

October 26, 2023

VIA EFILING ONLY

Vanessa Vogl
Minnesota Department of Human Services
444 Lafayette Rd
Saint Paul, MN 55155
vanessa.vogl@state.mn.us

Re: *In the Matter of the Proposed Repeal of Obsolete Rules of the Minnesota Department of Human Services; Minnesota Rules, part 9505.03 and Minnesota Rules, part 9505.2175, subpart 7*
OAH 22-9029-39326; Revisor R-4786

Dear Ms. Vogl:

Enclosed herewith and served upon you is the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.3895** in the above-entitled matter. The rules have been approved as to legality.

The Office of Administrative Hearings has closed this file and is returning the rule record so that the Minnesota Department of Human Services can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. The Office of Administrative Hearings will request copies of the repealed rules from the Revisor's office. Our office will then file the repealed rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the agency for its rulemaking record. The Department of Human Services will then request the Notice of Repealer from the Revisor's office. In accordance with Minn. Stat. § 14.27, the repeal of rule will be effective five working days after the Notice of Repealer is published in the State Register.

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,


SAMANTHA COSGRIFF
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Ryan Inman

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Proposed Repeal of Obsolete Rules of the Minnesota Department of Human Services; Minnesota Rules, part 9505.0335 and Minnesota Rules, 9505.2175, subpart 7	OAH Docket No. 22-9029-39326 Revisor R-4786
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On October 26, 2023, a true and correct copy of the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.3895** was served by electronic mail, unless otherwise indicated below, addressed to the following individuals:

VIA EFILING ONLY

Vanessa Vogl
Minnesota Department of Human
Services
444 Lafayette Rd
Saint Paul, MN 55155
vanessa.vogl@state.mn.us

VIA EMAIL ONLY

Ryan Inman
Office of the Revisor of Statutes
ryan.inman@revisor.mn.gov
jason.kuenle@revisor.mn.gov
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VIA EMAIL ONLY

Legislative Coordinating Commission
lcc@lcc.leg.mn

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Repeal of
Obsolete Rules of the Minnesota
Department of Human Services;
Minnesota Rules, part 9505.0335 and
Minnesota Rules, 9505.2175, subpart 7

**ORDER ON REVIEW
OF RULES UNDER
MINN. STAT. § 14.3895**

This matter came before Chief Administrative Law Judge Jenny Starr upon the application of the Department of Human Services (Department) for a legal review under Minn. Stat. § 14.3895 (2022).

On October 12, 2023, the Department filed documents with the Office of Administrative Hearings seeking review and approval of the form and legality of its repeal of obsolete rules. The Department supplemented its filings with a revised Order Adopting Rules on October 19, 2023.

Upon review, the Chief Administrative Law Judge finds that all procedural requirements were met and that all notice was provided, including the notices required by the June 21, 2023, order approving the Department's Additional Notice Plan.

Therefore, based upon a review of the written submissions by the Department, and all the documents in the rulemaking record,

IT IS HEREBY ORDERED THAT:

The proposed repeal of obsolete rules is **APPROVED** as to form and legality, and the Department may publish the final rule in the *State Register*.

Dated: October 26, 2023



JENNY STARR
Chief Administrative Law Judge

Minnesota Department of Human Services

PROPOSED ORDER ADOPTING RULES

Repeal of Obsolete Rules Governing Personal Care Assistance (PCA) Services, Minnesota Rules, 9505.0335; and Health Service Records, Minnesota Rules, 9505.2175, subpart 7; Revisor's ID Number 04786

BACKGROUND INFORMATION

1. The rules repealed by this order are obsolete and were identified in the Minnesota Department of Human Services' annual obsolete rules report dated December 1st, 2022 and the amended obsolete rules report dated January 27th, 2023, under Minnesota Statutes section 14.05, subdivision 5.

2. The Minnesota Department of Human Services (Department) has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.

3. The Department received no written comments or submissions on the rules. The Department received no requests for a public hearing; therefore, there are not 25 or more requests for a public hearing. The Department received no requests for notice of submission to the Office of Administrative Hearings.

4. No changes were made between the proposed rules and the adopted rules.

5. The requirements and other information in these rules are outdated and have been replaced in statute (Minnesota Statutes, sections 256B.0659 and 256B.851).

6. The rules are obsolete, unnecessary, or duplicative.

ORDER

The above-named rules, in the form published in the State Register on July 17, 2023, are repealed under my authority in Minnesota Statutes, section 256B.04, subdivision 2, and section 14.3895.

Date

Vanessa Vogl, Rulemaking Attorney
(for the Commissioner of the
Department of Human Services)

**RECEIVED**

By: OAH on 10/12/2023 3:56pm

October 12, 2023

The Honorable Christa Moseng
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

Re: In the Matter of the Proposed Repeal of Obsolete Rules of the Minnesota Department of Human Services for Rules Related to Personal Care Assistance (PCA) Services; Minnesota Rules, part 9505.03 and Minnesota Rules, part 9505.2175 subpart 7; Revisor's ID Number 04786

Dear Judge Moseng:

The Minnesota Department of Human Services proposes to repeal the above-named obsolete rules governing PCA services. This letter requests that the Office of Administrative Hearings review and approve the repeal of these rules under Minnesota Statutes, section 14.3895.

Enclosed are the documents required by the OAH Rules, part 1400.2410, subpart 2, items A to K. Paragraphs A to K of this letter are keyed to items A to K of part 1400.2410. Each letter item states whether the document is enclosed and, if the document is not enclosed, the reason why the document is not applicable to these rules.

- A. Enclosed: the proposed repealers including the Revisor's approval.
- B. Enclosed: (1) the Notice of Intent to Repeal Obsolete Rules (1) as sent to rulemaking list subscribers and (2) as published in the State Register on July 17, 2023.
- C. Enclosed: (1) the Certificate of Sending the Notice of Intent to Repeal Obsolete Rules to the Rulemaking Subscriber List, with the U.S. mailing list attached, and (2) the Certificate of Accuracy of the Rulemaking Subscriber List.
- D. Enclosed: the Certificate of Giving Notice According to the Additional Notice Plan, with attachments.
- E. Not Enclosed: written comments and submissions on the proposed rules because we received no written comments or submissions.
- F. Not Enclosed: the notice of withdrawal of hearing requests and related documents because no hearing requests were received during this rulemaking.
- G. Enclosed: a copy of the adopted rules dated 07/17/23.

- H. Not Enclosed: a notice of adopting substantially different rules because the Department did not adopt substantially different rules.
- I. Enclosed: the Proposed Order Adopting Rules that complies with the requirements in part 1400.2090.
- J. Not Enclosed: a notice of submission of rules to the Office of Administrative Hearings and related documents because no one requested to be notified of the submission.
- K. Enclosed: (1) the obsolete rules report dated December 1, 2022, and (2) the amended obsolete rules report dated January 27, 2023, identifying these rule parts as obsolete; and (3) the Certificate of Sending Notice to Legislators as required by Minnesota Statutes, section 14.3895, subdivision 3.

