAMES BLUM
SANDSTONE AREA NURSING HOME 0452
WASHINGTON STREET 58
SANDSTONE MN 55072

LARRY OBERLOH
EDGEBROOK REST CENTER INC 0454
505 TROSKY ROAD WEST 59
EDGERTON MN 56128

BRUCE STRATMAN
GOOD SAMARITAN VILLAGE 0455
RT 1 NORTH HIAWATHA 59
PIPESTONE MN 56164

ALAN CHRISTENSEN
PIPESTONE COUNTY MEDICAL CNT 0456
911 5TH AVE SW 59
PIPESTONE MN 56164

THOMAS LENERTZ
RIVERVIEW HOSPITAL 0470
323 SO MINNESOTA 60
CROOKSTON MN 56716

MIKE SIEKAS
VILLA ST VINCENT 0815
516 WALSH 60
CROOKSTON MN 56716

DAVID J HORAZDOVSKY
GOOD SAMARITAN CENTER 0463
1414 20TH STREET NW 60
EAST GRAND FORKS MN 56721

DOROTHY SANDAHL
PIONEER MEMORIAL CARE CENTER 0469
HIGHWAY 59 AND 2 60
ERSKINE MN 56535

BARRY J ROBERTSON
FAIR MEADOW NURSING HOME 0460
BOX 8 60
FERTILE MN 56540

DAVID HUBBARD
FOSSTON MUN HOSPITAL & HOME 0461
900 SOUTH HILLIGOSS BLVE EAST 60
FOSSTON MN 56542

ALLEN G POTVIN
MIDWAY CARE CENTER 0462
114 SECOND STREET NE 60
FOSSTON MN 56542

RICK ANDRESEN
MCINTOSH NURSING HOME INC 0467
700 NE RIVERSIDE AVENUE 60
MCINTOSH MN 56556

GORDON H AMBLE
GLENWOOD RET HOME INC 0474
719 SE 2ND ST 61
GLENWOOD MN 56334

RUTH GUNDERSON
LAKEVIEW CARE CENTER 0969
FRANKLIN AT LAKESHORE DR 61
GLENWOOD MN 56334

BRUCE PRAUSE
MINNEWASKA LUTHERAN HOME 0477
605 MAIN ST 61
STARBUCK MN 56381

DAN BOLHOUSE
JOHANNA SHORES 0975
3220 LAKE JOHANNA BLVD 62
ARDEN HILLS MN 55112

CLAUDIA SAJEVIC
MAPLEWOOD MAPLE MANOR CARE CTR 0900
550 EAST ROSELAWN AVE 62
MAPLEWOOD MN 55117

DAVID BERRES, ACTING
RAMSEY NURSING HOME 0846
2000 WHITE BEAR AVE 62
MAPLEWOOD MN 55109

MICHAEL GOBLIRSCH
INNSBRUCK HEALTHCARE CENTER 0940

MICHAEL CHIES
NEW BRIGHTON CARE CENTER 0507

CHARLOTTE SAMUELSON
TREVILLA OF NEW BRIGHTON 0114

NEW BRIGHTON MN 55112

ANGELINE H SEWALL
MAPLEWOOD CARE CENTER 0520
1900 SHERREN AVE EAST 62
NORTH ST PAUL MN 55109

VIVIAN TRETTIN
ROSE OF SHARON MANOR 0126
1000 LOVELL AVENUE 62
ROSEVILLE MN 55113

ONA ORTH
BETHEL CARE CENTER 0913
420 MARSHALL AVE 62
ST PAUL MN 55102

RICHARD LUDWIGSON
HARMONY NURSING HOME 0492
135 E GERANIUM AVE 62
ST PAUL MN 55117

EVELYN HALVERSON
LYNGBLOMSTEN CARE CENTER 0501
1415 ALMOND AVENUE 62
ST PAUL MN 55108

JACK D. HOUSTON
PARKWAY MANOR HEALTH CARE CTR. 0946
324 JOHNSON PARKWAY 62
ST PAUL MN 55106

MARSHALL SILBERSTEIN
SHOLOM HOME 0496
1554 MIDWAY PKWY 62
ST PAUL MN 55108

WILLIAM R REESE
SUMMIT MANOR HEALTH CARE CTR 0529
80 WESTERN AVE NO 62
ST PAUL MN 55102

NEW BRIGHTON MN 55112

TIM MIDDENDORF
GOLDEN AGE HEALTH CARE CENTER 0901
1415 WEST CO RD B' 62
ROSEVILLE MN 55113

DOROTHY LUNDBERG
WHITEHOUSE HEALTH CARE CENTER 0902
563 WEST CO RD B' 62
ROSEVILLE MN 55113

SUE RYAN KVENDRU
COMMONWEALTH HEALTHCARE CENTER 0997
2237 COMMONWEALTH AVE 62
ST PAUL MN 55108

DOUG BEARDSLEY
HIGHLAND CHATEAU HCC 0494
2319 W SEVENTH ST 62
ST PAUL MN 55116

JOLEEN WAALEN
LYNNHURST HEALTHCARE CENTER 0945
471 LYNNHURST AVE W 62
ST PAUL MN 55104

RONALD E. JOHNSON
PLEASANT HILL CARE CENTER 0863
391 PLEASANT AVE 62
ST PAUL MN 55102

THOMAS FAUSKEE
ST MARYS HOME 0782
1925 NORFOLK AVE 62
ST PAUL MN 55116

TED A SCHMIDT
WILDER RESIDENCE EAST 0514
696 DELLWOOD PLACE 62
ST PAUL MN 55106

NEW BRIGHTON MN 55112

MARIE NELSON
LAKE RIDGE HEALTH CARE CENTER 0497
2727 NO VICTORIA 62
ROSEVILLE MN 55113

