

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT

ATTORNEY GENERAL

TO:

CATHERINE E. AVINA
Special Assistant
Attorney General

DATE: 3/19/87

FROM:

MIKE MILES
Assistant Attorney General

PHONE:

6-6555

SUBJECT:

Special Assistant
Attorney General

In the Matter of the Adopted Rules Relating to
Grants for Maternal and Child Health Services

The above-referenced rule has been approved as to its legality by the Attorney General on March 16, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth 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.

MJC:nah

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RULE REVIEW CHECKLIST

File No. 1353 Docket No. 05.0009.0483

DATE RECEIVED 3/02/87
REVIEW DATE 3/11/87
DUE DATE 3/16/87

APPROVED 3/11/87
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING ✓
EMERGENCY RULE

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

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion
April 24, 1984 Date published in State Register
no Comments

≠ ~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule
Yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
144.05 + 144.12 (Repeal)
145.884 + 146.889 (Adopt) Statutory Authority
No Small business statement
No Expenditure of public money statement
Yes Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Jan 7, 1987 Date (30)/25 days before adoption

✓ Publication in State Register
Dec 22, 1986 Date (30)/25 days before adoption

~~Resolution Adopting~~

✓ Findings of Fact, Conclusions & Order Adopting
Feb 25, 1987 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney
Catherine Quinn Name of SAAG representing agency

~~Notice of Submission to Attorney General~~

~~Affidavit of Mailing Notice to Attorney General~~

Department of Health

Adopted Permanent Rules Relating to Grants for Maternal and Child Health Services

Rules as Adopted

4700.2600 PURPOSE.

The purpose of parts 4700.2600 to 4700.4000 is to establish a process for allocating federal maternal and child health funds and state funds in the form of grants to assist in establishing and maintaining maternal and child health services.

4700.2700 SCOPE.

Parts 4700.2600 to 4700.4000 apply generally to maternal and child health project grants awarded by the commissioner under Minnesota Statutes, sections 145.88 to 145.889. The money available for the grant awards governed by parts 4700.2600 to 4700.4000 comes from federal sources, under United States Code, title 42, sections 701 to 709, as amended through July 18, 1984, and from state appropriations. Parts 4700.2600 to 4700.4000 do not prescribe the exclusive requirements uniformly applicable to federal and state grants, but are in addition to any requirements specified in the federal and state enabling and authorizing laws governing grant programs, as well as applicable federal regulations and directives.

4700.2800 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4700.2600 to 4700.4000, the following terms have the meanings given them.

Subp. 2. **Application.** "Application" means a written request for funds submitted by the applicant on forms provided by the commissioner.

Subp. 3. **Award.** "Award" means the authorization by the commissioner for an applicant to receive and expend grant funds for an activity.

Subp. 4. **Competitive grant projects.** "Competitive grant

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projects" means those maternal and child health activities selected by the commissioner on a competitive basis and funded under Laws of Minnesota 1985, First Special Session chapter 14, article 19, section 37, subdivision 4, paragraph (d).

Subp. 5. **Formula grant projects.** "Formula grant projects" means those maternal and child health activities approved by the commissioner and funded under Minnesota Statutes, section 145.882, subdivisions 3 and 4.

Subp. 6. **Local match.** "Local match" means the applicant's share of the cost of maternal and child health activities for which federal and state funds are awarded.

Subp. 7. **Notice of availability.** "Notice of availability" means a written announcement by the commissioner noting the availability of funds.

Subp. 8. **Notice of intent.** "Notice of intent" means a written response to a notice of availability that must be submitted to the commissioner by the applicant in accordance with the timetable specified in the notice of availability.

Subp. 9. **Pre-block grant projects.** "Pre-block grant projects" means those maternal and child health special projects funded in state fiscal year 1983 and continued under Minnesota Statutes, section 145.882, subdivision 1.

Subp. 10. **Technically completed applications.** "Technically completed applications" means applications that contain all the information specified in the notice of availability and in part 4700.3200 as well as any additional information that the commissioner considers necessary for the proper review of applications and award of funds.

AVAILABILITY OF FUNDS AND APPLICATION PROCESS

4700.2900 NOTICE OF AVAILABILITY.

The commissioner shall mail a notice of availability of grant funds to interested parties and local boards of health who have requested the commissioner in writing to be notified. The notice of availability must also be published in the State Register and must include at least the following information:

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A. the specific purposes for which funds are available;

B. the eligibility requirements for applicants;

C. the format of the notice of intent to apply for funds;

D. the final dates for submission of notice of intent and for submission of applications;

E. the expected timetable for review of applications by the commissioner; and

F. the regional review requirements.

4700.3000 NOTICE OF INTENT.

Interested parties shall notify the commissioner in writing of intent to apply for funds in accordance with the timetables and format specified in the commissioner's notice of availability.

4700.3100 PROVISION OF APPLICATION FORMS.

Upon receipt of the notice of intent, the commissioner shall send application forms and instructions to interested parties who have submitted notices of intent.

4700.3200 SUBMISSION OF APPLICATION.

Applications shall be submitted to the commissioner by the date specified in the notice of availability. Applicants for pre-block grant projects, formula grant projects, and competitive grant projects shall provide the information specified in Minnesota Statutes, section 145.885, subdivision 1. Local boards of health applying for formula grant projects shall also provide the information specified in Minnesota Statutes, section 145.885, subdivision 2. Formula grant project applications may include the local component of projects of regional or statewide significance. The commissioner may require additional information that is necessary for the proper review of applications and award of funds consistent with the purposes of Minnesota Statutes, sections 145.88 to 145.889. The commissioner may refuse to award a grant for failure of an

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application to provide such information.

4700.3300 ADDITIONAL REQUIREMENTS FOR FORMULA GRANT PROJECT APPLICANTS.

Local boards of health intending to apply for formula grant projects shall:

A. Notify local public and private providers of the availability of funding through the local board of health for maternal and child health services. The notification process shall include direct mailings to providers and publication of pertinent information in newspapers of general circulation in the community health services area.

B. Develop a written statement of the criteria to be applied to public and private agency requests for funding and make it available to providers and other interested parties.

C. Explain how priorities were established for selecting the requests to be included in the formula grant application and make information available to providers and other interested parties.

REVIEW AND DISPOSITION OF APPLICATIONS

4700.3400 REGIONAL REVIEW.

The applicant shall submit one copy of the completed application form to the commissioner by the date specified in the notice of availability and shall concurrently submit one copy of the completed application form to each of the following entities for the area in which the proposed activity will take place: regional development commission, ~~health systems agency,~~ and local board of health. Any comments of the regional development commission, ~~health systems agency,~~ or local board of health shall be submitted to the commissioner within 45 days after receipt of the application.

4700.3500 COMMISSIONER REVIEW.

The commissioner shall review all applications in accordance with the time schedule specified in the notice of availability. Consideration shall be given by the commissioner

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to the following criteria in determining which activities shall receive funds:

A. a determination that all legal conditions of eligibility are established under Minnesota Statutes, sections 145.882, subdivisions 1, 3, 5, and 7 and 145.883, subdivision 3;

B. a determination that the application is technically completed;

C. in the case of formula grant project applicants, evidence of compliance with part 4700.3300 and Minnesota Statutes, section 145.885, subdivision 2;

D. evidence of the availability of local match consistent with Minnesota Statutes, section 145.888; and

E. the findings submitted by the regional review agencies and the advisory task force established under Minnesota Statutes, section 145.881.

4700.3600 DISPOSITION.

The commissioner shall inform each applicant in writing that one of the actions in items A to D has been taken with respect to its application.

A. Approval of application as submitted.

B. Approval of application with modifications.

C. Conditional disapproval due to inadequate funds. In this case, the applications shall be retained by the commissioner pending availability of additional funds.

D. Disapproval of application with justification.

The commissioner's notice of award shall specify the amount of the award, source of funds, duration of the funding period, and other conditions necessary for assuring the appropriate use of public funds.

ADMINISTRATION

4700.3700 MONITORING.

A staff member of the Department of Health shall be designated to act as monitor for each grant awarded. The person designated shall, in consultation with the award recipient, provide or arrange for administrative and technical support and

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shall monitor progress toward the goals and objectives of the activity.

4700.3800 RESPONSIBILITIES OF AWARD RECIPIENTS.

In addition to fulfilling the goals and objectives of the activity, the award recipients shall:

A. comply with the terms and conditions of the commissioner's award notice and with the requirements of parts 4700.2600 to 4700.4000 and other applicable laws and rules;

B. maintain such records, including program and accounting records, as are necessary to make the required reports and to permit assessment of the activity by the commissioner;

C. provide the commissioner with access to records relating to the funded activity;

D. provide progress reports in accordance with a schedule specified in the commissioner's award notification;

E. assure that:

(1) the recipient's treasurer or an official exercising similar functions shall receive and provide for the custody of all funds paid by the commissioner;

(2) all local funds expended by the recipient in order to match a directly-awarded federal grant are reported on the budget and expenditure form;

(3) the local funds identified as local match are used solely to match the specific grant awarded by the commissioner;

(4) funds are used solely for the purpose authorized in the award;

(5) accounting records are supported by source documents;

(6) audits are conducted to determine the fiscal integrity of financial transactions and reports;

(7) fiscal and programmatic accountability is maintained for all subcontracts;

(8) services will be provided in accordance with

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program standards of the commissioner and standards of accepted professional organizations such as the American Academy of Pediatrics; and

(9) funds will not be used for inpatient services except for high risk pregnant women and infants.

4700.3900 DISQUALIFICATION.

The commissioner shall withhold or terminate funding for failure to comply with the terms of the award or with the requirements of the applicable rules or statutes. The commissioner shall require reimbursement of unauthorized expenditures identified by fiscal audit.

4700.4000 UNIFORM REPORTS.

Award recipients shall furnish uniform reports to the commissioner. Reports of expenditure, filed on forms provided by the commissioner, and annual reports of evaluations of activities shall be submitted no later than 90 days following the close of the fiscal year.