If you have questions about the enclosed documents or the proposed rule repeals, please contact me at (651) 431-3168 or vanessa.vogl@state.mn.us.

After completing your review, please send any correspondence to me at vanessa.vogl@state.mn.us.

Yours very truly,



Vanessa Vogl
Rulemaking Attorney

1.1 **Department of Human Services**

1.2 **Proposed Repeal of Obsolete Rules**

1.3 **3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL**
1.4 **REHABILITATION SERVICES.**

1.5 *[For text of subparts 1 to 6, see Minnesota Rules]*

1.6 Subp. 7. **Personal assistance services.**

1.7 *[For text of items A to D, see Minnesota Rules]*

1.8 E. Agency payments for personal assistance services must be made at the lesser
1.9 of the provider's submitted charges or the maximum rate established by ~~part 9505.0335,~~
1.10 ~~subpart 11~~ Minnesota Statutes, section 256B.851, as adjusted by the Consumer Price Index
1.11 for urban consumers as published by the Bureau of Labor Statistics, United States Department
1.12 of Labor and is incorporated by reference. It is subject to frequent change and is available
1.13 from the Minitex interlibrary loan system.

1.14 *[For text of items F and G, see Minnesota Rules]*

1.15 *[For text of subparts 7a to 16, see Minnesota Rules]*

1.16 **9505.0295 HOME HEALTH SERVICES.**

1.17 *[For text of subpart 1, see Minnesota Rules]*

1.18 Subp. 2. **Covered services.** Home health services in items A to H are eligible for
1.19 medical assistance payment:

1.20 *[For text of items A to C, see Minnesota Rules]*

1.21 D. personal care services under ~~part 9505.0335~~ Minnesota Statutes, section
1.22 256B.0659;

1.23 *[For text of items E to H, see Minnesota Rules]*

2.1 [For text of subparts 3 and 4, see Minnesota Rules]

2.2 Subp. 5. **Payment limitation; screening team.** Medical assistance payment for
2.3 screening team services provided in subpart 3 is prohibited for a screening team that has a
2.4 common financial interest, with the provider of home health services or for a provider of a
2.5 personal care service listed in ~~part 9505.0335, subparts 8 and 9~~ Minnesota Statutes, section
2.6 256B.0659, subdivision 2, unless:

2.7 [For text of items A and B, see Minnesota Rules]

2.8 **9505.0297 HOSPICE CARE SERVICES.**

2.9 [For text of subparts 1 to 8, see Minnesota Rules]

2.10 Subp. 9. **Waiver of other benefits.** A recipient who elects hospice care under subpart
2.11 6 or for whom a representative elects hospice care under subpart 7 waives the right to medical
2.12 assistance payments during the recipient's hospice stay for the following services:

2.13 [For text of items A and B, see Minnesota Rules]

2.14 C. Personal care services, under ~~part 9505.0335~~ Minnesota Statutes, section
2.15 256B.0659.

2.16 [For text of subparts 10 to 15, see Minnesota Rules]

2.17 Subp. 16. **Covered services.** As required by the recipient's plan of care, the services
2.18 listed in items A to D must be provided directly by hospice employees, except that the
2.19 hospice may contract for these services under the circumstances provided for in Code of
2.20 Federal Regulations, title 42, section 418.80. As required by the recipient's plan of care, the
2.21 services listed in items E to I must be provided directly or be made available by the hospice.

2.22 [For text of items A to G, see Minnesota Rules]

2.23 H. Home health aide services and homemaker services. Home health aides may
2.24 provide personal care services as described in ~~part 9505.0335, subparts 8 and 9~~ Minnesota

3.1 Statutes, section 256B.0659, subdivision 2. Home health aides and homemakers may perform
 3.2 household services to maintain a safe and sanitary environment in areas of the home used
 3.3 by the recipient, such as changing the recipient's bed linens or light cleaning and laundering
 3.4 essential to the comfort and cleanliness of the recipient. Home health aide services must be
 3.5 provided under the supervision of a registered nurse.

3.6 *[For text of item I, see Minnesota Rules]*

3.7 *[For text of subparts 17 to 20, see Minnesota Rules]*

3.8 **9505.0360 HOME CARE NURSING SERVICES.**

3.9 *[For text of subparts 1 and 2, see Minnesota Rules]*

3.10 Subp. 3. **Covered service.** A home care nursing service in items A to C is eligible for
 3.11 medical assistance payment:

3.12 *[For text of items A and B, see Minnesota Rules]*

3.13 C. service that is required for the instruction or supervision of a personal care
 3.14 assistant under ~~part 9505.0335~~ Minnesota Statutes, section 256B.0659. The service must
 3.15 be provided by a registered nurse.

3.16 *[For text of subpart 4, see Minnesota Rules]*

3.17 **REPEALER.** Minnesota Rules, parts 9505.0335; and 9505.2175, subpart 7, are repealed.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Repeal of Obsolete Rules

AGENCY: Department of Human Services

REVISOR ID: R-4786

MINNESOTA RULES: Chapters 3300 and 9505

The attached rules are approved for
publication in the State Register

Alex Willi

Alex Willi
Assistant Revisor

**Minnesota Department of Human Services
Disability Services Division**

NOTICE OF INTENT TO REPEAL OBSOLETE RULES

Proposed Repeal of Obsolete Rules Governing

- **Personal Care Services, *Minnesota Rules*, 9505.0335; and**
- **Health Service Records, *Minnesota Rules*, 9505.2175, subpart 7.**

Revisor's ID Number R-04786

OAH Docket Number 22-9029-39326

Introduction. The Department of Human Services intends to repeal obsolete rules under the rulemaking process in the Administrative Procedure Act, *Minnesota Statutes*, section 14.3895. You may submit written comments or request a hearing on the proposed repeal of obsolete rules until 4:30 p.m. on Sept. 22, 2023.

Agency Contact Person. You may submit written comments or questions or request a hearing on the rules to:

Vanessa Vogl
Minnesota Department of Human Services
PO Box 64254
St. Paul, MN 55164-0254
Phone: 651-431-3168
Fax: 651-431-7714
Email (preferred): vanessa.vogl@state.mn.us

or

You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>.

Subject of the Repeal of Obsolete Rules and Statutory Authority.

- **Personal Care Services:** Minnesota Rules, part 9505.0335. The requirements and other information in this rule part are outdated and have been replaced by Minnesota Statutes, section 256.0659.
- **Health Services Records:** Minnesota Rules, part 9505.2175, subpart 7. This subpart references a repealed statute (Minnesota Statutes, section 256B.0655, subdivisions 5-6) and a rule part that the Department is proposing to repeal (Minnesota Rules, part 9505.0335). This subpart also references documentation requirements that are already in statute or elsewhere in rule (Minnesota Rules, part 9505.2175, subparts 1-2; and Minnesota Statutes, section 256.0659, subdivisions 10, 12, 14, and 16).
- **References to Proposed Repealed Rules:** References to these proposed repealed rules are also being updated accordingly in Minnesota Rules, parts 3300.5060, 9505.0295, 9505.0297, and 9505.0360.

