



Minnesota Department of **Human Services**

December 1, 2015

Governor Mark Dayton
Veterans Service Building, Suite 116
20 West 12th Street
St. Paul, MN 55155

Senator Tony Lourey, Chair
Senate Health and Human Services Budget Division
Minnesota State Senate
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1606

Senator Kathy Sheran, Chair
Senate Health, Human Services and Housing Committee
Minnesota State Senate
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1606

Representative Matt Dean, Chair
House Health and Human Services Finance Committee
Minnesota House of Representatives
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Representative Tara Mack, Chair
House Health and Human Services Reform Committee
Minnesota House of Representatives
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Mr. Greg Hubinger, Director
Legislative Coordinating Commission
72 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Ms. Michele Timmons, Revisor
Office of the Revisor of Statutes
700 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Re: Annual Report on Obsolete, Unnecessary or Duplicative Rules as Required by
Minnesota Statutes, Section 14.05, Subdivision 5

Dear Governor Dayton, Senator Lourey, Senator Sheran, Representative Dean,
Representative Mack, Director Hubinger, and Revisor Timmons:

Minnesota Statutes, section 14.05, subdivision 5, directs state agencies to report to you
by December 1 of each year whether any of its rules are obsolete, unnecessary, or
duplicative, and to provide an update on the status of such rules identified the prior year.
This letter contains the 2015 report of the Minnesota Department of Human Services.

Last year, the Minnesota Department of Human Services identified the following rules as
obsolete:

**Minnesota Rules, part 9505.0505, subpart 3, subpart 13, subpart 27, subpart 31,
subpart 32, subpart 34; Minnesota Rules, part 9505.0555; Minnesota Rules, part
9505.0520, subpart 1, subpart 9, subpart 9b, subpart 9c, subpart 10 items D, E, F,
and G, subpart 11 item E; Minnesota Rules, part 9505.0530, subpart 2, subpart 3;
and Minnesota Rules, part 9505.0540, subpart 3.** Minnesota Rules, parts
9505.0501-9505.0545 establishes hospital admission certification as a condition of
receiving medical assistance (MA) and general assistance medical care (GAMC)
payment for inpatient hospital services to MA and GAMC recipients. The Department
has identified obsolete rule references to GAMC, a program for which funding was
discontinued in 2009. The Department also needs to update the rule to reflect current
federal Centers for Medicare and Medicaid Services (CMS) practices related to hospital
inpatient admission order, certification, medical necessity, and industry practices.
Update: A proposal was developed to make the necessary language changes through
legislation; however, it was not pursued in the 2015 session. The need to update these
rules remains and the Department is considering how to proceed.

Minnesota Rules, parts 9525.0004 to 9525.0036. Minnesota Rules, parts 9525.0004 to
9525.0036 sets standards for planning and delivering services to persons with
developmental disabilities or related conditions. Rule provisions govern county board
responsibilities, case manager qualifications and training, case management
responsibilities, diagnosis of developmental disabilities and related conditions,
assessment of individual service needs, screening team responsibilities, individual

service plan development, provision of services, conciliations, appeals, quality assurance, service development, and need determination. **Update:** The Department continues work on the substance of the necessary changes and the best method to accomplish them.

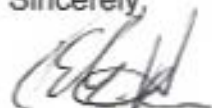
This year, the Minnesota Department of Human Services has reviewed its rules and identifies the rules listed below as obsolete, unnecessary or duplicative:

Minnesota Rules, part 9506.0010, subpart 3, subpart 7, subpart 9, subpart 11; Minnesota Rules, part 9506.0020, subpart 1, subpart 2, subpart 3, subpart 4; and Minnesota Rules, part 9506.0040, subpart 2. Minnesota Rules, Chapter 9506 provides guidance for activities of the MinnesotaCare program. Due to amendments in recent years to state and federal statutes which govern the program, some of the definitions and eligibility requirements in Chapter 9506 are no longer in alignment with the statutes. The Department will investigate making necessary changes using the Good Cause Exemption process detailed in Minnesota Statutes, section 14.388(3), or through conventional rulemaking, as appropriate.

Minnesota Rules, part 9555.7100; Minnesota Rules, part 9555.7200; Minnesota Rules, part 9555.7300; and Minnesota Rules, part 9555.7600. Minnesota Rules, parts 9555.7100 to 9555.7600 governs protective services to vulnerable adults. Minnesota Statute, Chapter 626 also contains many provisions related to the protection of vulnerable adults and has been significantly amended over recent years. As a result, much of parts 9555.7100 to 9555.7600 is now inconsistent with and/or duplicative of state law. The Department will consider repealing these provisions through the process detailed in Minnesota Statutes, section 14.3895, as appropriate.

Please let me know if I can provide further assistance.

Sincerely,



Karen E. Sullivan Hook
Administrative Law Manager
General Counsel's Office