

Minnesota Attorney General: Administrative Rules Proceedings

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August 20, 2018

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: February 8, 1991

TO: MARY LOU DRESBACH
MN. Higher Ed. Coor. Bd.

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rules Relating to
Postsecondary Grant Program for RN's
Postsecondary Grant Program for LPN's
Postsecondary Rural Physician Loan Forgiveness Program
Child Care Grants; Campus Contracts with County

The above-referenced rules have been approved as to their legality by the Attorney General on February 7, 1991.

Enclosed is your 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, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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:sc

cc: Nancy Joyer
William Brown, Chief Judge
MaryAnn Hruby

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Child Care Grants; Campus Contracts with County

Rules as Adopted

4830.7400 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

[For text of subps 1 to 7, see M.R.]

Subp. 8. **Contract with county.** Institutions may contract with counties to handle program administration, but are accountable for county decisions related to the program. Program administration includes selection of students to receive awards from this program, award calculation, disbursement, and program reporting. The appeal process in part 4830.7720 is applicable to students attending institutions that contract with counties to handle program administration.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 07 1991

Joan Anderson Growe
Secretary of State

3:20 P.M.

APPROVED AS TO FORM AND LEGALITY
February 7 1991
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Postsecondary Grant Program for Registered Nurses

Rules as Adopted

4830.6500 SCOPE.

Parts 4830.6510 and 4830.6520 apply to the program of state grants for registered nurses.

4830.6510 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Application by schools and programs.** A school or program of advanced nursing education that desires program funds for registered nurses must submit by January 1 each year a completed application form provided by the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to a school or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Requirements for participant institutions.** Each participating school or advanced nursing program must also:

A. provide the executive director by the first working day after May 31 each year with the just or nearly completed academic year's enrollment data of registered nurses seeking to complete baccalaureate or master's degrees in nursing or an advanced program of nursing;

B. establish procedures for students to apply for and receive grants;

C. establish criteria to use in awarding grants, which must include consideration of the likelihood of a student's success in completing the educational program; and

D. give priority to students:

(1) demonstrating the greatest financial need; and

(2) enrolling to complete baccalaureate degrees in nursing.

Subp. 4. **Delay.** A participating institution that fails to submit the annual application for participation to the executive director or provide requested enrollment data by its deadline date may result in the delay of notification and disbursement by the executive director to the institution.

Subp. 5. **Accountability.** Each participating school and advanced program of nursing is accountable for any funds disbursed to students for grants to registered nurses. Funds may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or return the funds to the executive director.

Subp. 6. **Unused funds.** When requested by the executive director, a school or advanced nursing program must report on its use of nursing grant funds and must return unused funds. The executive director shall reallocate unused funds to schools or advanced nursing programs that desire additional funds.

4830.6520 REPORTS OF DATA.

Subpart 1. **Annual reports.** A participating school or nursing program must collect demographic, educational, and financial data specified by the executive director from eligible students requesting grants, and provide the data upon request to the executive director.

The executive director shall require end of the year program activity and student data reports from participating institutions. The school or advanced nursing program must complete and submit the reports and any applicable refunds to the executive director by the first working day after August 9. If the reports are not completed correctly and submitted by the deadline date, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

Subp. 2. **Additional information.** The executive director or an agent may require additional information not inconsistent with law that is helpful in the executive director's judgment to

efficiently administer the program. The additional information may be required from grant applicants or recipients or eligible institutions or programs.

STATE OF MINNESOTA
DEPARTMENT OF STATE
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Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 07 1991
Joan Anderson Growe
Secretary of State
3:15 P.M.
M

APPROVED AS TO FORM AND LEGALITY
February 7 19 91
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Carsberry
SPECIAL ASSISTANT ATTORNEY GENERAL

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Postsecondary Nursing Grant Program for Licensed Practical Nurses

Rules as Adopted

4830.7000 SCOPE.

Parts 4830.7010 to 4830.7020 apply to the program of state grants for licensed practical nurses.

4830.7010 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Application by schools and programs.** A school or program that desires nursing grant funds for licensed practical nurses must submit to the executive director by January 1 each year a completed application form provided by the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to the school's or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Responsibility.** Each participating school or nursing program must:

A. provide the executive director by the first working day after May 31 each year with the just or nearly completed academic year's enrollment data of licensed practical nurses in educational programs leading to licensure as a licensed registered nurse;

B. establish procedures for students to apply for and receive grants;

C. establish criteria to use in awarding nursing grants, which must include consideration of the likelihood of a student's success in completing the nursing educational program; and

D. give priority to students with the greatest financial need.

Subp. 4. **Delay.** A participating institution that fails to

submit the annual application for participation to the executive director or provide requested enrollment data by the deadline dates may result in the delay of notification and allocation by the executive director.

Subp. 5. **Accountability.** Each participating school and nursing program is accountable for any money disbursed to students for nursing grants for licensed practical nurses. The money may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or must return the funds to the executive director.

Subp. 6. **Unused funds.** When requested by the executive director, a school or nursing program shall report on its use of funds and shall return unused funds. The executive director shall reallocate unused funds to schools or nursing programs that desire additional funds.

4830.7020 REPORTS OF DATA.

Subpart 1. **Annual reports.** The school or nursing program must collect demographic, educational, and financial data specified by the executive director from eligible students requesting grants, and provide this data upon request to the executive director.

The executive director shall require end of the year program activity and student data reports. The school or nursing program must complete and submit the reports and any applicable refunds to the executive director by the first working day after August 9. If the reports are not completed correctly and submitted by the deadline, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

Subp. 2. **Additional information.** The executive director or the executive director's agent may require additional information not inconsistent with law that in the executive director's judgment is helpful to efficiently administer the

program. The additional information may be required from grant applicants or recipients or eligible institutions or programs.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

APPROVED AS TO FORM AND LEGALITY

February 7 19 91

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY M J Carsely
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

FEB 07 1991

Joan Anderson Growe
Secretary of State

3:15 P.M.

M

Higher Education Coordinating Board

Adopted Permanent Rules Relating to Postsecondary Rural Physician Loan Forgiveness Program

Rules as Adopted

4810.3000 SCOPE.

Parts 4810.3010 to 4810.3070 apply to the rural physician loan forgiveness program.

4810.3010 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in Minnesota Statutes, section 136A.1351, are applicable to parts 4810.3010 to 4810.3070.

Subp. 2. **Emergency circumstances.** "Emergency circumstances" means those conditions that make it impossible for the participant to fulfill the service commitment. The conditions include death, total and permanent disability, or temporary disability lasting more than two years.

Subp. 3. **Qualified loans.** "Qualified loans" means:

A. Perkins Loans/National Direct Student Loans (NDSLs);

B. Stafford Loans/Guaranteed Student Loans (GSLs);

C. Health Professions Student Loans (HPSLs);

D. Supplemental Loans for Students (SLSs);

E. Auxiliary Loans to Assist Students (ALASs);

F. Parent Loans for Undergraduate Students (PLUSs);

G. Health Education Assistance Loans (HEALs);

H. Mayo Foundation Loans;

I. MedLoans, Minnesota Medical Association Loans (MMAs);

J. Minnesota Medical Foundation Loans (MMFs);

K. University of Minnesota Trust Fund Loans (TFLs);

L. Minnesota Student Educational Loan Fund (SELF loans); and

M. Student Loan Marketing Association Consolidation

Loans (SMART).

4810.3020 CRITERIA FOR SELECTION.

Subpart 1. **Classification of applicants.** The executive director shall place applicants in one of the following classifications:

A. Minnesota residents who fulfill residency training in Minnesota;

B. Minnesota residents who fulfill residency training outside Minnesota;

C. applicants who are not Minnesota residents, but fulfill residency training in Minnesota; or

D. applicants who are not Minnesota residents and do not fulfill residency training in Minnesota.

Subp. 2. **Insufficient award availability.** If more than eight applicants start to serve as physicians in a designated rural area, the executive director shall choose participants in the order specified in subpart 1 for participation. Applicants not chosen to participate initially must be placed on an alternate list from which additional participants will be chosen if a chosen participant declines to participate.

4810.3030 APPLICATION PROCESS.

Subpart 1. **Acknowledgment letter.** On receipt of a letter of interest from a prospective physician, the executive director shall send the prospective physician more detailed information about the program.

Subp. 2. **Application form.** During the fourth year of medical school, the prospective physician must complete and return the program application form provided by the executive director.

Failure to complete and return the application form by the specified deadline date will result in the elimination of the applicant from the classification list.

Subp. 3. **Contract.** During the first year of residency, the prospective physician must sign a contract with the executive director agreeing to serve at least three of the first

five years following residency in a designated rural area if chosen as a participant.

Subp. 4. **Notification of service.** The prospective physician must notify the executive director in writing immediately after starting service as a physician in a designated rural area.

Subp. 5. **Agreement or promissory note.** Before any payments are made by the executive director on qualified loans designated by the participant, the participant must sign the agreement or promissory note provided by the executive director.