The Department identified the proposed obsolete rules to be repealed in its annual obsolete rules report under Minnesota Statutes section 14.05, subdivision 5. The statutory authority to repeal the obsolete rules is found in Minnesota Statutes, section 14.3895. The initial statutory authority under which these rules were created is found in Minnesota Statutes, section 256B.04, which gives the Commissioner of Human Services the authority to make rules to carry out and enforce the medical assistance program in Minnesota. A copy of the proposed obsolete rules to be repealed is published in the State Register and included with this notice as mailed.

Comments. You have until 4:30 p.m. on Friday, Sept. 22, 2023, to submit written comment in support of or in opposition to the proposed repeal of obsolete rules and any part or subpart of the repeal. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed obsolete rules to be repealed addressed and the reason for the comment. In addition, you are encouraged to object to the repeal of any part or subpart. You must also make any comments on the legality of the proposed rules during this comment period.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the agency contact person must receive it by 4:30 p.m. on Friday, Sept. 22, 2023. Your written request must include your name and address. You must identify the portion of the proposed repealed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Department cannot count it for determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

- **Effect of Requests.** If 25 or more people submit a written request, the Department will have to meet the requirements of Minnesota Statutes, sections 14.131 to 14.20 for rules adopted after a hearing or the requirements of Minnesota Statutes, sections 14.22 to 14.28 for rules adopted without a hearing, including the preparation of a statement of need and reasonableness and the opportunity for a hearing.

Modifications. The Department might modify its choice of these designated rules or parts proposed for repeal (for example, fixing a typo or deciding not to repeal a rule because the rule is discovered not to be obsolete), based on comments and information submitted to the Department. If the final rules are identical to the rules originally published in the State Register, the Department will publish a notice of adopting the repealers in the State Register. If the final rules are different from the rules originally published in the State Register, the Department must publish a copy of the changes in the State Register. If the proposed repeal of obsolete rules affects you in any way, the Department encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial

Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Repeal and Review of Obsolete Rules. If no hearing is required, the Department may repeal the obsolete rules at the end of the comment period. The Department will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the Department submits the rules. If you want to be so notified, or want to receive a copy of the repealed obsolete rules, or want to register with the Department to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

June 12, 2023

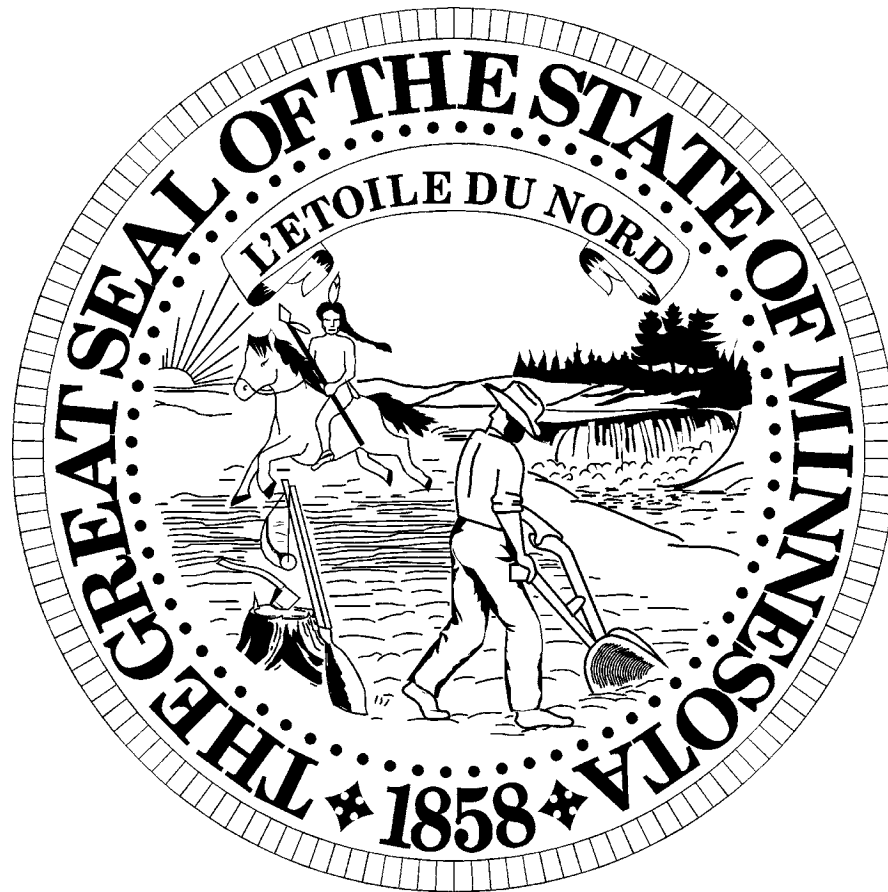
Date



Vanessa Vogl
Rulemaking Attorney

Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts; Non-State Public Bids,
Contracts and Grants**

**Monday 17 July 2023
Volume 48, Number 3
Pages 51 - 76**

Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the Minnesota State Register

The Minnesota State Register is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Vetoed Rules
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 48 Issue Number	Publish Date	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical- Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
#1	Tuesday 5 July	Noon Tuesday 28 June	Noon Thursday 23 June
#2	Monday 11 July	Noon Tuesday 5 July	Noon Thursday 30 June
#3	Monday 18 July	Noon Tuesday 12 July	Noon Thursday 7 July
#4	Monday 25 July	Noon Tuesday 19 July	Noon Thursday 14 July

PUBLISHING NOTICES: We need to receive your submission ELECTRONICALLY in Microsoft WORD format. Submit ONE COPY of your notice via e-mail to: sean.plemmons@state.mn.us. State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Contract Certification" form. Non-State Agencies should submit ELECTRONICALLY in Microsoft WORD, with a letter on your letterhead stationery requesting publication and date to be published. Costs are \$13.50 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page = 6/10s of a page in the State Register, or \$81. About 1.5 pages typed, double-spaced, on 8-1/2"x11" paper = one typeset page in the State Register. Contact editor with questions (651) 201-3204, or e-mail: sean.plemmons@state.mn.us.

SUBSCRIPTION SERVICES: E-mail subscriptions are available by contacting the editor at sean.plemmons@state.mn.us. Send address changes to the editor or at the Minnesota State Register, 50 Sherburne Avenue, Suite 309, Saint Paul, MN 55155.