REPEALER. Minnesota Rules, part 4615.0200 is repealed.

Approved

2:30 PM

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 18 1987
Joan Anderson Growe
Secretary of State

APPROVED AS TO FORM AND LEGALITY

3/16 1987

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

Department of Corrections

Outside Opinion Sought Regarding Proposed Changes in Rules Governing Group Foster Homes

Notice is hereby given that the Department of Corrections is seeking information or opinions from sources outside the agency in preparing to make changes in the promulgated rules Governing Group Foster Homes. The existing rules are identified Minnesota Rules 2925.0100.

The Minnesota Department of Corrections requests information and comments concerning the subject matter of these rules. Interested and affected persons or groups may submit statements of information or comments orally or in writing. Written statements should be addressed to:

John McLagan
430 Metro Square Building
7th & Robert Streets
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-1312 and in person at the above address.

All statements of information and comments shall be accepted until May 18, 1984. Any written material received by the Department of Corrections shall become part of the record in the event that changes in the rules are promulgated.

Orville B. Pung
Commissioner of Corrections

Department of Health

Outside Opinion Sought Regarding: 1) Rules Governing Administration of the Special Supplemental Food Program for Women, Infants and Children (WIC); 2) Rules Governing Administration of the Maternal and Child Health (MCH) Grant Programs; 3) an Amendment to a Rule Governing Metabolic Screening, 7 MCAR § 1.172; 4) an Amendment to a Rule Governing Family Planning Special Projects, 7 MCAR § 1.457; 5) Repeal of a Rule Governing Private Baby Homes and Infant Homes, MDH 171; and 6) Amendments to Rules Relating to Services for Children with Handicaps and Adults with Cystic Fibrosis and Hemophilia for Eligibility, Cost Sharing and Reimbursement, 7 MCAR §§ 1.651-1.657

Notice is hereby given that the Department of Health is seeking information or opinions from persons outside the agency in preparing to promulgate new rules governing administration of the special supplemental food program for Women, Infants and Children (WIC) as authorized by Minn. Stat. §§ 144.110 and 144.11; rules governing administration of the MCH grant programs as authorized by Minn. Stat. § 145.882 (1982) as amended by Minnesota Laws 1983, ch. 312, art. 4, § 2; an amendment to a rule governing metabolic screening as authorized by Minn. Stat. § 144.125; an amendment to a rule governing family planning special projects as authorized by Minn. Stat. § 145.925, subd. 5; repeal of a rule governing private baby homes and infant homes as authorized by Minn. Stat. § 144.12, subd. 1 (4); and amendments to rules relating to services for children with handicaps and adults with cystic fibrosis and hemophilia for eligibility, cost sharing and reimbursement as authorized by Minn. Stat. § 144.12, as amended by Minnesota Laws 1983, ch. 359, § 9, and Minn. Stat. §§ 144.05, 144.06, 144.07, 144.09, 144.10, and 144.11 (1982). Further authority is vested in the Commissioner of Health (hereinafter "Commissioner") through Minnesota Department of Administration Reorganization Order No. 101 issued pursuant to Minn. Stat. § 16.125 (1982) (hereinafter "Reorganization Order 101"). Reorganization Order 101 vests the Commissioner with the authority to implement Minn. Stat. § 256.01, subd. 2(3) and (5), as amended by Minnesota Laws 1983, ch. 7, § 3; ch. 243, § 5, subd. 3; and ch. 312, art. 5, § 3. Reorganization Order 101 also vests the Commissioner with authority to implement Minn. Stat. §§ 256.011, 257.175, 250.05 (1982) as amended by Minnesota Laws 1983, ch. 305, § 22, and Minn. Stat. § 260.35 (1982) insofar as these statutes concern Services for Children with Handicaps. Further legal authority is found in Minn. Stat. §§ 14.05, subds. 1 to 3; 14.07 subd. 5 (Supp. 1983) and 14.06 (1982).

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minn. Stat. § 14.115, subd. 1.

The Department of Health requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment in writing to: Mr. Gary Goetzke, Minnesota Department of Health, Maternal and Child Health Division, 717 Delaware Street, S.E., Minneapolis, MN 55440, (612) 623-5119.

All statements of information and comment will be accepted until May 31, 1984. Any written material received by the Department of Health will become part of the record in the event that the rules are promulgated.

Sister Mary Madonna Ashton
Commissioner of Health

Department of Health
Emergency Medical Services Section

Emergency Medical Services Licensure Application for Burnsville MN

As of April 23, 1984, a complete application for advanced life support transportation service was submitted by the City of Burnsville (i.e., Burnsville Fire Department), to operate a base of operation at 14011 Burnhaven Drive, Burnsville, Minnesota.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires in part that the Commissioner of Health shall publish the notice in the *State Register* at the applicant's expense; and in a newspaper in the municipality in which the service will be provided.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Metropolitan Health Board, 300 Metro Square Building, 7th and Robert, St. Paul, MN 55101, Attn: Tom Chapel, 612/291-6357. The comments mus reach the Health Systems Agency before May 23, 1984, or be submitted at the public hearing which will be held in Burnsville.

After a public hearing has been held, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the Commissioner shall grant or deny the license to this applicant.

Department of Public Welfare
Mental Health Bureau

Nominations Sought for Individuals to Serve as Reviewers for a Proposed Rule Governing the Provision of Home and Community-Based Waiver Services for Mentally Retarded Persons

Notice is hereby given that the Department of Public Welfare is seeking nominations of individuals to serve as reviewers of a proposed temporary rule which governs the provision of services as specified in the Home and Community-Based Services Waiver Request. Notice is hereby given that the Minnesota Department of Public Welfare is considering a draft temporary rule, Home and Community-Based Services Standards. This proposed temporary rule will provide standards for Home and Community-Based Services to those eligible mentally retarded individuals as specified in the Home and Community-Based Service Waiver.

All interested or affected persons or groups are invited to participate. Nominations may be addressed to:

Russell Tyler, Ph.D.
Mental Retardation Division
Department of Public Welfare
Centennial Office Building, 4th Floor
658 Cedar Street
St. Paul, MN 55155

Oral nominations will be received during regular business hours over the telephone (612) 297-1241. All nominations must be received by May 16, 1984.

Department of Health

Proposed Permanent Rules Relating to Grants for Maternal and Child Health Services

Rules as Proposed (all new material)

4700.2600 PURPOSE.

The purpose of parts 4700.2600 to 4700.4000 is to establish a process for allocating federal maternal and child health funds and state funds in the form of grants to assist in establishing and maintaining maternal and child health services.

4700.2700 SCOPE.

Parts 4700.2600 to 4700.4000 apply generally to maternal and child health project grants awarded by the commissioner under Minnesota Statutes, sections 145.88 to 145.889. The money available for the grant awards governed by parts 4700.2600 to 4700.4000 comes from federal sources, under United States Code, title 42, sections 701 to 709, as amended through July 18, 1984, and from state appropriations. Parts 4700.2600 to 4700.4000 do not prescribe the exclusive requirements uniformly applicable to federal and state grants, but are in addition to any requirements specified in the federal and state enabling and authorizing laws governing grant programs, as well as applicable federal regulations and directives.

4700.2800 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4700.2600 to 4700.4000, the following terms have the meanings given them.

Subp. 2. **Application.** "Application" means a written request for funds submitted by the applicant on forms provided by the commissioner.

Subp. 3. **Award.** "Award" means the authorization by the commissioner for an applicant to receive and expend grant funds for an activity.

Subp. 4. **Competitive grant projects.** "Competitive grant

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projects" means those maternal and child health activities selected by the commissioner on a competitive basis and funded under Laws of Minnesota 1985, First Special Session chapter 14, article 19, section 37, subdivision 4, paragraph (d).

Subp. 5. **Formula grant projects.** "Formula grant projects" means those maternal and child health activities approved by the commissioner and funded under Minnesota Statutes, section 145.882, subdivisions 3 and 4.

Subp. 6. **Local match.** "Local match" means the applicant's share of the cost of maternal and child health activities for which federal and state funds are awarded.

Subp. 7. **Notice of availability.** "Notice of availability" means a written announcement by the commissioner noting the availability of funds.

Subp. 8. **Notice of intent.** "Notice of intent" means a written response to a notice of availability that must be submitted to the commissioner by the applicant in accordance with the timetable specified in the notice of availability.

Subp. 9. **Pre-block grant projects.** "Pre-block grant projects" means those maternal and child health special projects funded in state fiscal year 1983 and continued under Minnesota Statutes, section 145.882, subdivision 1.

Subp. 10. **Technically completed applications.** "Technically completed applications" means applications that contain all the information specified in the notice of availability and in part 4700.3200 as well as any additional information that the commissioner considers necessary for the proper review of applications and award of funds.

AVAILABILITY OF FUNDS AND APPLICATION PROCESS

4700.2900 NOTICE OF AVAILABILITY.

The commissioner shall mail a notice of availability of grant funds to interested parties and local boards of health who have requested the commissioner in writing to be notified. The notice of availability must also be published in the State Register and must include at least the following information:

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A. the specific purposes for which funds are available;

B. the eligibility requirements for applicants;

C. the format of the notice of intent to apply for funds;

D. the final dates for submission of notice of intent and for submission of applications;

E. the expected timetable for review of applications by the commissioner; and

F. the regional review requirements.

4700.3000 NOTICE OF INTENT.

Interested parties shall notify the commissioner in writing of intent to apply for funds in accordance with the timetables and format specified in the commissioner's notice of availability.

4700.3100 PROVISION OF APPLICATION FORMS.

Upon receipt of the notice of intent, the commissioner shall send application forms and instructions to interested parties who have submitted notices of intent.