4810.3040 LOAN PAYMENT.

Subpart 1. **Designation of loans.** Each program participant must designate which eligible loans the executive director must make payments on. Payments by the executive director cannot exceed $10,000 per year for each participant.

Subp. 2. **Payment billings.** The participant must provide necessary information for payment purposes on eligible loans to the executive director in a timely manner. The participant must provide the executive director with all payment books for the designated loans or forward monthly billing statements for the loans so that the executive director has ample time to make the monthly payments on time.

Subp. 3. **Terms of payments.** The executive director shall make loan payments according to the terms and conditions of the designated loans to the lenders or servicers in an amount that, when annualized, does not exceed $10,000 per year. The participant must continue to serve as a physician in a designated rural area during the period the executive director is making loan payments for the participant.

Subp. 4. **Additional payment amount.** If the amounts paid by the executive director on the designated loans for a participant is less than $10,000 for a 12-month period, during the 12th month the executive director will pay an additional amount on the designated loans to equal $10,000 for the 12-month period. The total amount paid during the 12-month period cannot

exceed the principal and accrued interest of the designated loans.

Subp. 5. **Discontinuation of service.** The participant must reimburse the executive director for payments made during any period when the participant is not serving as a physician in a designated rural area.

4810.3050 PENALTY FOR NONFULFILLMENT.

Subpart 1. **Payment amount.** If a participant fails to fulfill the service requirement of this program, the amount paid on designated loans by the executive director must be repaid with interest at a rate established according to Minnesota Statutes, section 270.75, subdivision 5. Interest accrues from the date the participant ceases to practice as a physician in a designated rural area.

Subp. 2. **Payment plan.** The executive director shall set up a payment plan after consulting with the participant. The participant must repay the money within five years.

Subp. 3. **Waiver.** A participant may request a waiver from the repayment obligation from the executive director. The request must be in writing and must provide written documentation on the emergency circumstances that support the need for the waiver. The executive director shall review the documentation and shall grant a full or partial waiver if the executive director finds that the emergency circumstances justify the waiver.

Subp. 4. **Release of information.** The following information about the participant may be released to a consumer credit reporting agency until the participant has repaid in full all money owed the board:

A. the name and address of participant;

B. the date the repayment started;

C. the outstanding balance;

D. the amount past due;

E. the number of payments past due;

F. the number of late payments in the previous 12

months; and

G. the status or remarks code.

4810.3060 PARTICIPANT RESPONSIBILITIES.

Subpart 1. **Service status verification.** Annually, the participant must complete and return to the executive director by the deadline the service status verification form provided by the executive director.

Subp. 2. **Status change.** The participant must inform the executive director in writing within 30 days of a change of address or service location.

4810.3070 INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or the executive director's agent may require additional information from the participant that is not inconsistent with law that is helpful in the executive director's judgment to efficiently administer the program.

Subp. 2. **Forms.** The executive director may provide to participants and require the use of uniform forms in the administration of the program.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 07 1991
Secretary of State

APPROVED AS TO FORM AND LEGALITY

February 7 1991

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 07 1991
Joan Anderson Growe
Secretary of State

3:20 P.M.

STATE OF MINNESOTA
HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Permanent
Rules Governing Child Care Grants,
Minn. Rules Parts 4830.7400;
Postsecondary Nursing Grant
Program for Licensed Practical Nurses
Minn. Rules Parts 4830.7000-7020;
Postsecondary Rural Physician
Loan Forgiveness Program,
Minn. Rules Parts 4810.3000-3070

DECLARATION OF COUNSEL

I, Nancy J. Joyer, 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 ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 0448.

Nancy J. Joyer 1/29/91

Nancy J. Joyer
Special Assistant Attorney General

.BS0

MJC

4 Separate Rules

RULE REVIEW CHECKLIST

File No. 1791
DATE RECEIVED 1-29-91
REVIEW DATE 2-7-91
DUE DATE 2-12-91
(DIS)APPROVED 2-7-91 mjc
WITHDRAWN

Docket No. 05 0001 0448
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 1-31-91
REVISOR (DIS)APPROVED 3 app. 2/1/91 4th rec'd 2/4/91 (LPN's)
FILED W/SEC. OF STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

~ Notice to Solicit Outside Information/Opinion (if applicable)
___ Date published in State Register
___ Comments

~ Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
November 15, 1990 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
136A.04 and 14(9) Statutory Authority 136A.16 136A.234
___ Small Business Statement
___ Expenditure of public money statement
11-16-90 Signature

✓ Statement of Need and Reasonableness (if applicable)
NA Small Business Statement
NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
November 29, 1990 Dated 30/25 days before adoption
___ Notice attached indicates it is attached
___ Copy of rule or summary attached

✓ Publication in State Register
December 3, 1990 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
___ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
January 17, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
January 17, 1991 Date

___ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Nancy Joyer Name of SAAG representing agency

___ (Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing

STATEMENTS OF NEED AND REASONABLENESS

PERMANENT RULES RELATING TO FINANCIAL AID

as administered by

the Minnesota Higher Education Coordinating Board

In the Matter of the Proposed Adoption of the Rule of
the Minnesota Higher Education Coordinating Board
Governing Postsecondary Grant Program for Registered Nurses,
Postsecondary Grant Program for Licensed Practical Nurses,
Postsecondary Rural Physician Loan Forgiveness Program,
and Child Care Grant Program.

AUTHORITY TO PRESCRIBE RULES

The Minnesota Higher Education Coordinating Board is authorized by statute to adopt policies and prescribe rules and regulations for student financial aid programs, including the nursing grant program for registered nurses, the nursing grant program for licensed practical nurses, the rural physician loan forgiveness program, and the child care grant program [Minnesota Statutes 136A.04, subd. 1(9), and 136A.1355, Section 7].

The Board is proposing to adopt permanent rules for the nursing grant program for registered nurses, the nursing grant program for licensed practical nurses, and the rural physician loan forgiveness program. These programs become effective July 1, 1991.

The Board is proposing to make changes to the rules governing the child care grant program to include provisions for campuses that contract with counties for program administration. The directive for these changes is specified in Laws of Minnesota for 1990, Chapter 591, Article 1, Subd. 2.

BACKGROUND -- RURAL HEALTH PROGRAMS

The 1990 Legislature created four rural health programs to encourage health care professionals to practice in greater Minnesota. Three of these programs become operational for the 1991-92 academic year: nursing grants for registered nurses, nursing grants for licensed practical nurses, and the rural physician loan forgiveness program.

The Minnesota Higher Education Coordinating Board (MHECB) was designated as the state agency responsible for the administration of these three programs. Annual registration renewal fees paid to the board of nursing by registered nurses and licensed practical nurses shall be transferred to the Higher Education Coordinating Board to fund the two nursing programs. The rural physician loan forgiveness program will be funded through allocated monies. The maximum amount the Board would annually pay on loans for physicians under this program is $320,000.

The Minnesota Higher Education Coordinating Board is proposing permanent rules for administration of these three rural health programs which will become operational for the 1991-92 academic year.

BACKGROUND -- CHILD CARE GRANT PROGRAM

The Minnesota Higher Education Coordinating Board (MHECB) assumed responsibility for administration of the Child Care Grant Program commencing with the 1989-90 academic year. Prior to that time, the Minnesota Department of Human Services administered the program.

The 1990 Legislature directed the Minnesota Higher Education Coordinating Board to amend its child care grant rules to include provisions for campuses that contract with counties for program administration. The proposed changes reflect the changes necessary to respond to the directives of the 1990 Legislature.

The current rules do not address circumstances where a post-secondary institution contracts with county agencies to administer the (MHECB) child care program for them. The proposed changes assure that students who attend such institutions will be treatly equitably when compared to students that attend institutions that administer this program themselves.

CHAPTER II: Part-by-Part Explanation/ Rural Health Programs

This chapter provides an explanation for each part of the rules relating to the nursing grant program for registered nurses, the nursing grant program for licensed practical nurses, and the rural physician loan forgiveness program.

Nursing Grant Program for Registered Nurses

4830.6500 **SCOPE.** This defines the parameters of applicability for the rules that follow.

4830.6510 **APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.**

Subpart 1. **Application by schools and programs.** The statutory language governing this program specifies that a school or program of advanced nursing education must apply to the Board for participation in this program by January 1st. The Board felt it necessary to clarify that an application form would be provided and that the school/program of nursing must apply annually.

Subpart 2. **Modification of allocations.** In order to make the most efficient use of program monies, and not allocate excess funds to a school/program of nursing, the school/program will receive the amount of its estimated need for funds if the estimated need is less than the allocation amount calculated by MHECB based upon enrollment data provided by the school/program. This procedure for allocation of funds is consistent with other programs administered by the Board.