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Minnesota Legislative Information

Senate Public Information Office
(651) 296-0504
State Capitol, Room 231, St. Paul, MN 55155
<https://www.senate.mn/>

Minnesota State Court System

Court Information Office (651) 296-6043
MN Judicial Center, Rm. 135,
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<http://www.mncourts.gov>

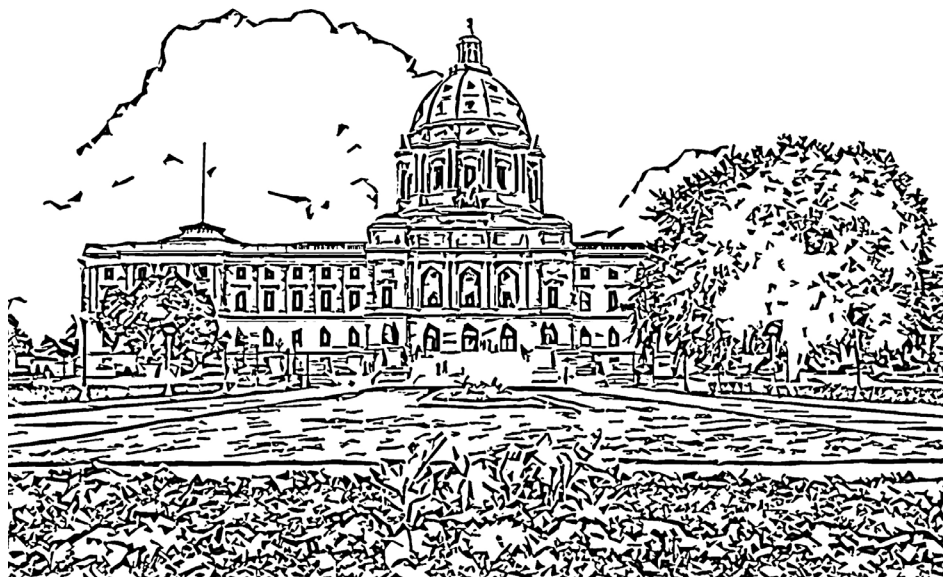
House Public Information Services

(651) 296-2146
State Office Building, Room 175
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<https://www.house.leg.state.mn.us/hinfo/hinfo.asp>

Federal Register

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NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

Volume 47 - Minnesota Rules
 (Rules Appearing in Vol. 47 Issues #27-52 are
 in Vol. 47, #52 - Monday 26 June 2023)
Volume 48, #3

Monday 3 July - Monday 17 July

Department of Human Services
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Proposed Rules

Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Human Services

Disability Services Division

Proposed Repeal of Obsolete Rules; Notice of Intent to Repeal Obsolete Rules

Proposed Repeal of Obsolete Rules Governing

- Personal Care Services, *Minnesota Rules*, 9505.0335; and
- Health Service Records, *Minnesota Rules*, 9505.2175, subpart 7.

Revisor’s ID Number R-04786

OAH Docket Number 22-9029-39326

Introduction. The Department of Human Services intends to repeal obsolete rules under the rulemaking process in the Administrative Procedure Act, *Minnesota Statutes*, section 14.3895. You may submit written comments or request a hearing on the proposed repeal of obsolete rules until 4:30 p.m. on Sept. 22, 2023.

Agency Contact Person. You may submit written comments or questions or request a hearing on the rules to:

Proposed Rules

Vanessa Vogl
 Minnesota Department of Human Services
 PO Box 64254
 St. Paul, MN 55164-0254
 Phone: 651-431-3168
 Fax: 651-431-7714
 Email (preferred): vanessa.vogl@state.mn.us

or

You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>.

Subject of the Repeal of Obsolete Rules and Statutory Authority.

- **Personal Care Services:** Minnesota Rules, part 9505.0335. The requirements and other information in this rule part are outdated and have been replaced by Minnesota Statutes, section 256.0659.
- **Health Services Records:** Minnesota Rules, part 9505.2175, subpart 7. This subpart references a repealed statute (Minnesota Statutes, section 256B.0655, subdivisions 5-6) and a rule part that the Department is proposing to repeal (Minnesota Rules, part 9505.0335). This subpart also references documentation requirements that are already in statute or elsewhere in rule (Minnesota Rules, part 9505.2175, subparts 1-2; and Minnesota Statutes, section 256.0659, subdivisions 10, 12, 14, and 16).
- **References to Proposed Repealed Rules:** References to these proposed repealed rules are also being updated accordingly in Minnesota Rules, parts 3300.5060, 9505.0295, 9505.0297, and 9505.0360.

The Department identified the proposed obsolete rules to be repealed in its annual obsolete rules report under Minnesota Statutes section 14.05, subdivision 5. The statutory authority to repeal the obsolete rules is found in Minnesota Statutes, section 14.3895. The initial statutory authority under which these rules were created is found in Minnesota Statutes, section 256B.04, which gives the Commissioner of Human Services the authority to make rules to carry out and enforce the medical assistance program in Minnesota. A copy of the proposed obsolete rules to be repealed is published in the State Register and included with this notice as mailed.

Comments. You have until 4:30 p.m. on Friday, Sept. 22, 2023, to submit written comment in support of or in opposition to the proposed repeal of obsolete rules and any part or subpart of the repeal. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed obsolete rules to be repealed addressed and the reason for the comment. In addition, you are encouraged to object to the repeal of any part or subpart. You must also make any comments on the legality of the proposed rules during this comment period.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the agency contact person must receive it by 4:30 p.m. on Friday, Sept. 22, 2023. Your written request must include your name and address. You must identify the portion of the proposed repealed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Department cannot count it for determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

- **Effect of Requests.** If 25 or more people submit a written request, the Department will have to meet the requirements of Minnesota Statutes, sections 14.131 to 14.20 for rules adopted after a hearing or the requirements of Minnesota Statutes, sections 14.22 to 14.28 for rules adopted without a hearing, including the preparation of a statement of need and reasonableness and the opportunity for a hearing.

Proposed Rules

Modifications. The Department might modify its choice of these designated rules or parts proposed for repeal (for example, fixing a typo or deciding not to repeal a rule because the rule is discovered not to be obsolete), based on comments and information submitted to the Department. If the final rules are identical to the rules originally published in the State Register, the Department will publish a notice of adopting the repealers in the State Register. If the final rules are different from the rules originally published in the State Register, the Department must publish a copy of the changes in the State Register. If the proposed repeal of obsolete rules affects you in any way, the Department encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Repeal and Review of Obsolete Rules. If no hearing is required, the Department may repeal the obsolete rules at the end of the comment period. The Department will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the Department submits the rules. If you want to be so notified, or want to receive a copy of the repealed obsolete rules, or want to register with the Department to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: June 12, 2023

Vanessa Vogl
Rulemaking Attorney
(for the Commissioner of Human Services)

3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL REHABILITATION SERVICES.

[For text of subparts 1 to 6, see Minnesota Rules]

Subp. 7. Personal assistance services.

[For text of items A to D, see Minnesota Rules]

E. Agency payments for personal assistance services must be made at the lesser of the provider's submitted charges or the maximum rate established by ~~part 9505.0335, subpart 11~~ Minnesota Statutes, section 256B.851, as adjusted by the Consumer Price Index for urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor and is incorporated by reference. It is subject to frequent change and is available from the Minitex interlibrary loan system.