4700.3200 SUBMISSION OF APPLICATION.

Applications shall be submitted to the commissioner by the date specified in the notice of availability. Applicants for pre-block grant projects, formula grant projects, and competitive grant projects shall provide the information specified in Minnesota Statutes, section 145.885, subdivision 1. Local boards of health applying for formula grant projects shall also provide the information specified in Minnesota Statutes, section 145.885, subdivision 2. Formula grant project applications may include the local component of projects of regional or statewide significance. The commissioner may require additional information that is necessary for the proper review of applications and award of funds consistent with the purposes of Minnesota Statutes, sections 145.88 to 145.889. The commissioner may refuse to award a grant for failure of an

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application to provide such information.

4700.3300 ADDITIONAL REQUIREMENTS FOR FORMULA GRANT PROJECT APPLICANTS.

Local boards of health intending to apply for formula grant projects shall:

A. Notify local public and private providers of the availability of funding through the local board of health for maternal and child health services. The notification process shall include direct mailings to providers and publication of pertinent information in newspapers of general circulation in the community health services area.

B. Develop a written statement of the criteria to be applied to public and private agency requests for funding and make it available to providers and other interested parties.

C. Explain how priorities were established for selecting the requests to be included in the formula grant application and make information available to providers and other interested parties.

REVIEW AND DISPOSITION OF APPLICATIONS

4700.3400 REGIONAL REVIEW.

The applicant shall submit one copy of the completed application form to the commissioner by the date specified in the notice of availability and shall concurrently submit one copy of the completed application form to each of the following entities for the area in which the proposed activity will take place: regional development commission, health systems agency, and local board of health. Any comments of the regional development commission, health systems agency, or local board of health shall be submitted to the commissioner within 45 days after receipt of the application.

4700.3500 COMMISSIONER REVIEW.

The commissioner shall review all applications in accordance with the time schedule specified in the notice of availability. Consideration shall be given by the commissioner

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to the following criteria in determining which activities shall receive funds:

A. a determination that all legal conditions of eligibility are established under Minnesota Statutes, sections 145.882, subdivisions 1, 3, 5, and 7 and 145.883, subdivision 3;

B. a determination that the application is technically completed;

C. in the case of formula grant project applicants, evidence of compliance with part 4700.3300 and Minnesota Statutes, section 145.885, subdivision 2;

D. evidence of the availability of local match consistent with Minnesota Statutes, section 145.888; and

E. the findings submitted by the regional review agencies and the advisory task force established under Minnesota Statutes, section 145.881.

4700.3600 DISPOSITION.

The commissioner shall inform each applicant in writing that one of the actions in items A to D has been taken with respect to its application.

A. Approval of application as submitted.

B. Approval of application with modifications.

C. Conditional disapproval due to inadequate funds. In this case, the applications shall be retained by the commissioner pending availability of additional funds.

D. Disapproval of application with justification.

The commissioner's notice of award shall specify the amount of the award, source of funds, duration of the funding period, and other conditions necessary for assuring the appropriate use of public funds.

ADMINISTRATION

4700.3700 MONITORING.

A staff member of the Department of Health shall be designated to act as monitor for each grant awarded. The person designated shall, in consultation with the award recipient, provide or arrange for administrative and technical support and

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shall monitor progress toward the goals and objectives of the activity.

4700.3800 RESPONSIBILITIES OF AWARD RECIPIENTS.

In addition to fulfilling the goals and objectives of the activity, the award recipients shall:

A. comply with the terms and conditions of the commissioner's award notice and with the requirements of parts 4700.2600 to 4700.4000 and other applicable laws and rules;

B. maintain such records, including program and accounting records, as are necessary to make the required reports and to permit assessment of the activity by the commissioner;

C. provide the commissioner with access to records relating to the funded activity;

D. provide progress reports in accordance with a schedule specified in the commissioner's award notification;

E. assure that:

(1) the recipient's treasurer or an official exercising similar functions shall receive and provide for the custody of all funds paid by the commissioner;

(2) all local funds expended by the recipient in order to match a directly-awarded federal grant are reported on the budget and expenditure form;

(3) the local funds identified as local match are used solely to match the specific grant awarded by the commissioner;

(4) funds are used solely for the purpose authorized in the award;

(5) accounting records are supported by source documents;

(6) audits are conducted to determine the fiscal integrity of financial transactions and reports;

(7) fiscal and programmatic accountability is maintained for all subcontracts;

(8) services will be provided in accordance with

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program standards of the commissioner and standards of accepted professional organizations such as the American Academy of Pediatrics; and

(9) funds will not be used for inpatient services except for high risk pregnant women and infants.

4700.3900 DISQUALIFICATION.

The commissioner shall withhold or terminate funding for failure to comply with the terms of the award or with the requirements of the applicable rules or statutes. The commissioner shall require reimbursement of unauthorized expenditures identified by fiscal audit.

4700.4000 UNIFORM REPORTS.

Award recipients shall furnish uniform reports to the commissioner. Reports of expenditure, filed on forms provided by the commissioner, and annual reports of evaluations of activities shall be submitted no later than 90 days following the close of the fiscal year.

REPEALER. Minnesota Rules, part 4615.0200 is repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Grants for Maternal and Child Health Services

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4700

The attached rules are approved for publication in the State Register

Susan E. Quayle
Assistant Revisor

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of Rules
Related to Distribution
of Federal and State Maternal
and Child Health Funds for
Project Grants and Repeal
of a Rule Governing Private
Baby and Infant Homes,
Minn. Rules pt. 4615.0200

NOTICE OF INTENT TO
ADOPT A RULE AND REPEAL
A RULE WITHOUT A
PUBLIC HEARING

Notice is hereby given that the Minnesota Department of Health intends to adopt rules relating to the distribution of federal and state maternal and child health funds for project grants and to repeal Minnesota Rules part 4615.0200 relating to the care of infants in private homes. The Department intends to adopt and repeal the above-described rules without a public hearing, following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes sections 145.884 and 145.889. The statutory authority to repeal part 4615.0200 is in Minnesota Statutes sections 144.05 and 144.12.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or repealer, or any part or subpart of the rule or the repealer. Comment is encouraged. Each comment should identify the portion of the proposed rule or repealer addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule or repealer within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person

requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule or repealer addressed, the reason for the request, and any change proposed.[6] If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes sections 14.131 to 14.20.[7]

Comments or written requests for a public hearing must be submitted to:[5]

David Giese, Assistant Director
Maternal and Child Health Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5170

The proposed rule may be modified if the modifications[4] are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule relating to maternal and child health funds is attached to this notice.[6]

Part 4615.0200 is proposed to be repealed in its entirety. The rule may be found at Minnesota Rules part 4615.0200 (1985).[4]

A Statement of Need and Reasonableness[12] that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared. A separate Statement of Need and Reasonableness is also available concerning the repeal of part 4615.0200. Both documents are available from David Giese upon request.

If no hearing is required, upon adoption of the rule and repealer, the rule and repealer and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General.[9] 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 David Giese at the above address.

Dated: 11/12, 1986

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
Commissioner of Health

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
COMMISSIONER OF HEALTH

IN THE MATTER OF RULES RELATED
TO DISTRIBUTION OF FEDERAL AND
STATE MATERNAL AND CHILD HEALTH
FUNDS FOR PROJECT GRANTS.

STATEMENT OF NEED
AND REASONABLENESS

"The Minnesota Commissioner of Health (hereinafter "Commissioner"), pursuant to Minnesota Statutes, sections 14.05 through 14.12 and 14.22 through 14.28, presents facts establishing the need for and reasonableness of the proposed rules captioned above.

In order to adopt the proposed rules, the Commissioner must demonstrate that she has complied with all the procedural and substantive requirements of rulemaking. Those requirements are that: 1) there is statutory authority to adopt the rule, 2) all necessary procedural steps have been taken, 3) the rules are needed, 4) the rules are reasonable, and 5) any additional requirements imposed by law have been satisfied. This statement demonstrates that the Commissioner has met these requirements.

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1. STATUTORY AUTHORITY.

The statutory authority of the Commissioner to adopt these rules is found in Minnesota Statutes, sections 145.884 and 145.889, which provide the Commissioner with the authority to adopt rules for the administration of Maternal and Child Health grants.

2. STATEMENT OF NEED.

The Commissioner adopted temporary rules pursuant to Minnesota Statutes, section 145.889. The temporary rules were adopted in June of 1983 and expired in June of 1984. Because these temporary rules are no longer effective, it is necessary for the Commissioner to now adopt permanent rules.

The Commissioner is required by statute to, "...make grants to public and private nonprofit agencies administering qualified programs of maternal and child health care services." For the purpose of administering these grants, the Commissioner shall promulgate rules which, "...establish and contain at a minimum:

(a) procedures for grant applications;

(b) conditions and procedures for the administration of grants;

(c) criteria for eligibility for grants; and

(d) other matters the Commissioner finds necessary for the proper administration of the grant program."

Minnesota Statutes, section 145.884.

The proposed rules relate to the administration of maternal and child health grants and have been written with the intent to establish procedures and criteria as mandated by statute. The need of all rules proposed at this time is obvious and well established.

3. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS.

The Commissioner has determined that the adoption and amendment of the rules in parts 4700.2600 to 4700.4000 is non-controversial and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.05 through 14.12 and 14.22 through 14.28, which provide for an expedited process for the adoption of non-controversial administrative rule changes without the holding of a public hearing.