Subpart 3. **Requirements for participant institutions.** The language in this subpart is consistent with the statutory language addressing the issue of "responsibility of nursing programs" for this program. In addition to the statutory requirements, the Board felt it necessary to establish a deadline date by which the school/program of nursing must provide enrollment data in order that the MHECB can calculate and disburse nursing grant monies to the schools/programs in a timely manner.

Subpart 4. **Delay.** The statutory language specifies a date by which the Board should distribute program monies to the school/program of nursing. The Board felt it necessary to caution schools/programs of nursing that if the MHECB does not receive enrollment data by the specified deadline date, notification and/or disbursement of program monies by the Board to the school/program of nursing may be delayed. Since the possible delay(s) would be caused by the school/program of nursing, the Board would not assume responsibility for delay(s) in such cases.

Subpart 5. **Accountability.** By signing the application to participate in the program, the school/program of nursing recognizes its accountability for nursing grant monies disbursed to its students. This accountability ensures the integrity of the program and the use of program monies to assist only those students who meet the eligibility requirements for participation in the program.

Subpart 6. **Unused funds.** This requirement of a school/program of nursing to report on its use of funds and to return unused program monies is consistent with the procedure used for reallocation of program monies during the academic year in other state financial aid programs administered by the Board. This is an attempt by the Board to monitor the use of program monies, and assure that monies are made available to students throughout the academic year.

4830.6520 **REPORTS OF DATA.**

Subpart 1. **Annual reports.** The reporting requirements specified in this section attempt to clarify the statutory requirements for reporting. The deadline date for submission of such reports is consistent with the reporting requirements of schools participating in other state financial aid programs administered by the Board. In order to analyze program operations and provide statistical reports to the Governor and Legislature, the Board felt it necessary to specify the reporting requirements, the specific data required of schools/programs of nursing participating in this program, and the deadline date for submission of such data. This ensures efficient program operations, and provides the Board with data necessary for policy planning and implementation as required by statute.

Subpart 2. **Additional information.** While an attempt has been made to specify the types of information the Board may need for operational, statistical, and reporting purposes, at some point time it may be necessary to request additional data from schools/programs of nursing, or grant applicants in order to fulfill Legislative reporting requirements, program operational changes, or statistical data bases. This language provides for data collection pertinent to the program which is unforeseen now.

Nursing Grant Program for Licensed Practical Nurses

4830.7000 **SCOPE.** This defines the parameters of applicability for the rules that follow.

4830.7010 **APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.**

Subpart 1. **Application by schools and programs.** The statutory language governing this program specifies that a school or program must apply to the Board for participation in this program by January 1st. The Board felt it necessary to clarify that an application form would be provided and that the school/program must apply annually.

Subpart 2. **Modification of allocations.** In order to make the most efficient use of program monies, and not allocate excess funds to a school/program, the school/program will receive the amount of its estimated need for funds if the estimated need is less than the allocation amount calculated by MHECB based upon enrollment data provided by the school/program. This procedure

for allocation of funds is consistent with other programs administered by the Board.

Subpart 3. **Requirements for participant institutions.** The language in this subpart is consistent with the statutory language addressing the issue of "responsibility of nursing programs" for this program. In addition to the statutory requirements, the Board felt it necessary to establish a deadline date by which the school/program of nursing must provide enrollment data in order that the MHECB can calculate and disburse nursing grant monies to the schools/programs in a timely manner.

Subpart 4. **Delay.** The statutory language specifies a date by which the Board should distribute program monies to the school/program. The Board felt it necessary to caution schools/program that if the MHECB does not receive enrollment data by the specified deadline date, notification and/or disbursement of program monies by the Board to the school/program may be delayed. Since the possible delay(s) would be caused by the school/program, the Board would not assume responsibility for delay(s) in those cases.

Subpart 5. **Accountability.** By signing the application to participate in the program, the school/program recognizes its accountability for nursing grant monies disbursed to its students. This accountability ensures the integrity of the program and the use of program monies to assist only those students who meet the eligibility requirements for participation in the program.

Subpart 6. **Unused funds.** This requirement of a school/program to report on its use of funds and to return unused program monies is consistent with the procedure used for reallocation of program monies during the academic year in other state financial aid programs administered by the Board. This is an attempt by the Board to monitor the use of program monies, and assure that monies are made available to students throughout the academic year.

4830.7020 **REPORTS OF DATA.**

Subpart 1. **Annual reports.** The reporting requirements specified in this section attempt to clarify the statutory requirements for reporting. The deadline date for submission of such reports is consistent with the reporting requirements of schools participating in other state financial aid programs administered by the Board. In order to analyze program operations and provide statistical reports to the Governor and Legislature, the Board felt it necessary to specify the reporting requirements, the specific data required of school/programs of nursing participating in this program, and the deadline date for submission of such data. This ensures efficient program operations, and provides the Board with data necessary for policy planning and implementation as required by statute.

Subpart 2. **Additional information.** While an attempt has been made to specify the types of information the Board may need for operational, statistical, and reporting purposes, at some point time it may be necessary

to request additional data from schools/programs of nursing, or grant applicants in order to fulfill legislative reporting requirements, program operational changes, or statistical data bases. This language provides for data collection pertinent to the program which is unforeseen at this point in time.

Rural Physician Loan Forgiveness Program

4810.3000 **SCOPE.** This defines the parameters of the applicability of the rules that follow.

4810.3010 **DEFINITIONS.**

Subpart 1. **Scope.** This defines the parameters of applicability for the definitions that follow.

Subpart 2. **Emergency circumstances.** While the statutory language makes reference to "emergency circumstances", no explanation as to what constitutes such circumstances is included in the statute. In order to avoid any confusion and misunderstanding by applicants, the Board felt it necessary to specifically explain the types of conditions that must exist in order for a participant to claim such circumstances as they relate to fulfillment of the service obligation in an eligible rural service area.

Subpart 3. **Qualified loans.** The statute makes reference to "qualified loans" as they relate to loan forgiveness, however, no explanation or definition of the term "qualified loans" is provided in the statute. In order to administer the program equitably and efficiently, the Board felt obligated to list the specific loans that would be considered to be "qualified loans" under the loan forgiveness condition of this program. It was felt that applicants should know which loans would be considered "qualified" prior to indicating an interest in the program, so the applicant could plan his/her borrowing and repayment obligations; and decide whether this program would meet his/her personal and professional needs.

Subpart 4. **Classification of applicants.** This section explains the criteria that will be used in ranking applicants for participation in this program. The Board felt that it is likely that the number of applicants for this program will exceed the number of participants permitted to enter the program annually. (The level of participation is defined in statute-- maximum of 8 applicants per year.) By creating a ranking system for applicants, the integrity of the selection process is preserved, and the method of selection by the executive director is simplified. Also, applicants will know how applicants will be ranked for program participation, which may be an important factor when selecting an area to establish medical practice.

Subpart 5. **Insufficient award availability.** This section explains what will happen should the number of eligible applicants exceed the number of participants the executive director can select. The process explained in this

section ensures the integrity of the program and the equitable treatment of applicants.

4810.3030 **APPLICATION PROCESS.**

Subpart 1. **Acknowledgment letter.** This procedure of acknowledging the applicant's interest in the program and providing more detailed information concerning the terms and obligations of a participant in the program should give the applicant sufficient information to make an informed decision as to whether he/she wishes to participate in the program should he/she be selected for participation. The Board felt it useful to provide the applicant with as much information as possible as soon as possible in order to avoid delays in acceptance should an applicant be chosen for participation.

Subpart 2. **Application form.** Since a student can indicate interest in the program when first starting to attend medical school, the Board felt it was important to provide the applicant with an application form during the student's fourth year of medical school. The applicant may have changed his/her mind about wishing to participate in the program since his/her initial indication of interest in the program. This application form will provide the executive director with basic information about the applicant, and will permit the applicant to express his/her continued interest in program participation.

Subpart 5. **Contract.** According to the statutes governing this program, a student or resident must sign a contract agreeing to serve at least three of the first five years following residency in a designated rural area. The Board felt it necessary to reiterate this requirement as part of the Application Process section of these rules to provide continuity in this section and avoid possible confusion.

Subpart 6. **Notification of service.** The Board felt it necessary to specify that it is the obligation of the applicant/prospective physician to notify the executive director upon serving as a physician in a designated rural area. This clarifies the reporting obligation of the applicant to the program concerning employment, and provides the executive director with information necessary for verifying the applicant's eligibility.

Subpart 6. **Agreement or promissory note.** Because the Board is making a monetary commitment of program funds for payment of the applicant's qualified loans, and the applicant has certain obligations that must be fulfilled in order for such payments to be made by the executive director, the Board felt it necessary to specify the exact terms of the agreement between the Board and the physician. This agreement will be legally binding for both parties, and therefore must contain the terms and conditions of the contractual relationship. It is essential that the physician understand and agree to the conditions of the promissory note prior to entering this agreement. The agreement/promissory note will protect the rights of the physician and the Board which is essential in order to maintain the integrity of the program.