MARIAN POST
ST ANTHONY HEALTH CENTER 0522
3700 FOSS ROAD NE 62
ST ANTHONY VILLAGE MN 55421

DAVID BREDENBERG
EPISCOPAL CHURCH HOME OF MN 0486
1879 FERONIA AVE 62
ST PAUL MN 55104

CATHERINE WILLIAMSON
LITTLE SISTERS OF THE POOR 0763
330 SO EXCHANGE ST 62
ST PAUL MN 55102

FRANK ROBINSON
MIDWAY MANOR INC 0499
375 NO LEXINGTON PKWY 62
ST PAUL MN 55104

GARY D DALZELL
REGENCY MANOR INC 0480
445 GALTIER AVENUE 62
ST PAUL MN 55101

LIONEL JADOO
ST PAULS CHURCH HOME 0528
484 ASHLAND AVE 62
ST PAUL MN 55102

RICK T JOHNSON
WILDER RESIDENCE WEST 0891
514 HUMBOLDT AVE 62
ST PAUL MN 55107

SERGEI SHVETZOFF
WHITE BEAR LAKE CARE CENTER 0923
1891 FLORENCE STREET 62
WHITE BEAR LAKE MN 55110

JAMES W PEDERSON
VALLEY VIEW MANOR 0731
BOX 126 64
LAMBERTON MN 56152

ALMA J LITTLE
WOOD-DALE HOME INC 0749
600 SUNRISE BLVD 64
REDWOOD FALLS MN 56283

EMLY LARSEN
FAIRFAX COMMUNITY HOME 0847
TENTH AVE SE 65
FAIRFAX MN 55332

CRAIG DOUGHTY
REN-VILLA 0557
205 SE ELM STREET 65
RENVILLE MN 56284

DAVID E MEILLIER
PLEASANT MANOR INC 0568
27 BRAND AVENUE 66
FARIBAULT MN 55021

GLEN NEVE ACTING
TUFF MEMORIAL HOME 0576
RURAL ROUTE 1 BOX 10 67
HILLS MN 56138

DAVID HAGEN
ROSEAU AREA HOSPITAL 0579
715 THIRD AVE SE 68
ROSEAU MN 56751

BETTY HOLMES
MESABI HOME 0595

L W LARSON
HILLCREST NURSING HOME 0540
311 BROADWAY 63
RED LAKE FALLS MN 56750

RITA SABATINO
GIL MOR MANOR 0542
64
MORGAN MN 56266

JANE WUENSCH
WABASSO HEALTHCARE CENTER 0949
MAPLE & MAY 64
WABASSO MN 56293

LAMBERTA DOLL
FRANKLIN HEALTHCARE CENTER 0934
900 3RD ST EAST 65
FRANKLIN MN 55333

DAVID WESTBROOK
FARIBAULT MANOR 0989
1738 HULETT AVE 66
FARIBAULT MN 55021

CARLTON SATHER
MINNESOTA ODD FELLOWS HOME 0564
815 FOREST AVE 66
NORTHFIELD MN 55057

DANIEL FUELLING
MARY J BROWN GOOD SAM CTR 0575
110 SO WALNUT AVE 67
LUVERNE MN 56156

JACK L HEUREUX
WARROAD CARE CENTER 0797
611 E LAKE STREET 68
WARROAD MN 56763

JOHN BUCHANAN
BUCHANAN NURSING HOME 0857

MADONNA C KEAVENY
PARKVIEW HOME 0543
401 COUNTY STATE AID HWY 9 64
BELVIEW MN 56214

VERNON JUNKER
SUNWOOD CARE CENTER 0063
200 SOUTH DEKALB 64
REDWOOD FALLS MN 56283

STANLEY GALLUP
BUFFALO LAKE NURSING HOME 0550
703 W YELLOWSTONE TRAIL BX 368 65
BUFFALO LAKE MN 55314

LLOYD SWALVE
OLIVIA HEALTHCARE CENTER 0939
1003 WEST MAPLE 65
OLIVIA MN 56277

SANDRA OLSON
FARIBAULT REGIONAL CENTER 0562
66
FARIBAULT MN 55021

GERHARD J NYGAARD
NORTHFIELD RETIREMENT CENTER 0567
900 CANNON VALLEY DR 66
NORTHFIELD MN 55057

MAURICE A BERTILRUD
GREENBUSH COMMUNITY HOSPITAL 0578
152 FIFTH STREET SOUTH 68
GREENBUSH MN 56726

ALBERT BRIGGS
WHITE COMMUNITY HOSPITAL 0604
320 HWY 110 EAST 69
AURORA MN 55705

LINETA SCOTT
COOK COMMUNITY HOSP 0586

BUHL MN 55713

ARMELLA OBLAK
BENEDICTINE HEALTH CENTER 0861
935 KENWOOD AVENUE 69
DULUTH MN 55811

MARK NORGARD
PARK POINT MANOR 0589
1601 ST LOUIS AVENUE 69
DULUTH MN 55802

THOMAS BUCHANAN
VIEWCREST NURSING HOME 0602
3111 CHURCH ST 69
DULUTH MN 55811

MICHAEL SCHULTZ
GOLDEN CREST NURSING HOME 0991
2413 FIRST AVENUE 69
HIBBING MN 55746

PHILIP K SCHUMACHER
ARROWHEAD HEALTH CARE CENTER 0582
1201 8 1/2 STREET SOUTH 69
VIRGINIA MN 55792

RALPH A. OLINGER
VALLEYVIEW HEALTH CARE CENTER 0971
4061 WEST 173RD STREET 70
JORDAN MN 55352