[For text of items F and G, see Minnesota Rules]

[For text of subparts 7a to 16, see Minnesota Rules]

9505.0295 HOME HEALTH SERVICES.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. Covered services. Home health services in items A to H are eligible for medical assistance payment:

[For text of items A to C, see Minnesota Rules]

D. personal care services under ~~part 9505.0335~~ Minnesota Statutes, section 256B.0659;

[For text of items E to H, see Minnesota Rules]

[For text of subparts 3 and 4, see Minnesota Rules]

Proposed Rules

Subp. 5. **Payment limitation; screening team.** Medical assistance payment for screening team services provided in subpart 3 is prohibited for a screening team that has a common financial interest, with the provider of home health services or for a provider of a personal care service listed in part 9505.0335, subparts 8 and 9 Minnesota Statutes, section 256B.0659, subdivision 2, unless:

[For text of items A and B, see Minnesota Rules]

9505.0297 HOSPICE CARE SERVICES.

[For text of subparts 1 to 8, see Minnesota Rules]

Subp. 9. **Waiver of other benefits.** A recipient who elects hospice care under subpart 6 or for whom a representative elects hospice care under subpart 7 waives the right to medical assistance payments during the recipient's hospice stay for the following services:

[For text of items A and B, see Minnesota Rules]

C. Personal care services, under part 9505.0335 Minnesota Statutes, section 256B.0659.

[For text of subparts 10 to 15, see Minnesota Rules]

Subp. 16. **Covered services.** As required by the recipient's plan of care, the services listed in items A to D must be provided directly by hospice employees, except that the hospice may contract for these services under the circumstances provided for in Code of Federal Regulations, title 42, section 418.80. As required by the recipient's plan of care, the services listed in items E to I must be provided directly or be made available by the hospice.

[For text of items A to G, see Minnesota Rules]

H. Home health aide services and homemaker services. Home health aides may provide personal care services as described in part 9505.0335, subparts 8 and 9 Minnesota Statutes, section 256B.0659, subdivision 2. Home health aides and homemakers may perform household services to maintain a safe and sanitary environment in areas of the home used by the recipient, such as changing the recipient's bed linens or light cleaning and laundering essential to the comfort and cleanliness of the recipient. Home health aide services must be provided under the supervision of a registered nurse.

[For text of item I, see Minnesota Rules]

[For text of subparts 17 to 20, see Minnesota Rules]

9505.0360 HOME CARE NURSING SERVICES.

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Covered service.** A home care nursing service in items A to C is eligible for medical assistance payment:

[For text of items A and B, see Minnesota Rules]

C. service that is required for the instruction or supervision of a personal care assistant under part 9505.0335 Minnesota Statutes, section 256B.0659. The service must be provided by a registered nurse.

[For text of subpart 4, see Minnesota Rules]

REPEALER. Minnesota Rules, parts 9505.0335; and 9505.2175, subpart 7, are repealed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *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.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."
Adopted Rules - Underlining indicates additions to proposed rule language. Strikeout indicates deletions from proposed rule language.

Secretary of State

Adopted Permanent Rules Relating to Presidential Nomination Primary; Local Expense Reimbursement

The rules proposed and published at State Register, Volume 44, Number 20, pages 568-571, November 12, 2019 (44 SR 568), are adopted with the following modifications:

8215.0700 LOCAL REIMBURSEMENTS.

Subp. 2. **Eligible expenses.** For purposes of Minnesota Statutes, section 207A.15, subdivision 2, the following expenses related to administering the presidential nomination primary incurred by a county or municipality are approved for reimbursement:

H. ~~mileage for travel associated with delivering materials and traveling between polling places and government buildings on~~ in preparation for election day; or on election day related to:

- (1) delivering materials or traveling between polling places and government buildings; and
- (2) administering health care facility absentee voting;

M. ~~costs associated with car or truck rental fees~~ related to the transportation of election equipment or polling place materials, including car or truck rental fees;

Q. costs associated with supplies purchased or rented for the assembly and support of the polling place; and

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Administration Notice of Comment Period for the State Office Building Renovation Environmental Assessment Worksheet Review

The following EAW has a comment deadline of July 27, 2023

**Project Title: Upgrade for Health and Life Safety at State Office Building, Capitol Complex (MN SOB)
– Saint Paul, MN**

The Minnesota Department of Administration is accepting public comments until **July 27, 2023**, on an environmental assessment worksheet (EAW) that was prepared for the Upgrade for Health and Life-Safety at the State Office Building, Capitol Complex project. The project is proposed on approximately **7.05** acres of land on the Capitol Mall complex in Saint Paul, Ramsey County, MN. The project address is 100 Dr Martin Luther King Boulevard, and the project area is southeast of the intersection of University Avenue and Rice Street. The project will include the renovation of the existing State Office Building with an addition on the north side. Realignment of the main public entry with ADA parking and drop-off drives. Site development will include installation of underground utilities, grading, site walkway paving, site restoration, landscaping and stormwater management practices.

To obtain a copy of the EAW for public review, go to the Office of State Procurement front desk counter window in the lobby of the Administration Building located at 50 Sherburne Avenue, St. Paul, MN 55155. The EAW can be viewed in the sitting area of the lobby. The counter window is open 7:30 am and 4:00 pm, M-F, except holidays.

The EAW will be published in the **June 27, 2023**, EQB Monitor. Public comments on the EAW will be accepted during the 30-day public review period from **June 27, 2023-July 27, 2023**. Comments may be submitted in writing to the attention of **Eric Radel**, Construction Operations Manager, Minnesota Department of Administration, Real Estate and Construction Services, 50 Sherburne Avenue, Rm 309, St. Paul, MN 55155. E-mail comments may also be sent to eric.radel@state.mn.us with "MN SOB EAW" in the subject line. If submitting comments, please include your name and email address or mailing address.

Minnesota Department of Agriculture (MDA) Notice of Comment Period for the Proposed Emerald Ash Borer Quarantine Lyon County

The Minnesota Department of Agriculture (MDA) is accepting comments on the current state emergency quarantine for emerald ash borer, *Agrilus planipennis* (Fairemaire), in Lyon County and the proposed formal quarantine to be implemented August 17, 2023.

Oral and written comments regarding the proposed regulations will be accepted via email or phone through August 15, 2023. Submit comments to Kimberly Thielen Cremers, Minnesota Department of Agriculture, 625 Robert Street North, St Paul, MN 55155, **email:** kimberly.tcremers@state.mn.us, **phone:** (651)201-6329.

For more information on emerald ash borer, including a copy of the emergency quarantine, visit the Minnesota Department of Agriculture website at www.mda.state.mn.us/eab.

Minnesota Department of Agriculture (MDA)
Agricultural Chemical Response & Reimbursement Account (ACRRA)
Notice of Public Hearing to Seek Input on Future ACRRA Surcharges

Pursuant to Minnesota Statute Chapter 18E.03 Subd. 3, the MDA, in providing administrative support to the Agricultural Chemical Response Compensation Board (ACRRA Board), has determined that the amount of the annual response and reimbursement fees (surcharge revenues) for ACRRA must be decreased in order to maintain the statutorily required ACRRA balance.

NOTICE IS HERBY GIVEN that the public hearing will be held on August 16th, 2023 immediately following the regularly scheduled 9:30am ACRRA Board meeting. The meeting will be held in Room B555 at 625 Robert Street North in St. Paul. More information about ACRRA can be found on the MDA website at www.mda.state.mn.us/acrra.