4810.3040 **LOAN PAYMENT**

Subpart 1. Designation of loans. This section protects the rights of the participant to select which loan(s) the executive director shall make payments on within the parameters specified under 4810.3010, subpart 3, and the statutory limitations for payment amounts specified in 136A.1355, subdivision 3.

Subpart 2. **Payment billings.** This section is included in order to provide the executive director with the information necessary to carry out the obligations of the Board as they relate to payments on a physician's qualified loans. The Board felt it necessary to specify the documents the physician must provide to the executive director in order to avoid confusion and delay of payments on the physician's loans.

Subpart 3. **Terms of payments.** This section clarifies the terms under which the executive director will make payments on a physician's qualified loans, and also clarifies the status of the physician's service obligation while the executive director is making payments on the physician's eligible loans. The Board felt it advisable to further explain the maximum annual payment amount and the service obligation mentioned in the statutes governing this program to avoid misunderstanding or confusion.

Subpart 4. **Additional payment amount.** This section explains the procedures that will be followed if the total of the monthly payment amounts paid by the executive director on the physician's designated loans is less than $10,000 by the end of a 12 month period. The Board felt it necessary to specify the procedures to be followed in order to protect the rights of the program participant and ensure equitable treatment of all participants. It is also essential to clarify that the payment amount cannot exceed the amount owed on the designated loan to avoid confusion and preserve program integrity.

Subpart 5. **Discontinuation of service.** The language used in this section explains the obligations of the program participant should he/she discontinue service in a designated rural area. The Board felt it necessary to address this circumstance for clarity and to avoid misunderstanding of the program participant's obligations.

4810.3050 **PENALTY FOR NONFULFILLMENT**

Subpart 1. **Payment amount.** The Board felt it necessary to specify the terms of the repayment obligations of the program participant should he/she not fulfill the service obligations agreed to in the promissory note. While the statutory language mentions the Board's obligation to collect monies from the participant in such cases, more specific language is required to avoid confusion, and misunderstanding. This language also assures equitable treatment of all program participants obligated to repay monies due to failure to fulfill the service commitment.

Subpart 2. **Payment plan.** In order to be responsive to the personal circumstances of program participants who are required to repay monies, the

executive director must be able to work out repayment terms on an individualized basis, while retaining the integrity of the program by setting a reasonable limitation on the number of years by which monies must be repaid by the program participant. The Board felt it necessary to specify the general terms of the payment plan so that the participant knows the consequences of non-fulfillment prior to signing the promissory note. This is an attempt to ensure timely repayment and uniform treatment of all participants required to repay monies, and to provide the efficient handling of payments received by the executive director.

Subpart 3. **Waiver.** The statutes governing this program provide that the Board may grant full or partial waivers. The language in this section attempts to clarify the circumstances under which the executive director will consider such action. This language ensures to equitable treatment of all participants.

Subpart 4. **Release of information.** It is necessary that the program participants realize that the commitment to serve in a designated rural area in return for payment qualified loans is taken very seriously by the Board. The reporting of payment activity to a consumer credit reporting agency is consistent with operating procedures followed in by the Board in another student loan fund administered by the Board. It provides uniform treatment of all participants and attempts to ensure timely payments of participants who are required to repay program monies due to non-fulfillment of service obligations.

4810.3060. **PARTICIPANT RESPONSIBILITIES.**

Subpart 1. **Service status verification.** In order to monitor fulfillment of the physician's rural practice obligation, the Board felt it necessary to require completion and return of a status form on an annual basis. This is an attempt to fulfill the Board's program administration responsibilities in an efficient manner, but not overburden the reporting responsibilities of the program participants.

Subpart 2. **Status change.** This section is an attempt to maintain current data on program participants, and provide efficient monitoring of physician service obligations. It is imperative that address and service location information be kept up-to-date in order to provide the participants with program information pertinent to their obligation. Also, the Board has legislative reporting requirements which necessitate current and correct participant data.

4810.3070 **INFORMATION; FORMS; TERMS.**

Subpart 1. **Additional information.** While an attempt has been made to specify the types of information the Board may need for operational, statistical, and reporting purposes, at some point it may be necessary to request additional data from participants, medical schools, or designated service areas in order to fulfill Legislative reporting requirements, program operational changes, or statistical data bases. This language provides for data collection pertinent to the program which is unforeseen now.

Subpart 2. **Forms.** In order to administer this program efficiently, the Board felt it necessary to specify that the executive director can require the use of forms provided by the MHECB. This requirement should simplify record-keeping and ensure consistent data collection.

Child Care Grant Program

4830.7400 **APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS**

Subpart 8. **Contract with county.** This subpart was added in an attempt by the Board to be responsive to the directive of the 1990 Legislature to include provisions for post-secondary institutions that contract with county agencies to handle the child care grant program administration. The Board felt it necessary to specify the duties which are to be handled by the county in such cases. Also the added language makes it clear that the same appeal procedure is available to students attending such institutions as if the students were attending institutions that handled program administration themselves. This language is necessary to preserve the integrity of the program, and the equitable treatment of all students receiving such program funds.

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Child Care Grants; Campus Contracts with County

Rules as Proposed

4830.7400 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

[For text of subps 1 to 7, see M.R.]

Subp. 8. **Contract with county.** Institutions may contract with counties to handle program administration, but are accountable for county decisions related to the program. Program administration includes selection of students to receive awards from this program, award calculation, disbursement, and program reporting. The appeal process in part 4830.7720 is applicable to students attending institutions that contract with counties to handle program administration.

Approved by Revisor

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Child Care Grants; Campus Contracts with County

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapter 4830

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Postsecondary Rural Physician Loan Forgiveness Program

Rules as Proposed (all new material)

4810.3000 SCOPE.

Parts 4810.3010 to 4810.3070 apply to the rural physician loan forgiveness program.

4810.3010 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in Minnesota Statutes, section 136A.1351, are applicable to parts 4810.3010 to 4810.3070.

Subp. 2. **Emergency circumstances.** "Emergency circumstances" means those conditions that make it impossible for the participant to fulfill the service commitment. The conditions include death, total and permanent disability, or temporary disability lasting more than two years.

Subp. 3. **Qualified loans.** "Qualified loans" means:

A. Perkins Loans/National Direct Student Loans (NDSLs);

B. Stafford Loans/Guaranteed Student Loans (GSLs);

C. Health Professions Student Loans (HPSLs);

D. Supplemental Loans for Students (SLSs);

E. Auxiliary Loans to Assist Students (ALASs);

F. Parent Loans for Undergraduate Students (PLUSs);

G. Health Education Assistance Loans (HEALs);

H. Mayo Foundation Loans;

I. MedLoans, Minnesota Medical Association Loans (MMAs);

J. Minnesota Medical Foundation Loans (MMFs);

K. University of Minnesota Trust Fund Loans (TFLs);

L. Minnesota Student Educational Loan Fund (SELF loans); and

M. Student Loan Marketing Association Consolidation

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Loans (SMART).

4810.3020 CRITERIA FOR SELECTION.

Subpart 1. **Classification of applicants.** The executive director shall place applicants in one of the following classifications:

A. Minnesota residents who fulfill residency training in Minnesota;

B. Minnesota residents who fulfill residency training outside Minnesota;

C. applicants who are not Minnesota residents, but fulfill residency training in Minnesota; or

D. applicants who are not Minnesota residents and do not fulfill residency training in Minnesota.

Subp. 2. **Insufficient award availability.** If more than eight applicants start to serve as physicians in a designated rural area, the executive director shall choose participants in the order specified in subpart 1 for participation. Applicants not chosen to participate initially must be placed on an alternate list from which additional participants will be chosen if a chosen participant declines to participate.

4810.3030 APPLICATION PROCESS.

Subpart 1. **Acknowledgment letter.** On receipt of a letter of interest from a prospective physician, the executive director shall send the prospective physician more detailed information about the program.

Subp. 2. **Application form.** During the fourth year of medical school, the prospective physician must complete and return the program application form provided by the executive director.

Failure to complete and return the application form by the specified deadline date will result in the elimination of the applicant from the classification list.

Subp. 3. **Contract.** During the first year of residency, the prospective physician must sign a contract with the executive director agreeing to serve at least three of the first

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five years following residency in a designated rural area if chosen as a participant.

Subp. 4. **Notification of service.** The prospective physician must notify the executive director in writing immediately after starting service as a physician in a designated rural area.

Subp. 5. **Agreement or promissory note.** Before any payments are made by the executive director on qualified loans designated by the participant, the participant must sign the agreement or promissory note provided by the executive director.

4810.3040 LOAN PAYMENT.

Subpart 1. **Designation of loans.** Each program participant must designate which eligible loans the executive director must make payments on. Payments by the executive director cannot exceed $10,000 per year for each participant.

Subp. 2. **Payment billings.** The participant must provide necessary information for payment purposes on eligible loans to the executive director in a timely manner. The participant must provide the executive director with all payment books for the designated loans or forward monthly billing statements for the loans so that the executive director has ample time to make the monthly payments on time.