Procedural Rulemaking Requirements of the Administrative Procedure Act

Minnesota Statutes, section 14.10 requires an agency, which seeks information or opinions in preparation for adoption of rules from sources outside the agency, to publish a notice of its action in the State Register and afford all interested persons an opportunity to submit data or comments on the subject. In the State Register issue of Monday, April 23, 1984, at page 2306, the Commissioner published a notice entitled "Outside Opinion Sought Regarding: 1) Rules Governing Administration of the Special Supplemental Food Program for Women, Infants and Children (WIC); 2) Rules Governing Administration of the Maternal and Child Health (MCH) Grant Programs; 3) an Amendment to a Rule Governing Metabolic Screening, 7 MCAR §1.172 [now 4615.0300 to 4615.0700]; 4) an Amendment to a Rule Governing Family Planning Special Projects, 7 MCAR §1.457 [now 4700.1900 to 4700.2500]; 5) Repeal of a Rule Governing Private Baby Homes and Infant Homes, MDH 171 [now 4615.0200]; and 6) Amendments to Rules Relating to Services for Children with Handicaps and Adults with Cystic Fibrosis and Hemophilia for Eligibility, Cost Sharing and Reimbursement, 7 MCAR §§1.651 to 1.657 [now 4705.0100 to 4705.1400]."

These rules minimize the duplication of statutory language. See Minnesota Statutes, section 14.07, subdivision 3 (1). The implementation

of these rules will not require the expenditure of public money by local public bodies of greater than $100,000 in either of the two years following their adoption, nor do the rules have any impact on agricultural land. See Minnesota Statutes, section 14.11. The adoption of these rules will not affect small businesses. See Minnesota Statutes, section 14.115.

Pursuant to Minnesota Statutes, section 14.23, the Commissioner has prepared this statement of need and reasonableness which is available to the public. The Commissioner will publish notice of intention to adopt the rules without public hearing in the State Register and mail copies of the notice and proposed rules to persons registered with the Minnesota Department of Health pursuant to Minnesota Statutes, sections 14.22. The notice will include the following statements: a) that the public have 30 days in which to submit comments on the proposed rule; b) that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period; c) giving information pertaining to the manner in which persons may comment and request a hearing; d) that the rule may be modified if modifications are supported by data and the views submitted; and e) other information required by Minnesota Statutes, section 14.22.

If 25 or more persons submit to the Minnesota Department of Health a written request for a hearing of the proposed rule, the agency shall proceed under the provisions of Minnesota Statutes, sections 14.131 through 14.20, and notice of the hearing shall be published in the State Register.

If no hearing is required, the Commissioner shall submit the proposed rule and notice as published, the rule as proposed for adoption, any written comments which have been received, and this statement of need and reasonableness to the Attorney General for approval as to their legality and form to the extent that the form relates to legality.

These rules shall become effective five working days after publication of a notice of adoption in the State Register.

4. GENERAL STATEMENT OF REASONABLENESS

The state of Minnesota receives federal maternal and child health funds for project grants, pursuant to 42 U.S.C. §§701 to 709. These funds are to be used for the provision of health services and related activities, including planning, administration, education and evaluation.

The purpose of this federal program is to enable states:

(1) to assure mothers and children (in particular those with low income or with limited availability of health services) access to quality maternal and child health services.

(2) to reduce infant mortality and the incidence of preventable diseases and handicapping conditions among children, to reduce the need for inpatient and long-term care services, to increase the number of children (especially preschool children) appropriately immunized against disease and the number of low income children receiving health assessments and follow-up diagnostic and treatment services, and otherwise to promote the health of mothers and children (especially by providing preventive and primary care services for low income children, and prenatal, delivery and postpartum care for low income mothers);

(3) to provide rehabilitation services for blind and disabled individuals under the age of 16 receiving benefits under subchapter XVI of this chapter, and

(4) to provide services for locating and for medical, surgical, corrective, and other services, and care for, and facilities for diagnosis, hospitalization, and aftercare for, children who are crippled or who are suffering from conditions leading to crippling.

The Minnesota Legislature initially enacted Minnesota Statutes, sections 145.881 to 145.889 for the purpose of administering the distribution of federal maternal and child health funds for project grants. Subsequently, the state funds were also appropriated for maternal and child health project grants.

Section 145.884 enables the Commissioner to promulgate rules for the administration of this program. The rules are to establish and contain at a minimum:

(a) procedures for grant applications;

(b) conditions and procedures for the administration of grants;

(c) criteria of eligibility for grants; and

(d) other matters the Commissioner finds necessary for the proper administration of the grant programs.

The proposed rules related to distribution of federal and state maternal and child health funds for project grants are intended to carry out this statutory mandate. Because the Commissioner has been given the authority by statute to promulgate these rules, and because the statute also establishes minimum criteria which these rules meet, the rules are reasonable.

5. RULE-BY-RULE JUSTIFICATION.

Part 4700.2600 provides an introductory explanation of the rules in order to give the reader broad knowledge of the context in which these rules are to be applied and interpreted.

Part 4700.2700 describes the scope of these rules. These rules apply to maternal and child health project grants which are awarded by the Commissioner. The character of these rules is general and descriptive of a uniform process including notification of availability of funds, receipt, review and evaluation of requests for funds, and other general and specific considerations that must be made to ensure the responsible administration of grant fund allocations.

Part 4700.2800 defines terms used in these rules. These definitional provisions are necessary to effect a uniform and consistent interpretation of these rules in order to avoid ambiguity and uncertainty. Precise meaning is provided for terms used in the rules; thereby reducing to a minimum the chance for misunderstanding.

Part 4700.2800, subp. 1 deals with the scope of these definitions. These definitions shall apply to parts 4700.2600 to 4700.4000 in order to have a uniform and consistent interpretation of terms for all parts related to the distribution of federal and state maternal and child health funds for project grants.

Part 4700.2800, subp. 2 defines the term "application." The Commissioner requires a written application form for grant applicants so that the

application process and the information requested during this process is consistent for every applicant.

Part 4700.2800, subp. 3 defines the term "award." Award has been defined in order to clarify for the mechanics of the grant approval process. An applicant must receive authorization before receiving and expending grant funds.

Part 4700.2800, subp. 4 defines "competitive grant projects" in order to distinguish this category of grant project from formula grant projects. This is necessary because additional requirements apply to formula grant projects.

Part 4700.2800, subp. 5 defines "formula grant projects" in order to distinguish this category of grant project from competitive and pre-block grant projects. This is necessary because additional requirements apply to formula grant projects.

Part 4700.2800, subp. 6 defines the term "local match" to identify which resources could be derived and designated as the applicant's share of the cost of activities funded by grants. Identifying these resources will reduce misunderstandings regarding the funds which are eligible to be counted as local match against a grant from the Commissioner.

Part 4700.2800, subp. 7 defines the term "notice of availability" to clarify for the reader the process which will be used to make potential grantees aware of the availability of funds.

Part 4700.2800, subp. 8 defines the term "notice of intent" in order to specify the procedure an interested party must follow to put the Commissioner on notice of the fact that they intend to apply for maternal and child health grant funds, and to receive an application form and instructions.

Part 4700.2800, subp. 9 defines "pre-block grant projects" in order to distinguish this category of grant project from formula grant projects. This is necessary because additional requirements apply to formula grant projects.

Part 4700.2800, subp. 10 defines the term "technically completed applications" in order to identify the information which the Commissioner shall consider essential to the application process, for the purpose of making a proper evaluation of the proposed activity.

AVAILABILITY OF FUNDS AND APPLICATION PROCESS

Part 4700.2900 describes the processes of announcing the availability of funds and soliciting applications for such funds. It is necessary to solicit applications from parties interested in receiving maternal and child health grants in order to ensure an adequate and representative response. Also, Minnesota Statutes, section 145.885 authorizes the Commissioner to set the time, form and manner in which an application is submitted. Therefore, 4700.2900 is necessary in order to implement the requirements of this statute.

Part 4700.3000 is a step of the application process which the Commissioner is authorized to implement by Minnesota Statutes, section 145.884. This

provision makes it possible for the Commissioner to know to whom application materials should be sent and does not place an undue burden upon those parties applying for grants.

Part 4700.3100 is a part of the uniform procedures which assure that interested parties have the forms and information necessary to complete and submit a grant application.

Part 4700.3200 is expressly mandated by Minnesota Statutes, section 145.885. It makes it clear that certain information is required of applicants for all three categories of grant projects (pre-block, formula and competitive), while additional information is required of local boards of health applying for formula grant projects. This part also recognizes that the Commissioner may occasionally require additional information in order to make an informed and proper decision. This provision will in no way inhibit a qualified applicant from receiving grant funds, and is within the Commissioner's authority pursuant to Minnesota Statutes, section 145.884, subdivision 1 (d).

Part 4700.3300 describes the activities that are necessary in order for a local board of health to meet the additional requirements specified in Minnesota Statutes, section 145.885, subdivision 2. Local boards of health will be unable to provide the additional information required of formula grant project applicants unless these local procedures have been conducted prior to submission of the application. Therefore, this part is intended to alert local boards of health to these special requirements and to provide direction in meeting them.

Part 4700.3400 establishes a time frame for submission of comments by regional development commissions, health systems agencies and local boards of health to the Commissioner regarding the grant applications. These requirements assure an orderly and timely processing of applications. Also, this part allows regional development commissions, health systems agencies and local boards of health to comment on proposed activities, thereby allowing valuable input into the Commissioner's selection process.

Part 4700.3500 establishes criteria which must be used in the grant applications review process. The individual criteria are justified as follows.

Item A requires applicants to meet all legal conditions of eligibility, pursuant to Minnesota Statutes, section 145.882, subdivisions 1, 3, 5 and 7, and section 145.883, subdivision 3.

Minnesota Statutes, section 145.882, subdivision 1 allows for the continued funding of pre-block grant projects, provided that they continue to comply with sections 145.881 and 145.882 to 145.888. Subdivision 3 makes local boards of health eligible for formula grant projects. Subdivision 5 establishes eligibility for public or private nonprofit agencies in a city or county not participating in the community health services subsidy program. And, subdivision 7 specifies the types of maternal and child health programs that are eligible for funding under the grants program.