HAZEL L BOLLINGER
HIGH POINT LODGE CARE CENTER 0147
ROUTE 1 BOX 346 71
CLEAR LAKE MN 55319

DARWIN SCHWANTES
ST CLOUD MANOR 0614
1717 MICHIGAN AVE SE 71
ST CLOUD MN 56301

CHISHOLM MN 55719

A J NEWBY
LAKE HAVEN MANOR 0593
7700 GRAND AVE 69
DULUTH MN 55807

RONALD J JOHNSON
ST LOUIS CO MEDICAL CARE FAC 0598
2501 RICE LAKE ROAD 69
DULUTH MN 55811

VEARL NELSON
ELY BLOOMENSON COMM HOSP 0587
328 W CONAN ST 69
ELY MN 55731

KENNETH W STEIGER
LEISURE HILLS HCC 0858
1500 THIRD AVE EAST 69
HIBBING MN 55746

JOYCE A FLEMING
VIRGINIA REG MED CTR & NH 0603
901 9TH ST NORTH 69
VIRGINIA MN 55792

JACQUELINE HENLE
MALA STRANA HEALTH CARE CTR 0811
1001 COLUMBUS AVE NO 70
NEW PRAGUE MN 56071

TIMOTHY J OBRIEN
ELK RIVER NURSING HOME 0611
400 EVANS AVE 71
ELK RIVER MN 55330

DALE MILLER
ARLINGTON GOOD SAM CENTER 0617
411 SEVENTH AVE NW BOX 645 72
ARLINGTON MN 55307

COOK MN 55723

ALDEN G ADAMS
LAKESHORE LUTHERAN HOME 0594
4002 LONDON RD 69
DULUTH MN 55804

WILLIAM BUCHANAN
SURF & SAND HEALTH CENTER 0865
3910 MINNESOTA AVE 69
DULUTH MN 55802

PHYLLIS J KING
ARROWHEAD HEALTH CARE CENTER 0583
601 GRANT AVE 69
EVELETH MN 55734

DAVID ROSS
NOPEMING NURSING HOME 0597
69
NOPEMING MN 55810

ROBERT W SCHLICHT
THE LUTHERAN HOME & HOPE RES 0605
611 WEST MAIN ST 70
BELLE PLAINE MN 56011

TIMOTHY A. RIFFE
SHAKOPEE FRIENDSHIP MANOR 0820
1340 THIRD AVENUE WEST 70
SHAKOPEE MN 55379

RITA BUDIG
ST BENEDICTS CENTER 0774
1810 MINNESOTA BLVD SE 71
ST CLOUD MN 56301

RICHARD KONS
GAYLORD COMMUNITY HOSP & NH 0619
640 3RD STREET 72
GAYLORD MN 55334

CHRISTINE BONDERSON
WINTHROP CARE CENTER 0961
506 HIGH STREET 72
WINTHROP MN 55396

CAROL SCHWANTES
ASSUMPTION HOME 0624
715 NO FIRST STREET 73
COLD SPRING MN 56320

MYRON NYQUIST
WAITE PARK NURSING HOME INC 0643
142 NW FIRST ST 73
WAITE PARK MN 56387

KARL PELOVSKY
OWATONNA HEALTH CARE CENTER 0649
201 SOUTH WEST 18TH ST 74
OWATONNA MN 55060

MARK A WIENER
MEADOW LANE HEALTH CARE CTR 0930
WEST HIGHWAY 9 76
BENSON MN 56215

ROBERT B MARX
BROWNS VALLEY COMM NSG HOME 0668
BOX 340 JEFFERSON ST 78
BROWNS VALLEY MN 56219

TOM CROWLEY
ST ELIZABETHS HOSPITAL 0675
1200 5TH GRANT BLVD WEST 79
WABASHA MN 55981

TIM RICE
UNITED DISTRICT HOSP & HOME 0667
401 PRAIRIE AVE NO 80
STAPLES MN 56479

OBIE L. REESE, JR.
NEW RICHLAND CARE CTR 0748

PATRICK F MITCHELL
MOTHER OF MERCY NURSING HOME 0634
BOX R 73
ALBANY MN 56307

JULIA M WESTENDORF
MELROSE HOSP & PINE VILLA 0633
11 NORTH 5TH AVE W 73
MELROSE MN 56352

BRADLEY GAUGER
PRAIRIE MANOR 0650
220 3RD ST NW 74
BLOOMING PRAIRIE MN 55917

LUVERNE HOFFMAN
VILLA OF ST FRANCIS NSG HOME 0654
1001 SCOTT AVE 75
MORRIS MN 56267

MARGARET TAGGERT
CENTRAL TODD CO CARE CENTER 0761
HWY 71 NEAR OAK ST 77
CLARISSA MN 56440

GAEL COLEMAN
TRAVERSE CO NURSING HOME 0669
303 7TH ST SO 78
WHEATON MN 56296

JOSEPH L. RAMNARINE
WABASHA NURSING HOME 0676
626 SHIELDS AVENUE 79
WABASHA MN 55981

MICHAEL M GIBSON
SHADY LANE NURSING HOME 0679
R RT 2 HWY 110 EAST 80
WADENA MN 56482

R P MADEL JR
LAKESHORE INN NURSING HOME 0682

PHILIP LORD
BELGRADE NURSING HOME 0626
BOX 340 73
BELGRADE MN 56312

ROY PROVO
ST MICHAELS HOSPITAL & NH 0640
425 NORTH ELM ST 73
SAUK CENTRE MN 56378

ROGER WHITCOMB
CEDARVIEW NURSING HOME 0644
1409 SO CEDAR ST 74