Subp. 3. **Terms of payments.** The executive director shall make loan payments according to the terms and conditions of the designated loans to the lenders or servicers in an amount that, when annualized, does not exceed $10,000 per year. The participant must continue to serve as a physician in a designated rural area during the period the executive director is making loan payments for the participant.

Subp. 4. **Additional payment amount.** If the amounts paid by the executive director on the designated loans for a participant is less than $10,000 for a 12-month period, during the 12th month the executive director will pay an additional amount on the designated loans to equal $10,000 for the 12-month period. The total amount paid during the 12-month period cannot

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exceed the principal and accrued interest of the designated loans.

Subp. 5. **Discontinuation of service.** The participant must reimburse the executive director for payments made during any period when the participant is not serving as a physician in a designated rural area.

4810.3050 PENALTY FOR NONFULFILLMENT.

Subpart 1. **Payment amount.** If a participant fails to fulfill the service requirement of this program, the amount paid on designated loans by the executive director must be repaid with interest at a rate established according to Minnesota Statutes, section 270.75, subdivision 5. Interest accrues from the date the participant ceases to practice as a physician in a designated rural area.

Subp. 2. **Payment plan.** The executive director shall set up a payment plan after consulting with the participant. The participant must repay the money within five years.

Subp. 3. **Waiver.** A participant may request a waiver from the repayment obligation from the executive director. The request must be in writing and must provide written documentation on the emergency circumstances that support the need for the waiver. The executive director shall review the documentation and shall grant a full or partial waiver if the executive director finds that the emergency circumstances justify the waiver.

Subp. 4. **Release of information.** The following information about the participant may be released to a consumer credit reporting agency until the participant has repaid in full all money owed the board:

A. the name and address of participant;

B. the date the repayment started;

C. the outstanding balance;

D. the amount past due;

E. the number of payments past due;

F. the number of late payments in the previous 12

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months; and

G. the status or remarks code.

4810.3060 PARTICIPANT RESPONSIBILITIES.

Subpart 1. **Service status verification.** Annually, the participant must complete and return to the executive director by the deadline the service status verification form provided by the executive director.

Subp. 2. **Status change.** The participant must inform the executive director in writing within 30 days of a change of address or service location.

4810.3070 INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or the executive director's agent may require additional information from the participant that is not inconsistent with law that is helpful in the executive director's judgment to efficiently administer the program.

Subp. 2. **Forms.** The executive director may provide to participants and require the use of uniform forms in the administration of the program.

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Postsecondary Rural Physician Loan Forgiveness Program

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapter 4810

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Postsecondary Grant Program for Registered Nurses

Rules as Proposed (all new material)

4830.6500 SCOPE.

Parts 4830.6510 and 4830.6520 apply to the program of state grants for registered nurses.

4830.6510 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Application by schools and programs.** A school or program of advanced nursing education that desires program funds for registered nurses must submit by January 1 each year a completed application form provided by the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to a school or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Requirements for participant institutions.** Each participating school or advanced nursing program must also:

A. provide the executive director by the first working day after May 31 each year with the just or nearly completed academic year's enrollment data of registered nurses seeking to complete baccalaureate or master's degrees in nursing or an advanced program of nursing;

B. establish procedures for students to apply for and receive grants;

C. establish criteria to use in awarding grants, which must include consideration of the likelihood of a student's success in completing the educational program; and

D. give priority to students:

(1) demonstrating the greatest financial need; and

(2) enrolling to complete baccalaureate degrees in nursing.

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Subp. 4. **Delay.** A participating institution that fails to submit the annual application for participation to the executive director or provide requested enrollment data by its deadline date may result in the delay of notification and disbursement by the executive director to the institution.

Subp. 5. **Accountability.** Each participating school and advanced program of nursing is accountable for any funds disbursed to students for grants to registered nurses. Funds may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or return the funds to the executive director.

Subp. 6. **Unused funds.** When requested by the executive director, a school or advanced nursing program must report on its use of nursing grant funds and must return unused funds. The executive director shall reallocate unused funds to schools or advanced nursing programs that desire additional funds.

4830.6520 REPORTS OF DATA.

Subpart 1. **Annual reports.** A participating school or nursing program must collect demographic, educational, and financial data specified by the executive director from eligible students requesting grants, and provide the data upon request to the executive director.

The executive director shall require end of the year program activity and student data reports from participating institutions. The school or advanced nursing program must complete and submit the reports and any applicable refunds to the executive director by the first working day after August 9. If the reports are not completed correctly and submitted by the deadline date, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

Subp. 2. **Additional information.** The executive director or an agent may require additional information not inconsistent with law that is helpful in the executive director's judgment to

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efficiently administer the program. The additional information may be required from grant applicants or recipients or eligible institutions or programs.

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Postsecondary Grant Program for Registered Nurses

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapter 4830

The attached rules are approved for publication
in the State Register

Richard J. Sands
Senior Assistant Revisor

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Postsecondary Nursing Grant Program for Licensed Practical Nurses

Rules as Proposed (all new material)

4830.7000 SCOPE.

Parts 4830.7010 to 4830.7020 apply to the program of state grants for licensed practical nurses.

4830.7010 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Application by schools and programs.** A school or program that desires nursing grant funds for licensed practical nurses must submit to the executive director by January 1 each year a completed application form provided by the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to the school's or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Responsibility.** Each participating school or nursing program must:

A. provide the executive director by the first working day after May 31 each year with the just or nearly completed academic year's enrollment data of licensed practical nurses in educational programs leading to licensure as a licensed registered nurse;

B. establish procedures for students to apply for and receive grants;

C. establish criteria to use in awarding nursing grants, which must include consideration of the likelihood of a student's success in completing the nursing educational program; and

D. give priority to students with the greatest financial need.

Subp. 4. **Delay.** A participating institution that fails to

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submit the annual application for participation to the executive director or provide requested enrollment data by the deadline dates may result in the delay of notification and allocation by the executive director.

Subp. 5. **Accountability.** Each participating school and nursing program is accountable for any money disbursed to students for nursing grants for licensed practical nurses. The money may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or must return the funds to the executive director.

Subp. 6. **Unused funds.** When requested by the executive director, a school or nursing program shall report on its use of funds and shall return unused funds. The executive director shall reallocate unused funds to schools or nursing programs that desire additional funds.

4830.7020 REPORTS OF DATA.

Subpart 1. **Annual reports.** The school or nursing program must collect demographic, educational, and financial data specified by the executive director from eligible students requesting grants, and provide this data upon request to the executive director.

The executive director shall require end of the year program activity and student data reports. The school or nursing program must complete and submit the reports and any applicable refunds to the executive director by the first working day after August 9. If the reports are not completed correctly and submitted by the deadline, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

Subp. 2. **Additional information.** The executive director or the executive director's agent may require additional information not inconsistent with law that in the executive director's judgment is helpful to efficiently administer the

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by Revisor _____

program. The additional information may be required from grant applicants or recipients or eligible institutions or programs.

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Postsecondary Nursing Grant Program for Licensed Practical Nurses

AGENCY: Higher Education Coordinating Board

MINNESOTA RULES: Chapter 4830

The attached rules are approved for publication in the State Register

Richard J. Sands
Senior Assistant Revisor

136A.04 subd 1 (9)

The higher education coordinating board shall: prescribe policies, procedures, and rules necessary to administer the programs under its supervision.

136A.16

The board shall adopt policies and prescribe appropriate rules to carry out the purposes of sections 136A.15 to 136A.1702.

136A.234

The higher education coordinating board shall adopt rules concerning agencies

Expiration of comment period January 2, 1991

180 deadline

not new material checked

rules = even though it says it new.

Minnesota
Higher Education
Coordinating Board

Suite 400
Capitol Square
550 Cedar Street
Saint Paul, Minnesota 55101

612-296-3974

January 22, 1991

Nancy Joyer
Office of the Attorney General
Bremer Tower, 11th Floor
7th & Minnesota
St. Paul, MN 55101

Dear Nancy:

Enclosed you will find the documents pertaining to the Child Care Grants, Licensed Practical Nurse, Registered Nurse, and Rural Physician's Education Account Programs.

We are requesting that you review the enclosed documents and issue a Declaration of Counsel.

The documents enclosed are as follows:

(C) Authorizing Resolution
(D) 4 Copies of Proposed Rules prepared by Revisor
(E) Notice of Intent to Adopt a Rule Without a Public Hearing
(F) Statement of Need and Reasonableness
(G) Affidavit of Mailing Notice of Intent
(H) Photocopy of Notice/Rules from State Register
(I) 4 Copies of Rules as Adopted prepared by Revisor
(J) Resolution adopting the Rule
(K) Findings of Fact, Conclusion, and Order

No comments were received during the comment period.

I trust you will find everything in order. If so, please forward documents to the Attorney General for approval with your Declaration of Counsel.

As always, I appreciate your assistance in this process.