Minnesota Statutes, section 145.883, subdivision 3 defines the term "qualified program." For the purpose of the maternal and child health

grant distribution process, qualified program is defined as, "...a program with professional maternal and child health care staff which is established for the purpose of providing one or more essential services in maternal and child health care to target populations of low income and high risk persons." Grants are awarded only to public and private nonprofit agencies administering qualified programs of maternal and child health care services. See Minnesota Statutes, section 145.884, subdivision 1. Therefore, a legal condition of eligibility is that every recipient must be administering a qualified program.

Item A, therefore, establishes a minimum standard for program participation. In order to meet the perceived goals of the program, which include the provision of essential services in maternal and child health care to a target population of low income and high risk persons, an agency must be able to provide specific services in an effective manner. Therefore, to ensure a high level of program integrity, agencies must meet this minimum standard of eligibility.

Item B requires a determination that the application is technically completed. Because Minnesota Statutes, section 145.886 specifies that technically completed applications will be forwarded for secondary review to the advisory task force, the technical completeness of an application must be one criteria used in the Commissioner's review to determine which activities shall be funded. Therefore, this criteria must be listed under part 4700.3500, which establishes criteria for the Commissioner's review.

Item C requires a determination that formula grant project applicants have followed the local procedures specified in part 4700.3300 and have provided the additional application information specified in Minnesota Statutes, section 145.885, subdivision 2. This item applies exclusively to local boards of health since they are the only entities eligible for formula grant projects.

Item D pertains to the requirement of Minnesota Statutes, section 145.888 that grants "...shall not exceed 75 percent of the estimated annual cost of the qualified program for the fiscal year for which the grant is awarded." Therefore, the Commissioner must determine that applicants have local match available in an amount which is equal to at least 25 percent of the total estimated program cost.

Item E requires the Commissioner to give consideration to the findings submitted by regional review agencies and the advisory task force. This assures that the efforts of regional review agencies will contribute to the Commissioner's decision making process. With regard to the advisory task force, this item assures compliance with Minnesota Statutes, section 145.886 which provides that the "...commissioner shall award grants... only after reviewing the comments and recommendation of the advisory task force on completed grant applications."

Part 4700.3600 describes the application disposition process. This process will ensure that applicants are properly notified of their application's status. If the application is disapproved, applicants will be properly notified of the reason for disapproval.

This part also relates to the notice of award. The notice of award must specify the amount of the award, the source of funds, the duration of the funding period and such conditions as are necessary for assuring the appropriate use of public funds. These requirements are necessary provisions which formally establish the terms of the grant as well as any related conditions which will impact upon the use of grant funds.

Part 4700.3700 requires a member of the Department of Health staff to monitor each grant awarded. The staff person will provide administrative or technical support or arrange for such assistance for the purpose of helping the grantee achieve the goals and objectives of the activity. This requirement is intended to provide grantees a valuable resource to utilize when situations arise which necessitate a broader base of knowledge than the grantee normally has available.

Part 4700.3800 relates to the responsibilities of award recipients. These responsibilities relate to Minnesota Statutes, section 145.885 which establishes application requirements. According to this statute applications must contain among other things, a budget and justification for the amount of grant funds awarded, as well as the reporting and accounting procedures to be followed by the grantee to enable the Commissioner to evaluate the activities of the qualified program.

The provisions of part 4700.3800 are intended to ensure that the local project is being properly administered in accordance with all relevant statutes and state rules. These provisions will enable the Commissioner to monitor grantee activities in a manner which will ensure the proper use of program funds.

Part 4700.3900 will allow the Commissioner to withhold or terminate funding for failure to comply with the terms of the award, with the requirements of the applicable statutes and rules, or for any other just cause. The Commissioner may also request reimbursement from a grantee for unauthorized expenditures identified by a fiscal audit. It is necessary for the Commissioner to have such sanctioning powers in order to compell uncomplying award recipients into abiding with the essential requirements for participation. The Commissioner, who has the authority to oversee the proper administration of grant funds, must have the ability to effectively regulate activities, and recover misspent funds when necessary.

Part 4700.4000 requires recipients to provide uniform reports to the Commissioner, in a timely fashion. The report requirements are reasonable and necessary for the proper administration of the grant program, pursuant to Minnesota Statutes, section 145.884 (d).

Sister Mary Madonna Ashton
Commissioner of Health

Date: 10/13/86

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

IN THE MATTER OF PROPOSED
REPEAL OF A RULE RELATED TO
THE CARE OF INFANTS IN PRIVATE
HOMES.

STATEMENT OF NEED AND
REASONABLENESS

"The Minnesota Commissioner of Health (hereinafter "commissioner"), pursuant to Minnesota Statutes 14.05 through 14.12 and 14.22 through 14.28, presents facts establishing the need for and reasonableness of the repeal of a rule related to the care of infants in private homes.

In order to adopt the proposed rules, the commissioner must demonstrate that she has complied with all the procedural and substantive requirements of rulemaking. Those requirements are that: 1) there is statutory authority to adopt the rule, 2) all necessary procedural steps have been taken, 3) the rules are needed, 4) the rules are reasonable, and 5) any additional requirements imposed by law have been satisfied. This statement demonstrates that the commissioner has met these requirements.

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1. STATUTORY AUTHORITY.

The statutory authority for the rule related to the care of infants in private homes is found at Minnesota Statutes, section 144.05 and 144.12, subdivision 1.

2. STATEMENT OF NEED.

The rule related to the care of infants in private homes was adopted pursuant to Minnesota Statutes, section 144.05 and 144.12, subdivision 1. This latter section provides that the commissioner may adopt reasonable rules pursuant to chapter 14 for the preservation of the public health and for the management of boarding homes for infants. However, 144.05 requires the commissioner to continually assess and evaluate the effectiveness and efficiency of health service systems and public health programming efforts in the state.

After an evaluation pursuant to 144.05 of the rule related to care of infants in private baby homes, it was determined that there is no longer a need for such a rule. This rule is no longer necessary or effective, and no longer services a public health related function. Therefore, it is repealed.

3. COMPLIANCE WITH PROCEDURAL RULEMAKING REQUIREMENTS.

The commissioner has determined that repeal of the rule in part 4615.0200 is non-controversial and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.05 through 14.12 and 14.22 through 14.28 which provide for an expedited process for the adoption of non-controversial administrative rule changes without the holding of a public hearing.

Procedural Rulemaking Requirements of the Administrative Procedures Act

Minnesota Statutes, section 14.10 requires an agency which seeks information or opinions from sources outside of the agency in preparation for the repeal of rules to publish a notice of its action in the State Register and afford all interested persons an opportunity to submit data or comments on the subject. In the State Register issue of Monday, April 23, 1984, at page 2306, the commissioner published a notice entitled "Outside Opinion Sought Regarding: 1) Rules Governing Administration of the Special Supplemental Food Program for Women, Infants and Children (WIC); 2) Rules Governing Administration of the Maternal and Child Health (MCH) Grant Programs; 3) an Amendment to a Rule Governing Metabolic Screening, 7 MCAR §1.172 [now 4615.0300 to 4615.0700]; 4) an Amendment to a Rule Governing Family Planning Special Projects, 7 MCAR §1.457 [now 4700.1900 to 4700.2500]; 5) Repeal of a Rule Governing Private Baby Homes and Infant Homes, MDH 171 [now 4615.0200]; and 6) Amendments to Rules Relating to Services for Children with Handicaps and Adults with Cystic Fibrosis and Hemophilia for Eligibility, Cost Sharing and Reimbursement, 7 MCAR §§1.651 to 1.657 [now 4705.0100 to 4705.1400]."

The repeal of this rule will not require the expenditure of public money by local public bodies of greater than $100,000 in either of the two years following its repeal, nor does the rule have any impact on agricultural land. See Minnesota Statutes, section 14.11. The repeal of the rule will not affect small businesses. See Minnesota Statutes, section 14.115.

Pursuant to Minnesota Statutes, section 14.23, the commissioner has prepared this statement of need and reasonableness which is available to the public. The commissioner will publish notice of intention to repeal the rule without public hearing in the State Register and mail copies of the notice to persons registered with the Minnesota Department of Health pursuant to Minnesota Statutes, section 14.14, subdivision 1. The notice will include the following statements: a) that the public have 30 days in which to submit comments on the proposed repealer; b) that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period; c) giving information pertaining to the manner in which persons shall request a hearing; and d) that the rule may be modified if modifications are supported by data and the views submitted, as well as other information required by Minnesota Statutes, section 14.22.

If 25 or more persons submit to the Minnesota Department of Health a written request for a hearing of the proposed repealer, the agency shall proceed under the provisions of Minnesota Statutes, sections 14.13 through 14.20 and notice of the hearing shall be published in the State Register.

If no hearing is required, the commissioner will submit the proposed repealer and notice as published, any written comments which have been received, and this statement of need and reasonableness to the Attorney General for approval as to their legality and form to the extent that form relates to legality.

The repealer shall become effective upon publication of a notice of adoption in the State Register.

4. GENERAL STATEMENT OF REASONABLENESS.

The rule related to care of infants in private homes is antiquated, and no longer reflects modern pediatric methods. This rule has no current effect on infant care, or on those parties involved with the care of infants. Therefore, repeal of this rule will not adversely impact upon any interested parties. Repeal of this rule will, however, serve to make the rules more concise and refined.

5. JUSTIFICATION.

Part 4615.0200 deals with the care of infants in private homes. It is reasonable and necessary to repeal part 4615.0200. This part was promulgated over a decade ago and has limited applicability to the present program. Current methods of postnatal care differ so dramatically from this rule as to render the rule obsolete.

Repealer. Minnesota Rules, part 4615.0200 is repealed.

Sister Mary Madonna Ashton
Commissioner of Health

Date: 11-12-86

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of Rules
Related to Distribution
of Federal and State Maternal
and Child Health Funds for
Project Grants and Repeal
of a Rule Governing Private
Baby and Infant Homes,
Minn. Rules pt. 4615.0200

AFFIDAVIT OF MAILING THE
NOTICE OF INTENT TO ADOPT
A RULE AND REPEAL A RULE
WITHOUT A PUBLIC HEARING
AND CERTIFICATE OF
MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

David Giese, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes sections 14.15, subdivision 1.a and 14.22 or 14.30, that their names be placed on the Minnesota Department of Health rulemaking mailing list is accurate, complete, and current as of this 7th day of January, 1987.