Prior to the meeting, written comments may be sent to: Jennie.Andryski@state.mn.us

Minnesota Department of Health (MDH)
Division of Environmental Health
REQUEST FOR COMMENTS for Possible Amendment to Rules Governing Wells and Borings, *Minnesota Rules*, Chapter 4725; Revisor's ID Number RD 04811

Subject of Rules. The Minnesota Department of Health (Department) requests comments on its possible amendment to *Minnesota Rules*, Chapter 4725, Wells and Borings (Well Code). The Department is considering rule amendments to include requirements for the permitting and installation of submerged closed loop heat exchangers in water supply wells and other subjects that come up, but only as time permits.

Note: This amendment process is separate and in addition to the proposed amendments to the Well Code to add an additional allowable form of Portland Cement. (See, Proposed Amendments to Rules Governing Wells and Borings, *Minnesota Rules*, Chapter 4725; Revisor's ID, R4754; OAH Docket No. 22-9000-38392.)

Persons Affected. The amendment to the rules would likely affect licensed well contractors, water supply well owners, submerged closed loop heat exchanger system owners, public water suppliers, and property owners adjacent to possible submerged closed loop heat exchanger system installations.

Statutory Authority. *Minnesota Statutes*, section 103I.208, subdivision 3, requires the commissioner to adopt rules "to implement requirements for the permitting and installation of submerged closed loop heat exchangers according to chapter 14." Additional authority comes from section 103I.101, subdivision 5, which authorizes the Department to adopt rules governing the construction, design, repair, sealing, maintenance, monitoring, and safety of wells and borings.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the State Register that the Department intends to adopt or withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments.

The Department plans to appoint an advisory committee to comment on the possible rules. The advisory committee will consist of representatives of the likely affected parties and members of the general public. The committee will meet approximately four times during the next six to twelve months to discuss proposed revisions to the Well Code.

The Department is also interested in whether local governments might be required to adopt or amend an ordinance or other regulation to implement these rules and therefore requests that local governments provide us with relevant information about their ordinances.

Official Notices

The Department is seeking information about whether the cost of complying with the rule in the first year after the rule takes effect will cost will exceed \$25,000 for one small city or business under Minnesota Statutes, section 14.127 and are requesting comments about the “cumulative effect of the rule with other federal and state regulations,” as required by Minnesota Statutes, section 14.131(8).

Rules Drafts. The Department has not yet drafted the possible rule amendments. When a draft becomes available, the Department will post it to its webpage for this rulemaking project at <https://www.health.state.mn.us/communities/environment/water/wells/index.html>. You may review the most recently published version of *Minnesota Rules*, Chapter 4725, Wells and Borings at <https://www.revisor.mn.gov/rules/4725/>.

Agency Contact Persons. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to one of the following Contact Persons:

<p>Avery Guertin Minnesota Department of Health Environmental Health Division PO Box 64975 St. Paul, Minnesota 55164-0975 Email: avery.guertin@state.mn.us Phone: 651-201-5959</p>	<p>Corrie Floyd Minnesota Department of Health Environmental Health Division PO Box 64975 St. Paul, Minnesota 55164-0975 Email: corrie.floyd@state.mn.us Phone: 651-201-4586</p>
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Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Date: July 10, 2023

Brooke Cunningham MD, PhD
Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975

Minnesota Department of Health (MDH)

Division of Health Policy

Notice of Proposed Revised Rules: Minnesota Uniform Companion Guide for the Implementation of the ASC X12/005010X279A1 Health Care Eligibility Benefit Inquiry and Response (270/271)

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (MDH) is seeking information or opinions from outside sources regarding a proposed revised version (version 13.0) of the Minnesota Uniform Companion Guide (MUCG) for the implementation of the ASC X12/005010X279A1 Health Care Eligibility Benefit Inquiry and Response (270/271). For brevity, the proposed revised MUCG for the implementation of the ASC X12/005010X279A1 Health Care Eligibility Benefit Inquiry and Response (270/271) transaction is hereinafter referred to as “v13 270-271” or “v13 270-271 MUCG.”

Written comments. Written comments regarding the proposed revised rules above will be accepted during a 30-day public comment period beginning Monday, July 17, 2023, and until 4:00 p.m. on Wednesday, August 16, 2023. All

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comments must be submitted via the *Minnesota Office of Administrative Hearings (OAH) Rulemaking e-comments website* (<https://minnesotaoah.granicusideas.com/discussions>).

Obtaining copies of the proposed revised rules. The proposed v13 270-271 MUCG will be available for viewing and downloading at the *MDH Health Care Administrative Simplification* webpage at <https://www.health.state.mn.us/facilities/ehealth/asa/index.html>.

Agency contact person. Questions about this announcement of proposed revised rules and the related public comment period may be submitted to Susie Blake at MDH via e-mail at susie.blake@state.mn.us, or via phone at (651) 201-5508.

Description of the Rules. Minnesota Statutes, section 62J.536, requires the Minnesota Commissioner of Health, in consultation with the Minnesota Administrative Uniformity Committee (AUC), to promulgate rules pursuant to section 62J.61 establishing and requiring group purchasers, clearinghouses, and health care providers to exchange specified health care administrative transactions electronically, using the applicable single, uniform companion guide adopted by the Commissioner of Health. Under Minnesota Statutes, section 62J.61, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59. More information regarding the AUC can be accessed on the *Minnesota Administrative Uniformity Committee* webpage at <https://www.health.state.mn.us/facilities/ehealth/auc/index.html>.

MDH currently administers and maintains a suite of the single uniform companion guides that have been adopted into rule pursuant to Minnesota Statutes section 62J.536 and 62J.61. Each of the companion guides that has been adopted into rule is known as a Minnesota Uniform Companion Guide (MUCG). The 270-271 MUCG describes standard data content and technical specifications for the required exchange of the 270-271 transaction by entities subject to Minnesota Statutes, section 62J.536.

When the MUCG are adopted into rule, they:

- Are to be used in conjunction with all applicable Minnesota and federal regulations, including 45 CFR Parts 160, 162, and 164 (HIPAA Administrative Simplification, including adopted federal operating rules) and related X12N and retail pharmacy specifications (X12N and National Council of Prescription Drug Plans (NCPDP) implementation specifications);
- Supplement, but do not otherwise modify, the ASC X12N and NCPDP implementation specifications in a manner that will make their implementation by users to be out of compliance; and
- Must be appropriately incorporated by reference and/or the relevant transaction information must be displayed in any companion guides provided by entities subject to Minnesota Statutes, section 62J.536. In particular, the applicable information in the adopted rules must be appropriately incorporated by reference and/or displayed so as to satisfy requirements of the Code of Federal Regulations 45 § 162.1203 and § 162.1603 for companion guide compliance with the “CORE v5010 Master Companion Guide Template.”
- The MUCG are updated and revised as needed to reflect changes in federal and state laws, business needs and operations, familiarity with health care electronic data interchange, and other factors to ensure that they remain current, accurate, relevant, and most useful. The MUCG are adopted into rule through the rulemaking process pursuant to Minnesota Statutes, section 62J.61.