Sincerely,

Mary Lou Dresbach

Mary Lou Dresbach
Administrative Liaison

Enclosures

RECEIVED

JAN 2 2 91

ATTORNEY GENERAL'S OFFICE
1100 BREMER TOWER
7TH PLACE AND MINNESOTA ST.
ST. PAUL, MN 55101

Child Care Grants, LPN Program, RN Program Rural Physician Program

CHECK LIST: **PERMANENT RULES WITHOUT A PUBLIC HEARING**

DATE	DOCUMENT	NOTES
11/15/90	(C) Authorizing Resolution (Board)	
11/5/90 11/9/90	(D) Copy of Proposed rule with certificate of approval as to form by the Revisor of Statutes (Revisor)	
11/16/90	(E) Notice of Intent to Adopt a Rule without a public hearing ~~(Board)~~ Exec Director	
OK	(F) Statement of Need & Reasonableness (MLD)	
11/29/90	(G) Affidavit of mailing the Notice of Intent to adopt a rule w/o a public hearing (MLD)	
12/3/90	Date of publication of Notice of Intent to adopt rule w/o public hearing in the State Register	
OK	(H) Photocopy of Notice of Intent from State Register	
1/3/91	End of 30 day comment period	
OK	(I) 4 copies of rule as adopted (revisor)	
1/17/91	(J) Resolution Adopting the Rule (Board)	
1/17/91	(K) Findings of fact, conclusion, and Order (Executive Director)	
N/A	(L) Written requests, comments, submissions	None received
1/22/91	Forwarding of all documents to agency legal counsel	
	(M) Declaration of agency legal counsel	
**	(N) Notice of submission of rule to AG	
**	(O) Affidavit of mailing notice of submission of rule to AG	

** This is not necessary unless requested by commentors.

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1990) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1990) for reducing the impact of the proposed rules should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

IV. Notice of Intent to Cancel Hearing If Fewer than 25 Persons Request a Hearing in Response to the Notice Given in Part II Above. Also, the Hearing Will Be Cancelled If a Sufficient Number of People Withdraw Their Request for a Hearing in Response to Proposed Revisions of the Proposed Rules by the Board

To be informed whether the hearing noticed in Part III above will be held, please call the Board before February 8, 1991, and leave your name, address, and telephone number. You will be notified on February 14, 1991, if the hearing has been cancelled. You may also call the Board on February 14, 1991 to find out whether the hearing scheduled for February 15, 1991 will be held.

Lois E. Mizuno
Executive Director

Rules as Proposed (all new material)

7200.6150 SPECIAL FEE.

Each licensee licensed before the effective date of this rule shall be assessed a one-time fee in the amount of $40 to be remitted to the board on or before June 25, 1991, for the purpose of covering the board's legal expenses. The board shall withhold the new license or renewal certificate of any licensee who fails to remit the fee by June 25, 1991, until the fee and a late fee of $10 is paid.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Office of Administrative Hearings

Adopted Permanent Rules Relating to Rulemaking, Contested Case, and Revenue Recapture Act Hearings

The rules proposed and published at *State Register*, Volume 15, Number 7, pages 362-370, August 13, 1990 (15 SR 362) are adopted with the following modifications:

Rules as Adopted

1400.0250 FILING OF MATERIALS.

Subp. 2. **Facsimile transmission.** Any paper relating to hearings conducted by an administrative law judge under *Minnesota Statutes*, chapter 14, may be filed with or served on the office by facsimile transmission. The person filing the document must forward the original signed document within five days. Filings or service shall be effective at the time that the facsimile transmission is received by the office. A transmission which is commenced prior to 4:30 p.m. shall be deemed to have been timely filed. The filing or service of a facsimile shall have the same force and effect as the filing or service of the original document.

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.

CERTIFICATE OF THE
MINNESOTA HIGHER EDUCATION COORDINATING BOARD

AUTHORIZING RESOLUTION

I, Charles Neerland, do hereby certify that I am a member and the Secretary of the Minnesota Higher Education Coordinating Board, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Higher Education Coordinating Board duly and properly called and held on the 15th day of November, 1990, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> RESOLVED, that David R. Powers, the Executive Director of the Minnesota Higher Education Coordinating Board, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt rules without a public hearing governing Child Care Grants, Nursing Grants for Licensed Practical Nurses, Nursing Grants for Registered Nurses, and the Rural Physician Education Account, to all persons who have registered their names with the Board for that pupose and publish the Notice and rules in the State Register, and to perform any and all acts incidental thereto."
>
> IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of November, 1990.

Charles S. Neerland, Secretary
(Officer of the Board)

Duane C. Scribner
(Attest by one other Board member)

B. Growers must be compensated for suitable passed acreage at 100 percent of the contract price. The processor must pay a minimum of 50 percent, with the remainder to be paid for by the pool.

For purposes of determining compensation, yield and grade must be determined by one of the methods in subitems (1) to (3).

(1) The estimated yield and grade of unharvested acreage may be based on the actual yield and grade of harvested acreage, if part of the growers' acreage has been harvested.

(2) The yield and grade of a grower's unharvested acreage may be based on the average yield and grade of acreage harvested from other growers in the area.

(3) Agreement may be arrived at between the grower and processor as to what is adequate compensation based on past yields and the experience of the individual grower.

C. At the end of each season after passed acreage totals have been determined, each processor shall provide contract growers with a statement summarizing the aggregate disposition of passed acreage funds. The statement must be provided to each grower with the grower's final paycheck. At a minimum, the statement must include:

(1) the total amount of acreage left unharvested by the processor;

(2) the amount of unsuitable acreage abandoned by the processor and the aggregate compensation paid for that acreage;

(3) the amount of suitable acreage passed by the processor and the total passed acreage compensation paid for that acreage;

(4) total grower contributions to the passed acreage pool;

(5) total processor contributions for passed acreage compensation; and

(6) total payment to growers, broken down into number of growers being paid, amount of acreage paid for, and total payment to all growers for passed acreage.

1500.1401 UNFAIR TRADE PRACTICES.

It is unlawful in or in connection with any produce transaction:

A. for a wholesale produce dealer to make, for a fraudulent purpose, a false or misleading statement in connection with a transaction involving produce; including statements made to induce a person to sign a contract;

B. for a wholesale produce dealer to misrepresent by word, act, mark, stencil, label, statement, or deed, the character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity, or origin of any produce received, shipped, sold, or offered to be sold;

C. for a wholesale produce dealer, for a fraudulent purpose, to remove, alter, or tamper with a card, stencil, stamp, tag, or notice placed upon a container or railroad car containing produce, if the card, stencil, stamp, tag, or notice contains a certificate or statement under authority of a federal or state inspector or in compliance with a federal or state law or regulation as to the grade or quality of the produce contained in the container or railroad car;

D. for a wholesale produce dealer to use coercion, intimidation, the threat of retaliation, or the threat of contract termination to impose, demand, compel, or dictate the terms, payment or manner of payment, or the signing of a contract by a producer; or

E. for a wholesale produce dealer, without the consent of an inspector, to make, cause, or permit to be made any change by way of substitution or otherwise in the contents of a load or lot of produce after it has been officially inspected for grading and certification. This does not prohibit resorting and discarding inferior produce.

1500.1501 FEDERAL PREEMPTION.

If federal and state regulation are identical, federal jurisdiction and enforcement control unless the federal authority decides not to enforce the regulation.

REPEALER. *Minnesota Rules*, parts 1500.0100; 1500.0200; 1500.0300; 1500.0400; 1500.0500; 1500.0600; 1500.0700; 1500.0800; 1500.0900; 1500.1000; 1500.1100; 1500.1200; 1500.1300; 1500.1400; 1500.1500; 1500.1600; 1500.1700; 1500.2200; 1500.2300; 1500.2400; 1500.2500; 1500.2600; 1500.2700; 1500.2800; 1500.2900; 1500.3000; 1500.3100; and 1500.3200 are repealed.

Higher Education Coordinating Board

Proposed Permanent Rules Relating to Child Care Grants; Campus Contracts With County; Postsecondary Grant Program for Registered Nurses; Postsecondary Nursing Grant Program for Licensed Practical Nurses; and Postsecondary Rural Physician Loan Forgiveness Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled rule 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 in *Minnesota Statutes* 136A.04, Subd. 1(9), 136A.16, and 136A.234.

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

Any person may make a written request for a public hearing on the rule 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 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:

Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street
St. Paul, MN 55101
(612) 296-9656

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 is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for the reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mary Lou Dresbach upon request.

If no hearing is required, upon adoption of the rule, the rule 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 Mary Lou Dresbach.

Dated: 16 November 1990

David R. Powers
Executive Director
Minnesota Higher Education Coordinating Board

Proposed Permanent Rules Relating to Child Care Grants; Campus Contracts with County

Rules as Proposed

4830.7400 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

[For text of subps 1 to 7, see M.R.]