That on the 7th day of January, 1987, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule and Repeal a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

David Giese
DAVID GIESE

Subscribed and sworn to before me
this 7th day of January, 1987.

Frederick L. King

FREDERICK L. KING
NOTARY PUBLIC — MINNESOTA
WASHINGTON COUNTY
My commission expires Feb. 22, 1991

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of Rules
Related to Distribution
of Federal and State Maternal
and Child Health Funds for
Project Grants and Repeal
of a Rule Governing Private
Baby and Infant Homes,
Minn. Rules pt. 4615.0200

NOTICE OF INTENT TO
ADOPT A RULE AND REPEAL
A RULE WITHOUT A
PUBLIC HEARING

Notice is hereby given that the Minnesota Department of Health intends to adopt rules relating to the distribution of federal and state maternal and child health funds for project grants and to repeal Minnesota Rules part 4615.0200 relating to the care of infants in private homes. The Department intends to adopt and repeal the above-described rules without a public hearing, following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes sections 145.884 and 145.889. The statutory authority to repeal part 4615.0200 is in Minnesota Statutes sections 144.05 and 144.12.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or repealer, or any part or subpart of the rule or the repealer. Comment is encouraged. Each comment should identify the portion of the proposed rule or repealer addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule or repealer within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person

requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule or repealer addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

David Giese, Assistant Director
Maternal and Child Health Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5170

The proposed 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. A copy of the proposed rule relating to maternal and child health funds is attached to this notice.

Part 4615.0200 is proposed to be repealed in its entirety. The rule may be found at Minnesota Rules part 4615.0200 (1985).

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared. A separate Statement of Need and Reasonableness is also available concerning the repeal of part 4615.0200. Both documents are available from David Giese upon request.

If no hearing is required, upon adoption of the rule and repealer, the rule and repealer and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the 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 David Giese at the above address.

Dated: 11/12, 1986

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

Sr Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
Commissioner of Health

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Grants for Maternal and Child Health Services

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4700

The attached rules are approved for publication in the State Register

Susan E. Quayle
Assistant Revisor

Department of Health

Proposed Permanent Rules Relating to Grants for Maternal and Child Health Services

Rules as Proposed (all new material)

4700.2600 PURPOSE.

The purpose of parts 4700.2600 to 4700.4000 is to establish a process for allocating federal maternal and child health funds and state funds in the form of grants to assist in establishing and maintaining maternal and child health services.

4700.2700 SCOPE.

Parts 4700.2600 to 4700.4000 apply generally to maternal and child health project grants awarded by the commissioner under Minnesota Statutes, sections 145.88 to 145.889. The money available for the grant awards governed by parts 4700.2600 to 4700.4000 comes from federal sources, under United States Code, title 42, sections 701 to 709, as amended through July 18, 1984, and from state appropriations. Parts 4700.2600 to 4700.4000 do not prescribe the exclusive requirements uniformly applicable to federal and state grants, but are in addition to any requirements specified in the federal and state enabling and authorizing laws governing grant programs, as well as applicable federal regulations and directives.

4700.2800 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4700.2600 to 4700.4000, the following terms have the meanings given them.

Subp. 2. **Application.** "Application" means a written request for funds submitted by the applicant on forms provided by the commissioner.

Subp. 3. **Award.** "Award" means the authorization by the commissioner for an applicant to receive and expend grant funds for an activity.

Subp. 4. **Competitive grant projects.** "Competitive grant

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

projects" means those maternal and child health activities selected by the commissioner on a competitive basis and funded under Laws of Minnesota 1985, First Special Session chapter 14, article 19, section 37, subdivision 4, paragraph (d).

Subp. 5. **Formula grant projects.** "Formula grant projects" means those maternal and child health activities approved by the commissioner and funded under Minnesota Statutes, section 145.882, subdivisions 3 and 4.

Subp. 6. **Local match.** "Local match" means the applicant's share of the cost of maternal and child health activities for which federal and state funds are awarded.

Subp. 7. **Notice of availability.** "Notice of availability" means a written announcement by the commissioner noting the availability of funds.

Subp. 8. **Notice of intent.** "Notice of intent" means a written response to a notice of availability that must be submitted to the commissioner by the applicant in accordance with the timetable specified in the notice of availability.

Subp. 9. **Pre-block grant projects.** "Pre-block grant projects" means those maternal and child health special projects funded in state fiscal year 1983 and continued under Minnesota Statutes, section 145.882, subdivision 1.

Subp. 10. **Technically completed applications.** "Technically completed applications" means applications that contain all the information specified in the notice of availability and in part 4700.3200 as well as any additional information that the commissioner considers necessary for the proper review of applications and award of funds.

AVAILABILITY OF FUNDS AND APPLICATION PROCESS

4700.2900 NOTICE OF AVAILABILITY.

The commissioner shall mail a notice of availability of grant funds to interested parties and local boards of health who have requested the commissioner in writing to be notified. The notice of availability must also be published in the State Register and must include at least the following information:

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A. the specific purposes for which funds are available;

B. the eligibility requirements for applicants;

C. the format of the notice of intent to apply for funds;

D. the final dates for submission of notice of intent and for submission of applications;

E. the expected timetable for review of applications by the commissioner; and

F. the regional review requirements.

4700.3000 NOTICE OF INTENT.

Interested parties shall notify the commissioner in writing of intent to apply for funds in accordance with the timetables and format specified in the commissioner's notice of availability.

4700.3100 PROVISION OF APPLICATION FORMS.

Upon receipt of the notice of intent, the commissioner shall send application forms and instructions to interested parties who have submitted notices of intent.

4700.3200 SUBMISSION OF APPLICATION.

Applications shall be submitted to the commissioner by the date specified in the notice of availability. Applicants for pre-block grant projects, formula grant projects, and competitive grant projects shall provide the information specified in Minnesota Statutes, section 145.885, subdivision 1. Local boards of health applying for formula grant projects shall also provide the information specified in Minnesota Statutes, section 145.885, subdivision 2. Formula grant project applications may include the local component of projects of regional or statewide significance. The commissioner may require additional information that is necessary for the proper review of applications and award of funds consistent with the purposes of Minnesota Statutes, sections 145.88 to 145.889. The commissioner may refuse to award a grant for failure of an

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application to provide such information.

4700.3300 ADDITIONAL REQUIREMENTS FOR FORMULA GRANT PROJECT APPLICANTS.

Local boards of health intending to apply for formula grant projects shall:

A. Notify local public and private providers of the availability of funding through the local board of health for maternal and child health services. The notification process shall include direct mailings to providers and publication of pertinent information in newspapers of general circulation in the community health services area.

B. Develop a written statement of the criteria to be applied to public and private agency requests for funding and make it available to providers and other interested parties.

C. Explain how priorities were established for selecting the requests to be included in the formula grant application and make information available to providers and other interested parties.

REVIEW AND DISPOSITION OF APPLICATIONS

4700.3400 REGIONAL REVIEW.

The applicant shall submit one copy of the completed application form to the commissioner by the date specified in the notice of availability and shall concurrently submit one copy of the completed application form to each of the following entities for the area in which the proposed activity will take place: regional development commission, health systems agency, and local board of health. Any comments of the regional development commission, health systems agency, or local board of health shall be submitted to the commissioner within 45 days after receipt of the application.

4700.3500 COMMISSIONER REVIEW.

The commissioner shall review all applications in accordance with the time schedule specified in the notice of availability. Consideration shall be given by the commissioner

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to the following criteria in determining which activities shall receive funds:

A. a determination that all legal conditions of eligibility are established under Minnesota Statutes, sections 145.882, subdivisions 1, 3, 5, and 7 and 145.883, subdivision 3;

B. a determination that the application is technically completed;

C. in the case of formula grant project applicants, evidence of compliance with part 4700.3300 and Minnesota Statutes, section 145.885, subdivision 2;

D. evidence of the availability of local match consistent with Minnesota Statutes, section 145.888; and

E. the findings submitted by the regional review agencies and the advisory task force established under Minnesota Statutes, section 145.881.

4700.3600 DISPOSITION.

The commissioner shall inform each applicant in writing that one of the actions in items A to D has been taken with respect to its application.

A. Approval of application as submitted.

B. Approval of application with modifications.

C. Conditional disapproval due to inadequate funds. In this case, the applications shall be retained by the commissioner pending availability of additional funds.

D. Disapproval of application with justification.

The commissioner's notice of award shall specify the amount of the award, source of funds, duration of the funding period, and other conditions necessary for assuring the appropriate use of public funds.

ADMINISTRATION

4700.3700 MONITORING.

A staff member of the Department of Health shall be designated to act as monitor for each grant awarded. The person designated shall, in consultation with the award recipient, provide or arrange for administrative and technical support and

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shall monitor progress toward the goals and objectives of the activity.

4700.3800 RESPONSIBILITIES OF AWARD RECIPIENTS.

In addition to fulfilling the goals and objectives of the activity, the award recipients shall:

A. comply with the terms and conditions of the commissioner's award notice and with the requirements of parts 4700.2600 to 4700.4000 and other applicable laws and rules;

B. maintain such records, including program and accounting records, as are necessary to make the required reports and to permit assessment of the activity by the commissioner;

C. provide the commissioner with access to records relating to the funded activity;

D. provide progress reports in accordance with a schedule specified in the commissioner's award notification;

E. assure that:

(1) the recipient's treasurer or an official exercising similar functions shall receive and provide for the custody of all funds paid by the commissioner;

(2) all local funds expended by the recipient in order to match a directly-awarded federal grant are reported on the budget and expenditure form;

(3) the local funds identified as local match are used solely to match the specific grant awarded by the commissioner;

(4) funds are used solely for the purpose authorized in the award;

(5) accounting records are supported by source documents;

(6) audits are conducted to determine the fiscal integrity of financial transactions and reports;

(7) fiscal and programmatic accountability is maintained for all subcontracts;

(8) services will be provided in accordance with

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program standards of the commissioner and standards of accepted professional organizations such as the American Academy of Pediatrics; and

(9) funds will not be used for inpatient services except for high risk pregnant women and infants.