Changes and Updates to Previously Adopted Rules. The Commissioner of Health, in consultation with the AUC and its Technical Advisory Groups (TAGs), determined that it is necessary to revise the version of the 270-271 MUCG that was most recently adopted into rule and that is in force as of the publication date of this notice. The previously adopted 270-271 MUCG that is currently in force was published as “version 12.0” and is available at the *MDH Health Care Administrative Simplification* webpage at <https://www.health.state.mn.us/facilities/ehealth/asa/index>.

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html. The proposed revised version of the rule is “version 13.0” and will also be available on the *MDH Health Care Administrative Simplification* webpage, <https://www.health.state.mn.us/facilities/ehealth/asa/index.html>. The proposed v13 MUCG was developed in consultation with the Minnesota Administrative Uniformity Committee (AUC) and its Eligibility Technical Advisory Group (TAG).

Pursuant to Minnesota Statutes, section 62J.61, because the Commissioner of Health has determined that it is unduly cumbersome to publish the entire text of the proposed rule revisions, the Commissioner is publishing this notice of the proposed revisions to the adopted rules now in force.

Revisions proposed for the v13 270-271 MUCG.

The v12 270-271 MUCG title page and sections 1 and 2 have been considerably shortened and consolidated into a single “Introduction and Overview” section in the proposed v13, to be more consistent with more recently adopted Minnesota Uniform Companion Guides (MUCG), such as the most recently adopted version (*v16 of the 837 Professional MUCG*).

As a result of the reorganization above, the section numbering throughout the v13 document has been revised as needed.

Formatting has been changed to be consistent with more recently adopted Minnesota Uniform Companion Guides (MUCG), such as the most recently adopted version (*v16 of the 837 Professional MUCG*) (<https://www.health.state.mn.us/facilities/ehealth/auc/guides/docs/cg837p.pdf>).

References to other sections within the document have been revised to read correctly and other minor errors have been corrected.

An error in the table on pages 17-18 of the v12 270-271 MUCG was corrected as follows in the proposed v13:

In the last row on page 17 of the v12 MUCG (“Loop 2100C Subscriber Name, AAA Subscriber Request Validation”), the entry in the last column of the row has been corrected to read “Refer to section 2.3, Rejected Transaction Reporting, for more information.”

In the first row on page 18 of the v12 MUCG (“Loop 2100C Subscriber Name, DTP Subscriber Date”), the entry in the last column of the row has been corrected to read “For only the ‘e-prescribing’ use case, as defined in Minnesota Statutes, section 62J.497, either the code 291 or 307 may be returned.”

Consideration of comments and potential subsequent rulemaking

After the Commissioner of Health has considered all comments received, the Commissioner will publish a notice pursuant to Minnesota Statutes, section 62J.61 of the adoption into rule of the above referenced MUCG. Per statute, if the adopted rules are the same as the proposed rules, the notice shall state that the rules have been adopted as proposed. If the adopted rules differ from the proposed rules, the portions of the adopted rules which differ from the proposed rules shall be included in the notice of adoption. The adopted version of the 270-271 MUCG will be known as version 14.0 and will supersede any previous versions. The version 14.0 rules will take effect 30 days subsequent to the notice of adoption.

Dated: July 17, 2023

Brooke Cunningham, MD, PhD
Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975

Minnesota Department of Transportation (MnDOT) Notice of Public Meeting for the Disposition of Railbank Property in Beltrami County

The Minnesota Department of Transportation has ownership of the railbank corridor and is proposing two separate sales.

The first is a sale of a 4.47 acre section of railbank property to the City of Blackduck. The sale property would create an opportunity for economic development to the purchaser, the City of Blackduck.

The second is an 8,107 square foot strip of railbank property to Northern Township. The sale property would allow expansion of Wild Plum Road for Northern Township.

This notice is published pursuant to State Statute 222.63, and Minnesota rules 8830.5820 and 8830.5840

A public meeting will be held at the MnDOT District 2 Offices, Conference Rooms 150A and 151A 3920 Highway 2 West, Bemidji, MN 56601 on Tuesday, July 20, 2023, from 12:30pm to 2:30 pm to afford the public an opportunity to view the proposed sales.

If any person objects to the above action, written notification must be received by August 21, 2023, by the Department's contact for the above matter:

Rebecca Swenson, Transportation Program Specialist 3, Office of Land Management, 395 John Ireland Blvd, St Paul MN 55155-1800. You may also call at 612-322-0387.

To request an ASL or foreign language interpreter, or other reasonable accommodation, call Janet Miller at 651-366-4720 or 1-800-657-3774 (Greater Minnesota); 711 or 1-800-627-3529 (Minnesota Relay). Alternatively, send an email to janet.rae.miller@state.mn.us. Please request at least one week in advance.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the State Register, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: <https://mn.gov/admin/citizen/grants/>

Department of Employment and Economic Development (DEED) Notice of Grant Opportunity

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (DEED) places notice of any available grant opportunities online at <https://mn.gov/deed/about/contracts/open-rfp.jsp>

State Grants & Loans

Minnesota Department of Health (MDH) Request for Proposals for Exceptions to the Nursing Home Moratorium

Purpose

The commissioner of health is accepting written proposals from nursing homes and certified boarding care homes requesting funding through the moratorium exception process, according to Minn. Stat. § 144A.073. The commissioner of health, in coordination with the commissioner of human services, may approve such requests under conditions listed in the Minnesota Statutes. These conditions refer to categories of exceptions which are defined as:

- (a) “Conversion” means the relocation of a nursing home bed from a nursing home to an attached hospital.
- (b) “Relocation” means the movement of licensed nursing home beds or certified boarding care beds as permitted by state statute to promote equitable access across the state or to move the beds to another site.
- (c) “Renovation” means extensive remodeling of an existing facility with a total cost exceeding ten percent of the appraised value of the facility or \$200,000, whichever is less. A renovation may include the replacement or upgrade of existing mechanical or electrical systems.
- (d) “Replacement” means the construction of a completely new facility.
- (e) “Addition” means the construction of new space to an existing facility.
- (f) “Upgrading” means a change in the level of licensure of a bed from a boarding care bed to a nursing home bed in a certified boarding care facility.
- (g) “Phased project” means a proposal that identifies construction occurring with more than one distinct completion date. To be considered a distinct completion, each phase must have construction that is ready for resident use, as determined by the commissioner, which is not dependent on similar commissioner approval for future phases of construction. The commissioner of human services shall only allow rate adjustments for construction projects in phases if the proposal from a facility identifies construction in phases and each phase can be approved for use independent of the other phases.
- (h) “Consolidation” means a project that meets the criteria for “consolidation of nursing facilities” as outlined in 144A.071, Subd. 4d.

Appropriation Available

The amount of the legislative appropriation available for the total additional biennial costs to the Medical Assistance program for this Request for Proposals (RFP) is approximately **\$4,984,509**.

NOTE: As of October 1, 2022, Minn. Stat. § 256B.434, Subd. 4f, allows projects with costs less than \$2,359,742 to proceed without applying for a moratorium exception under this process.