OWATONNA MN 55060

MARK PAULSON
APPLETON MUNICIPAL HOSPITAL 0655
300 SOUTH BEHL STREET 76
APPLETON MN 56208

KEVIN SMITH
LONG PRAIRIE MEM HOSP + C+NC 0778
20 9TH STREET SE 77
LONG PRAIRIE MN 56347

EDWIN RUD
HILLCREST NURSING & RET HOME 0672
800 2ND AVE NW 79
PLAINVIEW MN 55964

CLAIR ERICKSON
GREEN PINE ACRES NSG HOME 0678
PO BOX 130 80
MENAHGA MN 56464

ROBERT LETICH
JANESVILLE NURSING HOME 0681
102 EAST NORTH ST 81
JANESVILLE MN 56048

TOM GOERITZ
BIRCHWOOD HEALTH CARE CENTER 0853

NEW RICHLAND MN 56072

NANCY SAATZER
GREELEY HEALTHCARE CENTER 0947
313 SOUTH GREELEY STREET 82
STILLWATER MN 55082

DALLAS REESE
WOODBURY HEALTH CARE CENTER 0803
7012 CARVER LAKE RD 82
WOODBURY MN 55125

SIENA WALD
ST FRANCIS HOME FOR THE AGED 0818
501 OAK STREET 84
BRECKENRIDGE MN 56520

DOROTHY VERKUILEN
SAINT ANNES HOSPICE 0955
1347 W BROADWAY 85
WINONA MN 55987

JOHN D ENGELS
EBENEZER COVENANT HOME 0714
310 LAKE BOULEVARD 86
BUFFALO MN 55313

CHRISTI HUTCHENS
DELANO HEALTHCARE CENTER 0933
433 COUNTY RD 30 86
DELANO MN 55328

ROBERT J SALMON
CANBY COMMUNITY HOSPITAL 0722
112 ST OLAF AVE SO 87
CANBY MN 56220

WASECA MN 56093

HILDA GOODING
LINDEN HEALTHCARE CENTER 0948
105 WEST LINDEN STREET 82
STILLWATER MN 55082

TIM SAMUELSON
LUTHER MEMORIAL HOME 0695
221 6TH ST SW 83
MADELIA MN 56062

RANDAL HAGEMEYER
LEWISTON VILLA NURSING HOME 0964
505 EAST MAIN STREET 85
LEWISTON MN 55952

CHARLES A BARCLAY
THE WATKINS HOME 0704
175 EAST WABASHA 85
WINONA MN 55987

ROGER E LUNDEEN
RETIREMENT CENTER OF WRIGHT CO 0719
200 PARK LANE 86
BUFFALO MN 55313

TIM RYDEN
HOWARD LAKE CARE CENTER 0019
BOX CC 86
HOWARD LAKE MN 55349

ARTHUR BROWN
CLARKFIELD CARE CENTER 0842
805 FIFTH STREET 87
CLARKFIELD MN 56223

FOREST LAKE MN 55025

CHUCK HEIDBRINK
STILLWATER MAPLE MANOR CARE CT 0903
1119 NO OWENS STREET 82
STILLWATER MN 55082

JERIS M TANGEN
PLEASANT VIEW GOOD SAM CENTER 0697
1000 SOUTH 2ND ST 83
ST JAMES MN 56081

FAYE SONJU
WHITEWATER HEALTHCARE CENTER 0942
525 BLUFF AVE 85
ST CHARLES MN 55972

JOHN NELSON
ANNANDALE CARE CENTER 0951
RR4 BOX 57 HWY 24 EAST 86
ANNANDALE MN 55302

LARRY S PETERSEN
COKATO MANOR INC 0712
WEST HIGHWAY 12 86
COKATO MN 55321

WAYNE WARD
MONTICELLO BIG LAKE COMM NH 0718
1107 EAST RIVER STREET 86
MONTICELLO MN 55362

GEORGE GERLACH
MUNICIPAL HOSP & GRANITE MANOR 0725
345 TENTH AVE 87
GRANITE FALLS MN 56241

Exhibit 1

EMERGENCY RULES

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

(Emergency rules published in this issue)

HEALTH DEPARTMENT
4655.5610 (proposed emergency) 219

Department of Health

Proposed Emergency Rules Relating to Minimum Nursing Staff Requirements in Nursing Homes

Notice of Proposed Adoption of an Emergency Rule and Order for Publication

Notice is hereby given that the Minnesota Department of Health proposes to adopt the above-entitled emergency rule. The statutory authority to adopt this rule is contained in Minnesota Statutes, section 256B.431, subd. 6. In accordance with the agency's rule-making authority, the agency is following the procedures set forth in Minnesota Statutes, sections 14.29 to 14.36 in effect on March 1, 1984. If adopted this rule will have the force and effect of law until June 30, 1987.