4700.3900 DISQUALIFICATION.

The commissioner shall withhold or terminate funding for failure to comply with the terms of the award or with the requirements of the applicable rules or statutes. The commissioner shall require reimbursement of unauthorized expenditures identified by fiscal audit.

4700.4000 UNIFORM REPORTS.

Award recipients shall furnish uniform reports to the commissioner. Reports of expenditure, filed on forms provided by the commissioner, and annual reports of evaluations of activities shall be submitted no later than 90 days following the close of the fiscal year.

REPEALER. Minnesota Rules, part 4615.0200 is repealed.

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PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Health

Proposed Permanent Rules Relating to Grants for Maternal and Child Health Services

Notice of Intent to Adopt a Rule and Repeal a Rule without a Public Hearing

Notice is hereby given that the Minnesota Department of Health intends to adopt rules relating to the distribution of federal and state maternal and child health funds for project grants and to repeal Minnesota Rules part 4615.0200 relating to the care of infants in private homes. The Department intends to adopt and repeal the above-described rules without a public hearing, following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes sections 145.884 and 145.889. The statutory authority to repeal part 4615.0200 is in Minnesota Statutes sections 144.05 and 144.12.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or repealer, or any part or subpart of the rule or the repealer. Comment is encouraged. Each comment should identify the portion of the proposed rule or repealer addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule or repealer within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule or repealer addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

David Giese, Assistant Director
Maternal and Child Health Division
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5170

The proposed 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. A copy of the proposed rule relating to maternal and child health funds is attached to this notice.

Part 4615.0200 is proposed to be repealed in its entirety. The rule may be found at Minnesota Rules part 4615.0200 (1985).

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared. A separate Statement of Need and Reasonableness is also available concerning the repeal of part 4615.0200. Both documents are available from David Giese upon request.

If no hearing is required, upon adoption of the rule and repealer, the rule and repealer and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the 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 David Giese at the above address.

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed (all new material)

4700.2600 PURPOSE.

The purpose of parts 4700.2600 to 4700.4000 is to establish a process for allocating federal maternal and child health funds and state funds in the form of grants to assist in establishing and maintaining maternal and child health services.

4700.2700 SCOPE.

Parts 4700.2600 to 4700.4000 apply generally to maternal and child health project grants awarded by the commissioner under Minnesota Statutes, sections 145.88 to 145.889. The money available for the grant awards governed by parts 4700.2600 to 4700.4000 comes from federal sources, under United States Code, title 42, sections 701 to 709, as amended through July 18, 1984, and from state appropriations. Parts 4700.2600 to 4700.4000 do not prescribe the exclusive requirements uniformly applicable to federal and state grants, but are in addition to any requirements specified in the federal and state enabling and authorizing laws governing grant programs, as well as applicable federal regulations and directives.

4700.2800 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 4700.2600 to 4700.4000, the following terms have the meanings given them.

Subp. 2. **Application.** "Application" means a written request for funds submitted by the applicant on forms provided by the commissioner.

Subp. 3. **Award.** "Award" means the authorization by the commissioner for an applicant to receive and expend grant funds for an activity.

Subp. 4. **Competitive grant projects.** "Competitive grant projects" means those maternal and child health activities selected by the commissioner on a competitive basis and funded under Laws of Minnesota 1985, First Special Session chapter 14, article 19, section 37, subdivision 4, paragraph (d).

Subp. 5. **Formula grant projects.** "Formula grant projects" means those maternal and child health activities approved by the commissioner and funded under Minnesota Statutes, section 145.882, subdivisions 3 and 4.

Subp. 6. **Local match.** "Local match" means the applicant's share of the cost of maternal and child health activities for which federal and state funds are awarded.

Subp. 7. **Notice of availability.** "Notice of availability" means a written announcement by the commissioner noting the availability of funds.

Subp. 8. **Notice of intent.** "Notice of intent" means a written response to a notice of availability that must be submitted to the commissioner by the applicant in accordance with the timetable specified in the notice of availability.

Subp. 9. **Pre-block grant projects.** "Pre-block grant projects" means those maternal and child health special projects funded in state fiscal year 1983 and continued under Minnesota Statutes, section 145.882, subdivision 1.

Subp. 10. **Technically completed applications.** "Technically completed applications" means applications that contain all the information specified in the notice of availability and in part 4700.3200 as well as any additional information that the commissioner considers necessary for the proper review of applications and award of funds.

AVAILABILITY OF FUNDS AND APPLICATION PROCESS

4700.2900 NOTICE OF AVAILABILITY.

The commissioner shall mail a notice of availability of grant funds to interested parties and local boards of health who have requested the commissioner in writing to be notified. The notice of availability must also be published in the State Register and must include at least the following information:

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.

A. the specific purposes for which funds are available;

B. the eligibility requirements for applicants;

C. the format of the notice of intent to apply for funds;

D. the final dates for submission of notice of intent and for submission of applications;

E. the expected timetable for review of applications by the commissioner; and

F. the regional review requirements.

4700.3000 NOTICE OF INTENT.

Interested parties shall notify the commissioner in writing of intent to apply for funds in accordance with the timetables and format specified in the commissioner's notice of availability.

4700.3100 PROVISION OF APPLICATION FORMS.

Upon receipt of the notice of intent, the commissioner shall send application forms and instructions to interested parties who have submitted notices of intent.

4700.3200 SUBMISSION OF APPLICATION.

Applications shall be submitted to the commissioner by the date specified in the notice of availability. Applicants for pre-block grant projects, formula grant projects, and competitive grant projects shall provide the information specified in Minnesota Statutes, section 145.885, subdivision 1. Local boards of health applying for formula grant projects shall also provide the information specified in Minnesota Statutes, section 145.885, subdivision 2. Formula grant project applications may include the local component of projects of regional or statewide significance. The commissioner may require additional information that is necessary for the proper review of applications and award of funds consistent with the purposes of Minnesota Statutes, sections 145.88 to 145.889. The commissioner may refuse to award a grant for failure of an application to provide such information.

4700.3300 ADDITIONAL REQUIREMENTS FOR FORMULA GRANT PROJECT APPLICANTS.

Local boards of health intending to apply for formula grant projects shall:

A. Notify local public and private providers of the availability of funding through the local board of health for maternal and child health services. The notification process shall include direct mailings to providers and publication of pertinent information in newspapers of general circulation in the community health services area.

B. Develop a written statement of the criteria to be applied to public and private agency requests for funding and make it available to providers and other interested parties.

C. Explain how priorities were established for selecting the requests to be included in the formula grant application and make information available to providers and other interested parties.

REVIEW AND DISPOSITION OF APPLICATIONS

4700.3400 REGIONAL REVIEW.

The applicant shall submit one copy of the completed application form to the commissioner by the date specified in the notice of availability and shall concurrently submit one copy of the completed application form to each of the following entities for the area in which the proposed activity will take place: regional development commission, health systems agency, and local board of health. Any comments of the regional development commission, health systems agency, or local board of health shall be submitted to the commissioner within 45 days after receipt of the application.

4700.3500 COMMISSIONER REVIEW.

The commissioner shall review all applications in accordance with the time schedule specified in the notice of availability. Consideration shall be given by the commissioner to the following criteria in determining which activities shall receive funds:

A. a determination that all legal conditions of eligibility are established under Minnesota Statutes, sections 145.882, subdivisions 1, 3, 5, and 7 and 145.883, subdivision 3;

B. a determination that the application is technically completed;

C. in the case of formula grant project applicants, evidence of compliance with part 4700.3300 and Minnesota Statutes, section 145.885, subdivision 2;

D. evidence of the availability of local match consistent with Minnesota Statutes, section 145.888; and

E. the findings submitted by the regional review agencies and the advisory task force established under Minnesota Statutes, section 145.881.

4700.3600 DISPOSITION.

The commissioner shall inform each applicant in writing that one of the actions in items A to D has been taken with respect to its application.

A. Approval of application as submitted.

B. Approval of application with modifications.

C. Conditional disapproval due to inadequate funds. In this case, the applications shall be retained by the commissioner pending availability of additional funds.

D. Disapproval of application with justification.

The commissioner's notice of award shall specify the amount of the award, source of funds, duration of the funding period, and other conditions necessary for assuring the appropriate use of public funds.

ADMINISTRATION

4700.3700 MONITORING.

A staff member of the Department of Health shall be designated to act as monitor for each grant awarded. The person designated shall, in consultation with the award recipient, provide or arrange for administrative and technical support and shall monitor progress toward the goals and objectives of the activity.

4700.3800 RESPONSIBILITIES OF AWARD RECIPIENTS.

In addition to fulfilling the goals and objectives of the activity, the award recipients shall:

A. comply with the terms and conditions of the commissioner's award notice and with the requirements of parts 4700.2600 to 4700.4000 and other applicable laws and rules;

B. maintain such records, including program and accounting records, as are necessary to make the required reports and to permit assessment of the activity by the commissioner;

C. provide the commissioner with access to records relating to the funded activity;

D. provide progress reports in accordance with a schedule specified in the commissioner's award notification;

E. assure that:

(1) the recipient's treasurer or an official exercising similar functions shall receive and provide for the custody of all funds paid by the commissioner;

(2) all local funds expended by the recipient in order to match a directly-awarded federal grant are reported on the budget and expenditure form;

(3) the local funds identified as local match are used solely to match the specific grant awarded by the commissioner;

(4) funds are used solely for the purpose authorized in the award;

(5) accounting records are supported by source documents;

(6) audits are conducted to determine the fiscal integrity of financial transactions and reports;

(7) fiscal and programmatic accountability is maintained for all subcontracts;

(8) services will be provided in accordance with program standards of the commissioner and standards of accepted professional organizations such as the American Academy of Pediatrics; and

(9) funds will not be used for inpatient services except for high risk pregnant women and infants.

