



November 30, 2017

Governor Mark Dayton (merone.melekin@state.mn.us)

Senator Michelle R. Benson, Chair (sen.michelle.benson@senate.mn)
Senator Tony Lourey, Ranking Minority Party Member (sen.tony.lourey@senate.mn)
Senate Health and Human Services Finance and Policy Committee

Senator Jim Abeler, Chair (sen.jim.abeler@senate.mn)
Senator Jeff Hayden, Ranking Minority Party Member*
Senate Human Services Reform Finance and Policy Committee

Representative Matt Dean, Chair (rep.matt.dean@house.mn)
Representative Erin Murphy, DFL Lead (rep.erin.murphy@house.mn)
House Health and Human Services Finance Committee

Representative Joe Schomacker, Chair (rep.joe.schomacker@house.mn)
Representative Tina Liebling, DFL Lead (rep.tina.liebling@house.mn)
House Health and Human Services Reform Committee

Legislative Coordinating Commission (lcc@lcc.leg.mn)

Paul Marinac, Revisor (revisor@revisor.mn.gov)
Office of the Revisor of Statutes

VIA ELECTRONIC MAIL (*with hand-delivery to Senator Hayden's office)

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

Dear Governor Dayton, Senators, Representatives, Legislative Coordinating Commission, and Revisor Marinac:

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 2017 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 9500.1206; Minnesota Rules, part 9500.1215; Minnesota Rules, part 9500.1221; Minnesota Rules, part 9500.1223; Minnesota Rules, part 9500.1225; Minnesota Rules, part 9500.1226; Minnesota Rules, part 9500.1231; Minnesota Rules, part 9500.1239; and Minnesota Rules, part 9500.1245.
Minnesota Rules, parts 9500.1200 to 9500.1245 govern administration of the General Assistance

program. Numerous definitions and eligibility requirements found in parts 9500.1200 to 9500.1245 are obsolete or inconsistent with Minnesota Statutes, section 256P, which established uniform standards for economic assistance programs. **Update:** In considering the substance of the obsolete rules governing the General Assistance Program, the Department has determined that additional amendments to the rules are necessary. The Department continues work on the substance of the necessary changes and will likely pursue making amendments to the rule parts with conventional rulemaking.

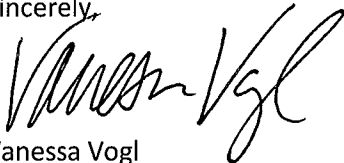
Minnesota Rules, part 9560.0040; Minnesota Rules, part 9560.0450; Minnesota Rules, part 9560.0050; Minnesota Rules, part 9560.0440, subpart 3(D); Minnesota Rules, part 9560.0060, subpart 2(D); and Minnesota Rules, part 9560.0170, subparts 1-4. Minnesota Statutes, Chapters 259 and 260C, govern adoption, and juvenile safety and placement, respectively. Both contain a number of policy provisions that are consistent with current best practices, such as permitting foster parents to approve age-appropriate activities for a foster child, and addressing the best interests of a child and preserving a child's connections in adoptive placements. These statutory chapters also expressly set forth requirements for operating the State Adoption Exchange; family recruitment methods; and post-adoption services. In Minnesota Rules, parts of chapters 2960 and 9560 govern Child Safety and Permanency programs, including licensure and social services, respectively. The identified rule parts are either inconsistent with current practices, redundant with statute, or rendered obsolete by statute. **Update:** The Department considered repealing these provisions legislatively, but has determined that updating the obsolete and outdated rule parts is the better course of action. The Department continues work on the substance of the necessary changes and will likely pursue making amendments to the rule parts with conventional rulemaking.

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

Minnesota Rules, parts 9520.0010 through 9520.0230. Minnesota Rules, parts 9520.0010 through 9520.0230 create standards for community mental health services. These rules parts were originally promulgated in 1961. Provider standards for community mental health centers were superseded by the adoption of Minnesota Rules, parts 9520.0750 through 9520.0870, or "Rule 29" in 1983, and by statutory language on payment enhancements for Medicaid services enacted in 256B.763 in July 1, 2007. Additionally, the funding that was originally tied to these standards has been consolidated and redirected in intervening years. The Department plans to repeal these rule parts through the process detailed in Minnesota Statutes, section 14.3895.

Please let me know if I can provide further assistance.

Sincerely,



Vanessa Vogl
Rulemaking Attorney
Administrative Law Office/General Counsel's Office

CC: Karen E. Sullivan Hook, DHS Administrative Law Office Manager
Amy Dellwo, DHS Legislative Affairs Director