All persons have 20 days after publication to submit in writing data and views on this proposed emergency rule. Comments and materials should be submitted to Robert Eelkema, Minnesota Department of Health, Health Resources Division, 717 S.E. Delaware Street, P.O. Box 9441, Minneapolis, MN 55440. Telephone number: (612)623-5424.

The proposed emergency rule sets a minimum nursing staff requirement for nursing homes participating in the medical assistant program. This staffing requirement is based on data used in the implementation of the case mix reimbursement system.

A free copy of this proposed emergency rule is available by contacting Mr. Eelkema at the address listed above.

This proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Upon adoption of the emergency rule by the Department, the rule as adopted and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the data of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Mr. Eelkema at the address listed above. Failure of the Attorney General to approve or disapprove this rule within five working days is approval. *See* Minnesota Statute section 14.33 (1982).

In accordance with Minnesota Statutes section 256B.431, subd. 6, this emergency rule will be effective five days after publication in the *State Register*.

Adoption of this rule will not require expenditure of public moneys by local public bodies.

Promulgation of this rule is exempt from the requirements of Minnesota Statutes, section 14.115, by virtue of subd. 7, items (a) and (c) of that law.

IT IS HEREBY ORDERED that this Notice and the proposed Minnesota Rules 4655.5610 [EMERGENCY] be published in the *State Register* and mailed to all persons on the agency's mailing list.

Rules as Proposed (all new material)

4655.5610 [Emergency] NURSING STAFF IN NURSING HOMES PARTICIPATING IN THE MEDICAL ASSISTANCE PROGRAM.

Subpart 1. **Application.** Notwithstanding the provisions of part 4655.5600, on and after October 1, 1986, the staffing standard in this part shall apply to nursing homes participating in the medical assistance program.

Subp. 2. **Requirements for staff.** The nursing home shall have on duty at all times a sufficient number of qualified nursing personnel including registered nurses, licensed practical nurses, nurse aides, and orderlies to meet the needs of the patients on all nurses' stations, on all floors, and in all buildings if more than one building is involved. This includes relief duty, weekends, and vacation replacements.

The nursing staff shall be employed and used for nursing duties only. There shall be sufficient additional staff for housekeeping, dietary, laundry, and maintenance duties and these persons shall not be used to give nursing care.

Subp. 3. **Minimum nursing staff requirement.** The minimum number of hours of nursing personnel to be provided in a nursing home shall be the greater of two hours per resident per 24 hours or 0.95 hours per standardized resident day.

For purposes of this part "hours of nursing personnel" means the paid, on-duty, productive nursing hours of all nurses and nursing assistants, calculated on the basis of any given 24-hour period. "Productive nursing hours" means all on-duty hours during which nurses and nursing assistants are engaged in nursing duties. Examples of nursing duties may be found in parts 4655.5900, 4655.6100, and 4655.6400. Not included are vacations, holidays, sick leave, in-service classroom training, or lunches. Also not included are the nonproductive nursing hours of the in-service training director. In homes with more than 60 licensed beds, the hours of the director of nursing are excluded.

For purposes of this part, "standardized resident days" means the sum of the number of residents in each case mix class multiplied by the case mix weight for that resident class, as found in part 9549.0059, subpart 2, calculated on the basis of a facility's census for any given day.

Calculation of nursing hours per standardized resident day shall be performed by dividing total hours of nursing personnel for a given period by the total of standardized resident days for that same period.

Subp. 4. **Additional nursing staff.** In addition to the minimum nursing staff required in subpart 3, the nursing home shall provide additional qualified nursing staff commensurate with the needs of the patients.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Adoption
of an Emergency Rule Governing
Minimum Nursing Staff
Requirements in Nursing Homes
Participating in the Medical
Assistance Program

COMMISSIONER'S
FINDINGS OF FACT
CONCLUSIONS,
AND ORDER

Minnesota Statutes section 256B.431, Subdivision 6, requires the Commissioner of Health to "adopt emergency rules necessary for the implementation and enforcement of the [case mix] reimbursement system . . ." and allows the Commissioner of Health to "adopt emergency rules relating to licensure requirements of . . . nursing homes . . . if appropriate due to the changes in the reimbursement system."

A proposed emergency rule was published by the Commissioner in the August 11, 1986 issue of the State Register (11 S.R. 219). Exhibit 1. A Notice of Proposed Adoption of An Emergency Rule and a copy of the Proposed Emergency rule was sent to all persons on the agency mailing list, all members of the Interagency Board for Quality Assurance's Case Mix/Rule 50 Advisory Committee, all nursing homes participating in the Medical Assistance Program, and all Minnesota state senators and representatives.

After giving all persons an opportunity to submit comments on the proposed rule and having considered all of the comments received, the Commissioner makes the following:

FINDINGS OF FACT

1. That the Commissioner of Health has the responsibility and authority under Minnesota Statutes section 144A.08, Subdivision 1, to "establish minimum standards for the . . . operation of nursing homes [which] to the extent possible assure the health, treatment, comfort, safety, and well being of nursing home residents."