4700.3900 DISQUALIFICATION.

The commissioner shall withhold or terminate funding for failure to comply with the terms of the award or with the requirements of the applicable rules or statutes. The commissioner shall require reimbursement of unauthorized expenditures identified by fiscal audit.

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.

/00.4000 UNIFORM REPORTS.

Award recipients shall furnish uniform reports to the commissioner. Reports of expenditure, filed on forms provided by the commissioner, and annual reports of evaluations of activities shall be submitted no later than 90 days following the close of the fiscal year.

REPEALER. Minnesota Rules, part 4615.0200 is repealed.

Pollution Control Agency

Proposed Permanent Rules Relating to Small Quantity Generators

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State of Minnesota intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28. The statutory authority to adopt the rules is Minn. Stat. § 116.07, subd. 4 (1984).

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Interested persons have until 4:30 p.m. on January 21, 1987 to submit comments on the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Minnesota Pollution Control Agency (MPCA) will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20.

Comments or written requests for a public hearing must be sumitted to:

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayete Road
St. Paul, Minnesota 55155

The proposed rules may be modified if the modifications are supported by data and views submitted to the MPCA and do not result in a substantial change in the proposed rules as noticed.

The rules follow this notice. One free copy of the rules is available on request from the MPCA. Contact Carol Nankivel at 612/296-7260 or at the address listed above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is also available from Carol Nankivel upon request at 612/296-7260 or at the address listed above.

You are hereby advised pursuant to Minn. Stat. § 14.115 (supp. 1985), "Small business considerations in rulemaking," that the proposed amendments will have a minimal impact on small businesses. Since most aspects of the amendments are already required under the federal hazardous waste program, the MPCA is merely adopting as State rules the regulations already in effect on the federal level. The provisions which are not based on federal requirements and which are more stringent than the existing State rules only address the requirement that small quantity generators comply with the pretransport requirements to label, mark and placard waste before shipment and to generally identify the contents of waste containers during the accumulation period. These additional requirements are not expected to impose a significant burden on small businesses.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the 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 rules, must submit the written request to Carol Nankivel at the address listed above.

Dated: 8 December 1986

Thomas J. Kalitowski, Executive Director
Pollution Control Agency

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of Rules
Related to Distribution
of Federal and State Maternal
and Child Health Funds for
Project Grants and Repeal
of a Rule Governing Private
Baby and Infant Homes,
Minn. Rules pt. 4615.0200

FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER ADOPTING A
RULE WITHOUT
PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on Monday, December 22, 1986, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on January 7, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

No written submissions or comments on the rule were received by the agency; however, the agency received three comments by telephone. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

With respect to proposed part 4700.3400, which provides for regional review of grant applications, health systems agencies (HSA's) are no longer federally funded. HSA's were created and funded under national health planning legislation enacted by Congress in the mid-1970's. Minnesota was subsequently divided into several HSA regions, and agencies were formed in each. These agencies were responsible for comprehensive health planning

and policy development. They exercised certain powers and duties with respect to the review and approval of health care facility construction projects which would subsequently benefit from Medicare and Medicaid payments. This regulated approach to shaping the health delivery system began to lose favor in Congress as interest grew in free market strategies. Accordingly, the legislation which created HSA's was not reauthorized by Congress and all federal funding ceased at the end of fiscal year 1986. Therefore, HSA's have ceased to operate across Minnesota with the exception of the Metropolitan Health Board. Although the Metropolitan Health Board continues to exist with a much reduced staffing level on non-federal funding sources, it can no longer be considered a designated HSA under federal law. In any case it does not have the staff resources necessary to review and comment on MCH grant applications. Therefore, the words "health systems agency" are deleted from part 4700.3400.

The modification of part 4700.3400 is not a substantial change in the rule as proposed because it effects only those classes of persons who would reasonably have been expected to comment on the proposed rule as originally noticed. Further the modification makes no substantive change that was not raised by the proposed rule as originally noticed.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Permanent Rules Relating to Grants for Maternal and Child Health Services, as modified, is adopted and Minnesota Rules part 4615.0200 is repealed this 25th day of February, 1987, pursuant to authority vested in me by Minnesota Statutes sections 145.885, 145.884, 144.05, and 144.12, subdivision 1.

MINNESOTA DEPARTMENT OF HEALTH

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
Commissioner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF OPTOMETRY

In the Matter of the
Proposed Permanent
Rules of the Minnesota
Board of Optometry Governing
Home Study Programs and
Emeritus Registration

DECLARATION OF COUNSEL

I, Catherine E. Avina, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 50.X276.0483.

Catherine E. Avina

CATHERINE E. AVINA
Special Assistant
Attorney General

Dated: February 18, 1987

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT of Health/MCH

Office Memorandum

TO: Catherine E. Avina
Attorney General's Office

DATE: Feb. 13, 1987

FROM: David J. Giese DJG
Maternal and Child Health Division

PHONE: 623-5170



SUBJECT: **Adoption of Rules Related to Distribution of Federal and State MCH Funds for Project Grants and Repeal of a Rule Governing Private Baby and Infant Homes, Minn. Rules Part 4615.0200**

The 30-day comment period for the above-referenced rule and repealer is now closed. I did not receive any written comments on the rule or repealer nor did I receive any written requests for a public hearing. No requests were received from persons who wished to be notified of the date of submission of the rule and repealer to the Attorney General.

Telephone calls were received from three persons and the content thereof is summarized below:

January 8, 1987 — Tad Jude, State Senator, 6907 Ives Lane, Maple Grove, MN 55369

Asked why MDH was proposing to adopt a rule and repeal a rule without a public hearing and if drafts had been reviewed by any outside groups. I explained review by the MCH Advisory Task Force and our belief that the adoption and repeal were noncontroversial.

January 13, 1987 — Carol Fielders, Public Health Nursing Director, St. Louis County Health Department, 504 East Second Street, Duluth, MN 55805

Asked why MDH was adopting the MCH rule and repealing the Baby and Infant Home rule. I explained the statutory mandate to adopt procedural rules for the MCH grants and notedthat the Baby and Infant Home rule no longer had any practical application.

February 4, 1987 — Paul Riddle, Health Planner, Metropolitan Health Board, 300 Metro Square Building, 7th and Robert Streets, St. Paul, MN 55101

With regard to part 4700.3400, Regional Review, he noted that health systems agencies are no longer federally funded and that the Metropolitan Health Board's remaining staff is too small to be able to conduct reviews of MCH grant applications.

With regard to Paul Riddle's comment, HSA's were created and funded under national health planning legislation enacted by Congress in the mid-1970's. Minnesota was subsequently divided into several HSA regions and agencies were formed in each. These agencies were responsible for comprehensive health planning and policy development. They exercised certain powers and duties with respect to the review and approval of health care facility construction projects which would subsequently benefit from Medicare or Medicaid payments. This "regulated" approach to shaping the health delivery system began to lose favor in Congress as interest grew in "free market" strategies. Accordingly, the legislation which created HSA's was not reauthorized by Congress and all federal funding ceased at the end of fiscal year 1986. Therefore, HSA's have ceased to operate across Minnesota with the exception of the Metropolitan Health Board. Although the Metropolitan Health Board continues to exist with a much reduced staffing level on non-federal funding sources, it can no longer be considered a designated HSA under federal law. In any case, as Mr. Riddle points out, they do not have the staff resources necessary to review and comment on MCH grant applications. Therefore, I would suggest that we delete the words "health systems agency" from part 4700.3400 and consider this change to be nonsubstantive in nature.

I will submit the suggested modification to part 4700.3400 to the Revisor's Office and provide you with the revised copies as soon as they are received. Please contact me if you have any further advice at this time.

Thank you for your continued assistance.

DJG:jlb

Authority

to ADOPT	144.05	NO
	144.12	OR
to Repeal	145.884	no
	145.889	no
	4615.0200	no

Rule

p 4 line 26-28; Changes from proposed to adopted

P.3 line 29 may include
p 3 line 30-31 may require
p 3 line 31-32 necessary for the proper review
p 3 line 34 may refuse

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL - Health

DATE : February 27, 1987

TO : J. Michael Miles
Assistant Attorney General
Administration/Finance Division

FROM : Catherine E. Avina
Special Assistant
Attorney General

PHONE : 341-7272

SUBJECT : Adopted Rules Relating to Grants for Maternal and Child Health Services

The attached documents in support of the above-referenced rules are submitted to your office for approval:

1. A photocopy of a Notice of Solicitation of Outside Information or Opinions, published April 23, 1984, at 8 S.R. 2306.

2. Copy of the proposed amendments approved by the Revisor's office.

3. Notice of Intent to Adopt a Rule and Repeal a Rule Without a Public Hearing, executed November 12, 1986.

4. A photocopy of the pages of the December 22, 1986, State Register, 11 S.R. 1098, in which the Notice and proposed amendments referenced above were published.

5. Affidavit of Mailing and Certificate of Mailing List executed January 7, 1987.

6. Summary of telephone comments received by the agency.

7. Statements of Need For and Facts Establishing Reasonableness of Amendments (2).

8. Findings of Fact, Conclusions, and Order Adopting Rules Without a Public Hearing, executed February 25, 1987.

8. The original and three copies of the rules as adopted.

9. Declaration of Counsel.

Please call me if you have any questions concerning either the attached documents or the procedures followed by the Department.

CEA:dsc

Attachments

cc: David Giese