Subp. 8. **Contract with county.** Institutions may contract with counties to handle program administration, but are accountable for county decisions related to the program. Program administration includes selection of students to receive awards from this program, award calculation, disbursement, and program reporting. The appeal process in part 4830.7720 is applicable to students attending institutions that contract with counties to handle program administration.

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.

Proposed Permanent Rules Relating to Postsecondary Grant Program for Registered Nurses

Rules as Proposed (all new material)

4830.6500 SCOPE.

Parts 4830.6510 and 4830.6520 apply to the program of state grants for registered nurses.

4830.6510 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Application by schools and programs.** A school or program of advanced nursing education that desires program funds for registered nurses must submit by January 1 each year a completed application form provided by the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to a school or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Requirements for participant institutions.** Each participating school or advanced nursing program must also:

A. provide the executive director by the first working day after May 31 each year with the just or nearly completed academic year's enrollment data of registered nurses seeking to complete baccalaureate or master's degrees in nursing or an advanced program of nursing;

B. establish procedures for students to apply for and receive grants;

C. establish criteria to use in awarding grants, which must include consideration of the likelihood of a student's success in completing the educational program; and

D. give priority to students:

(1) demonstrating the greatest financial need; and

(2) enrolling to complete baccalaureate degrees in nursing.

Subp. 4. **Delay.** A participating institution that fails to submit the annual application for participation to the executive director or provide requested enrollment data by its deadline date may result in the delay of notification and disbursement by the executive director to the institution.

Subp. 5. **Accountability.** Each participating school and advanced program of nursing is accountable for any funds disbursed to students for grants to registered nurses. Funds may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or return the funds to the executive director.

Subp. 6. **Unused funds.** When requested by the executive director, a school or advanced nursing program must report on its use of nursing grant funds and must return unused funds. The executive director shall reallocate unused funds to schools or advanced nursing programs that desire additional funds.

4830.6520 REPORTS OF DATA.

Subpart 1. **Annual reports.** A participating school or nursing program must collect demographic, educational, and financial data specified by the executive director from eligible students requesting grants, and provide the data upon request to the executive director.

The executive director shall require end of the year program activity and student data reports from participating institutions. The school or advanced nursing program must complete and submit the reports and any applicable refunds to the executive director by the first working day after August 9. If the reports are not completed correctly and submitted by the deadline date, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

Subp. 2. **Additional information.** The executive director or an agent may require additional information not inconsistent with law that is helpful in the executive director's judgment to efficiently administer the program. The additional information may be required from grant applicants or recipients or eligible institutions or programs.

Proposed Permanent Rules Relating to Postsecondary Nursing Grant Program for Licensed Practical Nurses

Rules as Proposed (all new material)

4830.7000 SCOPE.

Parts 4830.7010 to 4830.7020 apply to the program of state grants for licensed practical nurses.

4830.7010 APPLICATION AND DISTRIBUTION OF FUNDS FOR GRANTS.

Subpart 1. **Application by schools and programs.** A school or program that desires nursing grant funds for licensed practical nurses must submit to the executive director by January 1 each year a completed application form provided by the executive director.

Subp. 2. **Modification of allocations.** The executive director shall allocate funds equal to the school's or program's estimated need for funds if the estimated need is less than the amount determined by the allocation formula.

Subp. 3. **Responsibility.** Each participating school or nursing program must:

A. provide the executive director by the first working day after May 31 each year with the just or nearly completed academic year's enrollment data of licensed practical nurses in educational programs leading to licensure as a licensed registered nurse;

B. establish procedures for students to apply for and receive grants;

C. establish criteria to use in awarding nursing grants, which must include consideration of the likelihood of a student's success in completing the nursing educational program; and

D. give priority to students with the greatest financial need.

Subp. 4. **Delay.** A participating institution that fails to submit the annual application for participation to the executive director or provide requested enrollment data by the deadline dates may result in the delay of notification and allocation by the executive director.

Subp. 5. **Accountability.** Each participating school and nursing program is accountable for any money disbursed to students for nursing grants for licensed practical nurses. The money may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or must return the funds to the executive director.

Subp. 6. **Unused funds.** When requested by the executive director, a school or nursing program shall report on its use of funds and shall return unused funds. The executive director shall reallocate unused funds to schools or nursing programs that desire additional funds.

4830.7020 REPORTS OF DATA.

Subpart 1. **Annual reports.** The school or nursing program must collect demographic, educational, and financial data specified by the executive director from eligible students requesting grants, and provide this data upon request to the executive director.

The executive director shall require end of the year program activity and student data reports. The school or nursing program must complete and submit the reports and any applicable refunds to the executive director by the first working day after August 9. If the reports are not completed correctly and submitted by the deadline, the executive director shall withhold the subsequent year's allocation until reporting requirements are fully met.

Subp. 2. **Additional information.** The executive director or the executive director's agent may require additional information not inconsistent with law that in the executive director's judgment is helpful to efficiently administer the program. The additional information may be required from grant applicants or recipients or eligible institutions or programs.

Proposed Permanent Rules Relating to Postsecondary Rural Physician Loan Forgiveness Program

Rules as Proposed (all new material)

4810.3000 SCOPE.

Parts 4810.3010 to 4810.3070 apply to the rural physician loan forgiveness program.

4810.3010 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in *Minnesota Statutes*, section 136A.1351, are applicable to parts 4810.3010 to 4810.3070.

Subp. 2. **Emergency circumstances.** "Emergency circumstances" means those conditions that make it impossible for the participant to fulfill the service commitment. The conditions include death, total and permanent disability, or temporary disability lasting more than two years.

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.

Subp. 3. **Qualified loans.** "Qualified loans" means:

A. Perkins Loans/National Direct Student Loans (NDSLs);

B. Stafford Loans/Guaranteed Student Loans (GSLs);

C. Health Professions Student Loans (HPSLs);

D. Supplemental Loans for Students (SLSs);

E. Auxiliary Loans to Assist Students (ALASs);

F. Parent Loans for Undergraduate Students (PLUSs);

G. Health Education Assistance Loans (HEALs);

H. Mayo Foundation Loans;

I. MedLoans, Minnesota Medical Association Loans (MMAs);

J. Minnesota Medical Foundation Loans (MMFs);

K. University of Minnesota Trust Fund Loans (TFLs);

L. Minnesota Student Educational Loan Fund (SELF loans); and

M. Student Loan Marketing Association Consolidation Loans (SMART).

4810.3020 CRITERIA FOR SELECTION.

Subpart 1. **Classification of applicants.** The executive director shall place applicants in one of the following classifications:

A. Minnesota residents who fulfill residency training in Minnesota;

B. Minnesota residents who fulfill residency training outside Minnesota;

C. applicants who are not Minnesota residents, but fulfill residency training in Minnesota; or

D. applicants who are not Minnesota residents and do not fulfill residency training in Minnesota.

Subp. 2. **Insufficient award availability.** If more than eight applicants start to serve as physicians in a designated rural area, the executive director shall choose participants in the order specified in subpart 1 for participation. Applicants not chosen to participate initially must be placed on an alternate list from which additional participants will be chosen if a chosen participant declines to participate.

4810.3030 APPLICATION PROCESS.

Subpart 1. **Acknowledgment letter.** On receipt of a letter of interest from a prospective physician, the executive director shall send the prospective physician more detailed information about the program.

Subp. 2. **Application form.** During the fourth year of medical school, the prospective physician must complete and return the program application form provided by the executive director.

Failure to complete and return the application form by the specified deadline date will result in the elimination of the applicant from the classification list.

Subp. 3. **Contract.** During the first year of residency, the prospective physician must sign a contract with the executive director agreeing to serve at least three of the first five years following residency in a designated rural area if chosen as a participant.

Subp. 4. **Notification of service.** The prospective physician must notify the executive director in writing immediately after starting service as a physician in a designated rural area.

Subp. 5. **Agreement or promissory note.** Before any payments are made by the executive director on qualified loans designated by the participant, the participant must sign the agreement or promissory note provided by the executive director.

4810.3040 LOAN PAYMENT.

Subpart 1. **Designation of loans.** Each program participant must designate which eligible loans the executive director must make payments on. Payments by the executive director cannot exceed $10,000 per year for each participant.

Subp. 2. **Payment billings.** The participant must provide necessary information for payment purposes on eligible loans to the executive director in a timely manner. The participant must provide the executive director with all payment books for the designated loans or forward monthly billing statements for the loans so that the executive director has ample time to make the monthly payments on time.

Subp. 3. **Terms of payments.** The executive director shall make loan payments according to the terms and conditions of the designated loans to the lenders or servicers in an amount that, when annualized, does not exceed $10,000 per year. The participant must continue to serve as a physician in a designated rural area during the period the executive director is making loan payments for the participant.

Subp. 4. **Additional payment amount.** If the amounts paid by the executive director on the designated loans for a participant is less than $10,000 for a 12-month period, during the 12th month the executive director will pay an additional amount on the designated loans to equal $10,000 for the 12-month period. The total amount paid during the 12-month period cannot exceed the principal and accrued interest of the designated loans.