2. That the Commissioner of Health has emergency rulemaking authority under Minnesota Statutes Section 256B.431, Subdivision 6, as amended by Laws of Minnesota 1986, Chapter 316, to adopt "emergency rules necessary for the implementation and enforcement of the [case mix] reimbursement system . . ." and to "adopt emergency rules relating to the licensure requirements of boarding care homes and nursing homes . . . if appropriate due to the changes in the reimbursement system."

3. That Minnesota Statutes section 256B.431, Subd.2c, allows the Commissioner of Human Services to offer a one time adjustment to the historical operating costs of a nursing home found by the Commissioner of Health to be "significantly below care related minimum standards appropriate to the mix of resident needs in that nursing home . . ."

4. That the Commissioners of Human Services and Health have, in consultation with the Interagency Board for Quality Assurance, (IAB), adopted emergency rules relating to the classification of residents in nursing homes and boarding care homes and long term care reimbursement which are collectively known as the case mix rules. Minnesota Rules Part 4656.0010 to 4656.0100 [Emergency] and 9549.0050 to 9549.0059 [Emergency].

5. That the case mix classification system provides a means by which the mix of resident needs in a nursing home can be measured.

6. That the IAB undertook consideration of a means both to enforce an effective quality of care standard and to implement the one-time adjustment.

7. That this proposed emergency rule was developed by the IAB in consultation with the Case Mix/Rule 50 Advisory Committee.

8. That the information utilized in development of this rule is based on a professional assessment of the needs of the residents of every nursing home participating in the medical assistance program.

9. That more than 95% of the licensed nursing homes in the state participate in the medical assistance program.

10. That the .95 standard was presented to the IAB's Case Mix/Rule 50 Advisory Committee on November 22, 1985. Exhibit 2. This Advisory Committee consists of consumers, providers, legislators, and other knowledgeable persons able to provide advice and counsel to the IAB in the development of the case mix reimbursement system.

11. That the IAB met November 26, 1985 and adopted recommendations regarding enforcement of quality of care standards which included setting a mimimum nurse staffing requirement in nursing homes of .95 hours per standardized resident day. Exhibit 3.

12. That the Department of Health, on December 16, 1985, published in the State Register a notice stating "Outside Opinion Sought Regarding Proposed Rules Governing Nursing Staff Hour Requirements in Nursing Homes." (10 S.R. 1380.) And that no comments were received. Exhibit 4.

13. That the rules which implement and administer the case mix reimbursement system were promulgated in 1984 as emergency rules.

14. That in March of 1986 the Minnesota Legislature extended the case mix rules' emergency authority to June of 1987. Laws of Minnesota, 1986, Chapter 316, §2.

15. That the case mix resident assessments and classifications, which form the basis for the calculation of standardized resident days in this proposed emergency rule, are performed under the authority of emergency rules.

16. That the IAB, at their June 26, 1986 meeting, approved the Department of Health recommendation that the .95 standard be proposed as an emergency rule. Exhibit 5.

17. That at their July 22, 1986 meeting, the IAB endorsed the proposed emergency rule which is the subject of these Findings. Exhibit 6.

18. That a "Notice of Proposed Adoption of an Emergency Rule" was published in the State Register on August 11, 1986. Exhibit 1.

19. That in response to the Notice of Proposed Adoption four written comments were received. Exhibits 7 to 10. In addition, four comments were received by telephone. Exhibit 11.

20. That the Department of Health currently enforces a rule requiring nursing homes to provide a minimum of 2.0 hours of nurse staffing per resident per day. Minnesota Rules 4655.5600.

21. That the Department of Health currently measures productive nursing hours as the hours of all nurses and nursing assistants who are on-duty and engaged in nursing duties.

22. That the federal government has indicated in nursing home certification standards that the Director of Nursing (D.O.N) in a home with an average occupancy of 60 residents may not serve as charge nurse. The federal interpretive guidelines detail typical D.O.N. and charge nurse responsibilities. The D.O.N. is responsible for facility policy and administrative matters. The charge nurse is responsible for the day to day care of patients, the assignment of personnel appropriate to patient needs, and providing direct patient care when needed.

23. That the 60 bed figure is considered to be the point at which the administrative duties of the D.O.N. preclude the incumbent of that position from providing direct resident care.

24. That the Department of Health, in calculating the number of productive nursing hours provided in a facility, excludes the hours of the Director of Nursing in homes with more than 60 licensed beds and has done so since implementation of the 2.0 hour standard in 1973.

25. That current Department of Health rules require, in addition to minimum staffing requirements, provision of additional qualified nursing staff commensurate with the needs of the patients.

26. That given the census by case mix class of a nursing home for any given day and the productive nursing hours for that same day, the ratio of productive nursing hours to case mix resident day can be calculated.

27. That the Department of Health already requires nursing homes to maintain a daily census register.

28. That the only additional recordkeeping required of nursing homes will be to maintain the daily census by case mix classification.

29. That, to the extent that implementation of this rule will increase the cost of meeting nursing hour minimum standards, a mechanism and funding have been approved by DHS to provide eligible nursing homes the required revenues. Minnesota Statutes section 256B.431, Subd.2c and Minnesota Rules part 9547.0056, Subp.6 [Emergency].

30. Patient or resident assessments are performed only in nursing homes participating in the medical assistance program.

31. That based on the date of signing of the attached Order we do not anticipate that the rule could be effective as of October 1, 1986. A change has been made, in order to conform with the applicable requirements of the Administrative Procedure Act, to Subpart 1. That Subpart has been changed to read "on and after ~~October 1~~, November 1, 1986". Because this is a technical change, and one which will simply delay implementation of a new procedure, the Department does not consider that it is a substantial change. Furthermore, it is not a substantial change since, under normal circumstances, a rule cannot be given retroactive effect.

32. That a copy of the rule as modified by these findings is available upon request to the Health Resources Division of the Department of Health.

Summary of Comments

Three of the four letters received were supportive of the rule and offered suggestions which included 1) annual review of the standard to evaluate its' effectiveness; 2) extending the rule to include facilities not participating in medical assistance; 3) that the standard should specify minimums for each shift, floor, wing, or unit in a facility; 4) inclusion of a subpart detailing practical application of the calculation of the standard to the investigation of consumer complaints; and 5) addition of minimum standards regarding licensed nursing coverage. The Health Department response to each of these suggestions follows.

Annual review of the standard. The Department plans at this time to review implementation and operation of this rule and adopt permanent rules by July 1, 1987. This will afford all affected parties an opportunity to gain needed practical experience with this rule and provide a forum for its review. Future reviews will be taken into consideration as evidence of need for a change becomes apparent and in the event that major changes are made in the case mix classification system.

Inclusion of non-M.A. Participants. Part of the information needed to implement this rule is the case mix classification of residents in a facility. For those nursing homes not participating in M.A., no resident assessments are performed and, therefore, no resident classifications are available. Fewer than 5% of the licensed nursing homes do not participate in the M.A. program. The 2.0 hour standard will remain in force and will continue to apply to these facilities.

Specifying minimums for each shift, floor, wing, or unit. The Department has reviewed suggestions for this type of standard, and has determined that the current minimum staffing requirements are adequate to address individual portions of a facility as well as the facility as a whole. The current rule requires facilities to maintain, in addition to the minimum hours required, "additional qualified staff commensurate with the needs of the patients." The identical requirement is reiterated as Subpart 4 of this proposed emergency rule.

Practical application of the standard to consumer complaints. The Department notes that the minimum nursing staff requirement is designed to apply to the facility as a whole. The 2.0 hour standard was not, and the .95 standard is not, intended to be applied to the care received by an individual resident. In the event it is perceived that an individual resident is not being afforded the care they require, a complaint may be made to the Office of Health Facility Complaints which will investigate the matter. Their investigation may include a calculation regarding minimum staffing in the facility and may include issuance of an order regarding provision of qualified staff commensurate with patient needs. Whether adequate care is being provided must be determined by trained professional investigators.

Minimum standards regarding licensed nursing coverage. The Department of Health appreciates this suggestion and will be looking into the background and functioning of minimum requirements which specify professional qualifications. The Department also notes that each facility is required to have a Director of Nursing who is a registered nurse (R.N.) as well as an Assistant D.O.N. who is a licensed practical nurse (L.P.N.) or an R.N. In addition, M.A. certified skilled nursing facilities must maintain 24 hour licensed nursing coverage, including a registered nurse on the day shift seven days a week as well as "a sufficient number of qualified nursing personnel to meet the total nursing needs of all patients in the facility."

The fourth letter received neither supported nor opposed the rule. This letter raised an issue regarding implementation. The issue concerns the fact that a home will not know a new resident's classification for 20 to 30 days following their admission. Since the Department has yet to have any experience with the application of this standard, it is difficult to project the potential impact of not-yet-classified residents. However, the Department does not anticipate that this will present a problem for the general application of the standard. Existing facility staffing standards and Department of Health rules require that there be sufficient nursing staff to provide for resident needs. Minnesota Rules parts 4655.5100, subpart 1, and 4655.5600, subp.2. While a resident's official classification may not be known, the facility will be aware of the resident's needs and must provide adequate staffing to see that those needs are met. The resident assessment data used by the state to assign a classification can be used by the facility, in accordance with the Quality Assurance and Review rules which they have been given, to assign a tentative classification. The facility can then base their staffing on this tentative classification and the Department can use that classification to apply this rule. In conclusion the Department notes it is anticipated that the statistical significance of yet-to-be classified residents will be minimal.

Telephone Comments

Four comments were received by telephone. Two of these were questions regarding implementation. Of the other two, one was from a person who later submitted a written comment which has already been addressed. The other was from a person who expressed general concerns regarding the case mix reimbursement system.

Based upon the foregoing Findings of Fact, the Commissioner hereby makes the following:

CONCLUSIONS

1. That the Department of Health has the statutory authority to adopt the proposed emergency rule.
2. That the Department has fulfilled the procedural and administrative requirements for promulgation of emergency rules in accordance with Minnesota Statutes Chapter 14 and Minnesota Statutes section 256B.431, Subdivision 6.
3. That the Department gave proper notice concerning adoption of this proposed emergency rule.
4. That Minnesota Statutes section 256B.431, Subdivisions 2c and 6, provide authority for this proposed emergency rule because it adopts a standard specifically designed to assure a level of staffing in accordance with the mix of resident needs in each nursing home.
5. That the rule is needed in order that the Commissioner may fulfill her responsibilities relating to the maintenance of quality of care in long term care facilities.
6. That the proposed emergency rule will enable the Commissioner of Health to make the determination required in Minnesota Statutes section 256B.431, Subdivision 2c.
7. That definitions of "hours of nursing personnel" and "productive nursing hours" reflect long standing Department practice and will not result in any change in the calculation of a facility's nursing hours.