Subp. 5. **Discontinuation of service.** The participant must reimburse the executive director for payments made during any period when the participant is not serving as a physician in a designated rural area.

4810.3050 PENALTY FOR NONFULFILLMENT.

Subpart 1. **Payment amount.** If a participant fails to fulfill the service requirement of this program, the amount paid on designated loans by the executive director must be repaid with interest at a rate established according to *Minnesota Statutes*, section 270.75, subdivision 5. Interest accrues from the date the participant ceases to practice as a physician in a designated rural area.

Subp. 2. **Payment plan.** The executive director shall set up a payment plan after consulting with the participant. The participant must repay the money within five years.

Subp. 3. **Waiver.** A participant may request a waiver from the repayment obligation from the executive director. The request must be in writing and must provide written documentation on the emergency circumstances that support the need for the waiver. The executive director shall review the documentation and shall grant a full or partial waiver if the executive director finds that the emergency circumstances justify the waiver.

Subp. 4. **Release of information.** The following information about the participant may be released to a consumer credit reporting agency until the participant has repaid in full all money owed the board:

A. the name and address of participant;

B. the date the repayment started;

C. the outstanding balance;

D. the amount past due;

E. the number of payments past due;

F. the number of late payments in the previous 12 months; and

G. the status or remarks code.

4810.3060 PARTICIPANT RESPONSIBILITIES.

Subpart 1. **Service status verification.** Annually, the participant must complete and return to the executive director by the deadline the service status verification form provided by the executive director.

Subp. 2. **Status change.** The participant must inform the executive director in writing within 30 days of a change of address or service location.

4810.3070 INFORMATION; FORMS; TERMS.

Subpart 1. **Additional information.** The executive director or the executive director's agent may require additional information from the participant that is not inconsistent with law that is helpful in the executive director's judgment to efficiently administer the program.

Subp. 2. **Forms.** The executive director may provide to participants and require the use of uniform forms in the administration of the program.

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.

In the Matter of the Proposed Adoption of the Rules of the Minnesota Higher Education Coordinating Board Governing Child Care Grants, Nursing Grants for Licensed Practical Nurses, Nursing Grants for Registered Nurses, and Rural Physician Education Account

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

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY

Mary Lou Dresbach, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Higher Education Coordinating Board rulemaking mailing list is accurate, complete, and current as of this 29th day of November, 1990.

That on the 29th day of November, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt 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.

Mary Lou Dresbach
Mary Lou Dresbach
Administrative Liaison

Subscribed and sworn to before me this 29th day of November, 1990.

Katherine A. Fisch

KATHERINE A. FISCH
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES DECEMBER 26, 1994

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Adoption of the Rule of the Minnesota Higher Education Coordinating Board Governing Child Care Grant, Nursing Grants for Licensed Practical Nurses, Nursing Grants for Registered Nurses, and Rural Physician Education Account

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Higher Education Coordinating Board intends to adopt the above-entitled rule 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 in Minnesota Statutes 136A.04, Subd. 1(9), 136A.16, and 136A.234.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rule. Comment is encouraged. (3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) 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. (6) 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 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:

(5)
Mary Lou Dresbach
Minnesota Higher Education Coordinating Board
Capitol Square Building, Suite 400
550 Cedar Street
St. Paul, MN 55101
(612) 296-9656

(8) 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.

(11) A copy of the proposed rule is attached to this notice.

(12) A Statement of Need and Reasonableness that describes the need for the reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mary Lou Dresbach upon request.

(9) If no hearing is required, upon adoption of the rule, the rule 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 Mary Lou Dresbach.

11-16-90
Date

DAVID R. POWERS
Executive Director
Minnesota Higher Education
Coordinating Board

Office of the Revisor of Statutes
Administrative Rules

Richard J. Sands
Senior Assistant Revisor
296-2798

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

December 4, 1990

Mary Lou Dresbach
Higher Education Coordinating Board
400 Capitol Square Building
St. Paul, MN 55101

RE: File No. 1806

Dear Ms. Dresbach:

Enclosed are stripped copies of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your emergency rules or rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

Richard J. Sands
mk

Richard J. Sands

Office of the Revisor of Statutes
Administrative Rules

Richard J. Sands
Senior Assistant Revisor
296-2798

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

December 4, 1990

Mary Lou Dresbach
Higher Education Coordinating Board
400 Capitol Square Building
St. Paul, MN 55101

RE: File No. 1790

Dear Ms. Dresbach:

Enclosed are stripped copies of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your emergency rules or rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

Richard J. Sands
mb

Richard J. Sands

Office of the Revisor of Statutes
Administrative Rules

Richard J. Sands
Senior Assistant Revisor
296-2798

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

December 4, 1990

Mary Lou Dresbach
Higher Education Coordinating Board
400 Capitol Square Building
St. Paul, MN 55101

RE: File No. 1789

Dear Ms. Dresbach:

Enclosed are stripped copies of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your emergency rules or rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

Richard J. Sands

mk

Richard J. Sands

Office of the Revisor of Statutes
Administrative Rules

Richard J. Sands
Senior Assistant Revisor
296-2798

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

December 3, 1990

Mary Lou Dresbach
Higher Education Coordinating Board
400 Capitol Square Building
St. Paul, MN 55101

RE: File No. 1788

Dear Ms. Dresbach:

Enclosed are stripped copies of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your emergency rules or rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

Richard J. Sands

mR

Richard J. Sands

CERTIFICATE OF RESOLUTION ADOPTING RULE

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

I, Mona Hintzman, do certify that I am the President of the Minnesota Higher Education Coordinating Board, an agency duly authorized under the laws of the state of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Higher Education Coordinating Board duly and properly called and held on the 17th day of January, 1991, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

> BE IT RESOLVED, that the Minnesota Higher Education Coordinating Board hereby approves and adopts the rule governing Child Care Grants, Nursing Grants for Registered Nurses, Nursing Grants for Licensed Practical Nurses, and the Rural Physician Education Account pursuant to the authority vested in the Board by Minn. Statutes 136A.04, Subd. 1(9), and Laws of Minnesota for 1989, Chapter 293, Section 21.
>
> BE IT FURTHER RESOLVED, that prior to publishing the rule as adopted in the State Register, the executive director is authorized to make any form changes in the rule that the Revisor of Statutes or the Attorney General requires the Board to make.
>
> BE IT FURTHER RESOLVED, that the Board adopts the attached Findings of Fact, Conclusions and Order Adopting Rules and that the executive director is hereby authorized to sign the above-mentioned document on behalf of the Board and to perform the necessary acts to provide that the rule shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17th day of January, 1991.

Mona Hintzman

President of the Board

STATE OF MINNESOTA

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

In the Matter of the Proposed Rule Governing Child Care Grants, Nursing Grants for Registered Nurses, Nursing Grants for Licensed Practical Nurses, and the Rural Physician Education Account, Minn. Rules Parts 4830.7400, 4830.6500-4830.6520, 4830.7000-4830.7020, 4810.3000-4810.3060.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE

The above-entitled matter came on for decision before the Minnesota Higher Education Coordinating Board on the 17th day of January, 1991. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Board, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering all of the evidence adduced upon the records, files and proceeding herein, the Board, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions and Order:

FINDINGS OF FACT

1. Notice of the Minnesota Higher Education Coordinating Board intent to adopt the above-entitled rule without a public hearing was published in the State Register on December 3, 1990, and was sent by mail to all persons on the list maintained by the Board pursuant to Minn. Statutes 14.14, subd. 1a and 14.22 on November 29, 1990.

2. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public.

3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on January 2, 1991.

4. No requests for public hearing were received during the comment period.

5. No requests for notice of submission to the Attorney General were received by the Board.

6. No written comments were received by the Board during the comment period.

7. The Board adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The Board hereby incorporates the Statement of Need and Reasonableness into these findings.

8. The above-captioned rule is needed and reasonable.

CONCLUSIONS

1. The Minnesota Higher Education Coordinating Board duly acquired and has jurisdiction over this proceeding.

2. The Board published and served due, timely and adequate notice of the intent to adopt the rules without a public hearing.

3. All relevant legal and procedural requirements of statute and rule have been complied with.

ORDER

NOW, THEREFORE, IT IS ORDERED that the attached Minn. Rules parts 4830.7400, 4830.6500-4830.6520, 4830.7000-4830.7020, 4810.3000-4810.3060 governing Child Care Grants, Nursing Grants for Registered Nurses, Nursing Grants for Licensed Practical Nurses, and the Rural Physician Education Account, is adopted pursuant to the authority vested in the Minnesota Higher Education Coordinating Board by Minn. Statutes 136A.04, subd. 1(9), and the Laws of Minnesota for 1989, Chapter 293, Section 21.

DAVID R. POWERS
Executive Director
Minnesota Higher Education
Coordinating Board