8. That provisions of Subparts 2 and 4 of the proposed emergency rule simply restate provisions of existing Department rules and are repeated in this rule to facilitate understanding and compliance.

9. That this emergency rule is needed and reasonable.

10. That the modification of the effective date in Subpart 1, changing October 1, 1986 to November 1, 1986, is not a substantial change.

11. That any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.

Based upon the foregoing Findings of Fact and Conclusions, the Commissioner hereby issues the attached order.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Adoption of an Emergency Rule Governing Minimum Nursing Staff Requirements in Nursing Homes Participating in the Medical Assistance Program

ORDER ADOPTING EMERGENCY RULES

The above entitled matter was published in the State Register on August 11, 1986 as a proposed emergency rule pursuant to the provisions of Minnesota Statutes chapter 14 and Minnesota Statutes section 256B.431, Subdivision 6, as amended by Laws of Minnesota 1986, chapter 316. After affording interested and affected persons an opportunity to submit written data and views within 20 days after the publication date, reviewing and considering the data and views, issuing the Findings of Fact and Conclusions of which this Order is a part, and determining the above-captioned rules are needed and reasonable;

NOW, THEREFORE, IT IS ORDERED:

1. That pursuant to the authority vested in the Minnesota Commissioner of Health the rule identified as Minnesota Rules part 4655.5610 [Emergency] is hereby adopted;
2. That a report on this proposed rule be made to the Senate Health and Human Services Committee and the House of Representatives Health and Welfare Committee; and
3. That Notice of the Adoption of this Emergency Rule be published in the State Register.

Signed this 26th day of September, 1986.

STATE OF MINNESOTA

Sr Mary Madonna Ashton

Commissioner of Health

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Adoption of an Emergency Rule Governing Minimum Nursing Staff Requirements in Nursing Homes Participating in the Medical Assistance Program

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NOW, THEREFORE, IT IS ORDERED:

1. That pursuant to the authority vested in the Minnesota Commissioner of Health the rule identified as Minnesota Rules part 4655.5610 [Emergency] is hereby adopted;
2. That a report on this proposed rule be made to the Senate Health and Human Services Committee and the House of Representatives Health and Welfare Committee; and
3. That Notice of the Adoption of this Emergency Rule be published in the State Register.

Signed this 26th day of September, 1986.

STATE OF MINNESOTA

J. Mary Madonna Ashton

Commissioner of Health

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Adoption of an Emergency Rule Governing Minimum Nursing Staff Requirements in Nursing Homes Participating in the Medical Assistance Program

STATEMENT OF COMPLIANCE

WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General John A. Breviu, do hereby declare:

1. That in accordance with Minnesota Statutes section 256B.431, Subdivision 6, this rule is being promulgated under the provisions of Minnesota Statutes sections 14.29 to 14.36 in effect March 1, 1984.

2. That I have examined the rule and all related documents in the above-entitled matter.

3. That based on my examination of those materials and on my knowledge of the applicable procedures, the Administrative Procedure Act, and the rules of the Attorney General have been followed.

Date Sept. 26, 1986

JOHN A. BREVIU
Special Assistant Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT HEALTH

Office Memorandum

TO: Attorney General, Rule Review
204 Administration Bldg., St. Paul

DATE:

FROM: John A. Breviu
Special Assistant Attorney General
Health Division

PHONE: 341-7272

SUBJECT: Adoption of an Emergency Rule Setting Minimum Nursing Staff Requirements in Nursing Homes. Minnesota Rules part 4655.5610 [Emergency].

The attached documents are submitted for Attorney General review in accordance with Minnesota Statutes section 14.32 and the Attorney General's rules for review of emergency rules. Please note that in accordance with Minnesota Statutes section 256B.431, Subdivision 6, this rule is being promulgated in accordance with the provisions of Minnesota Statutes sections 14.29 to 14.36 in effect on March 1, 1984. Minnesota statutes 14.32 (1984) allows five working days for Attorney General review of this rule as to legality and as to form to the extent the form relates to legality.

The attached documents include:

1. Copies of comments received from interested parties.

2. The order for publication.

3. Findings of Fact and Conclusions.

4. A copy of the relevent pages from the State Register showing the rule as proposed.

5. The rule as adopted and three copies. One copy reflecting the changes made in the rule from that as originally published.

6. Two copies of the order adopting the rule.

7. The Certificate of Compliance with Rulemaking Procedures.

JAB/RE:mt
Attachments

Notice of Intent
- Affidavit of mailing missing (called)
- 20 days are given instead of 25 for the time period to submit data after publication
- Rule is described in Notice

Findings of Fact & Order

- Comment period - 20 days - in order
- Response to submissions acknowledged
- No changes between proposed & adopted
- Signed & dated.

Stmt of Compliance
- signed yes
- Examination statement yes
- APA stmt yes
- Docket No No

p. 2 line 8
Im not sure if cite is correct.
Should it be 9548.0058 (2)?
See RR #1274 Human Services