Eligibility to Submit a Proposal

A proposal for an exception to the nursing home moratorium may be submitted by an organization or individual authorized by a facility’s governing board or management to prepare and submit a proposal to the commissioner of health.

Method for Estimating Proposal Cost

The method that the commissioner will use in evaluating proposals for approval or disapproval for estimating the cost of a proposal is detailed in the application materials.

Criteria for Review

Minn. Stat. § 144A.073, Subd. 4a, states the criteria the commissioner of health is to consider in reviewing moratorium exception proposals:

Subd. 4a. **Criteria for review.** In reviewing the application materials and submitted costs by an applicant to the moratorium process, the review panel shall consider the following criteria in recommending proposals:

- (1) the extent to which the proposed nursing home project is integrated with other health and long-term care services for older adults;

State Grants & Loans

- (2) the extent to which the project provides for the complete replacement of an outdated physical plant;
- (3) the extent to which the project results in a reduction of nursing facility beds in an area that has a relatively high number of beds per thousand occupied by persons age 85 and over;
- (4) the extent to which the project produces improvements in health; safety, including life safety code corrections; quality of life; and privacy of residents;
- (5) the extent to which, under the current facility ownership and management, the provider has shown the ability to provide good quality of care based on health-related findings on certification surveys, quality indicator scores, and quality-of-life scores, including those from the Minnesota nursing home report card;
- (6) the extent to which the project integrates the latest technology and design features in a way that improves the resident experience and improves the working environment for employees;
- (7) the extent to which the sustainability of the nursing facility can be demonstrated based on the need for services in the area and the proposed financing of the project; and
- (8) the extent to which the project provides or maintains access to nursing facility services needed in the community.

Procedure for Receiving Application Materials

The application materials, including instructions, format and necessary forms are available at the following website: <https://www.health.state.mn.us/facilities/regulation/nursinghomes/moratoriumapp/index.html>

Or upon email request to:

health.nhm@state.mn.us

Review and Approval of Proposals

Proposals will be reviewed by a committee composed of organizations that represent consumers and providers of nursing home services; persons who provide engineering, building construction, or design services; and state agencies involved in long term care issues, housing and finance. Applicants will have the opportunity to present their proposal, by *virtual public meeting*, to the (Proposal Review Committee) prior to the Committee submitting comments and recommendations to the commissioner. Details on this *virtual meeting*, including date, time will be made available to the contact person listed in each moratorium exception proposal. The commissioner of health will approve or disapprove project proposals based on criteria established in law and rule. The commissioner will make the final decision no later than **April 10, 2024**.

Questions Concerning the RFP

Any questions relating to the RFP process must be submitted by prospective applicants in writing, via email to:

health.nhm@state.mn.us

No answers will be provided in response to phone calls. Each question must cite the particular RFP page to which it refers. Copies of all questions and their answers will be provided to all prospective applicants who have requested application materials. Only responses in writing by staff of the Minnesota Department of Health will be considered official. The closing date for the receipt of questions will be **October 16, 2023**.

State Contracts

Technical assistance in completing the application forms is available from LeadingAge of Minnesota at (651) 645-4545, Care Providers of Minnesota, at (952) 854-2844 or The Minnesota Department of Health (651) 201-4200.

Procedures for Submitting Proposals

No proposals submitted by facsimile machine will be accepted.

Completed proposals must be uploaded to the Minnesota Department of Health CloudDrive, no later than 4:30 p.m. on December 14, 2023. Applicant must obtain access to upload application. Email facility name, contact person and the email address of the individual that will be uploading the application materials. Email to:

health.nhm@state.mn.us

State Grants & Loans

Department of Human Services

Contracts and Legal Compliance Division

Notice of Changes to Grant Request for Proposal noticing in the State Register for the Department of Human Services

The Minnesota Department of Human Services (DHS) will no longer publish individual grant RFP notices to the State Register effective March 27, 2023. The RFPs and RFIs can be viewed by visiting the Minnesota Department of Human Services Grants, Requests for Proposals (RFP) and Requests for Information (RFI) website: <https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/>.

The RFPs and RFIs do not obligate the State to complete the work contemplated in the respective notices. The State reserves the right to cancel solicitations. All expenses incurred in responding to the RFPs and RFIs are solely the responsibility of the responder.

Department of Labor and Industry

Request for proposals for Labor Education Advancement Program (LEAP) Grant 2024

Apprenticeship Minnesota at the Department of Labor and Industry (DLI) announces the availability of *grant funding for the operation of Labor Education Advancement Programs (LEAP)* in Minnesota under Minnesota Statutes § 178.11 and Minnesota Rules Chapter 5227. The available funding is \$1,000,000, with a grant period of performance of Oct. 1, 2023, or the date the contract is fully executed, whichever occurs later, until June 30, 2025. Grants will be awarded on a competitive basis.

Objective

This grant funding is to facilitate the participation and/or retention of people of color, Indigenous people and women in registered apprenticeship programs through various means, including outreach, education, assessment, preparation, support services, instruction, training, placement and retention activities.

People of color, Indigenous people and women are traditionally underrepresented in registered apprenticeship programs. A goal of this funding is to introduce those groups of people to registered apprenticeship as a viable career opportunity, enroll them into registered apprenticeship programs and support their retention in those programs.

Eligibility

Proposals will be accepted from community-based and nonprofit organizations, including 501(c)3 and 501(c)5 organizations, and Minnesota Tribal governments as defined in Minn. Stat. § 10.65, serving the grant focus populations. **The deadline to submit a written proposal to the Department of Labor and Industry is no later than 11:59 p.m., Central Daylight Time, Aug. 18, 2023.**

Application process

Information about this grant, eligibility, proposal requirements and deadlines is available online at dli.mn.gov/business/workforce/apprenticeship-funding-opportunities. Contact Betsy Adamson, DLI, at 651-284-5196 or betsy.adamson@state.mn.us with questions or for technical assistance.

Minnesota Department of Revenue**Notice of Request for Proposal: Grant to Provide Volunteer Taxpayer Assistance Services to Minnesotans who are low-income, elderly, and disadvantaged and Tax Credit Outreach Grant**

The Minnesota Department of Revenue requests proposals from eligible organizations to receive grants to:

- Coordinate, facilitate, encourage, and aid in the provision of taxpayer assistance services to Minnesotans who are low-income, elderly, and disadvantaged
- Publicize and promote the availability of eligible credits to taxpayers likely to be eligible for credits targeting low-income taxpayers, including but not limited to:
 - o Child Tax Credit
 - o Renter's Income Tax Credit
 - o Working Family Credit
 - o Property Tax Refund
 - o K-12 Education Credit

The Commissioner of Revenue has authority to issue grants totaling \$3,500,000 for the 2024-2025 biennium. This Request for Proposals (RFP) is for \$3,500,000 in grant funds available in the fiscal year beginning July 1, 2023, and ending June 30, 2025.

Application information and resources are now available on the *Grants to Provide Volunteer Taxpayer Assistance Services webpage*. Applications are due Monday, July 31, 2023, and will be scored based on need, impact, and performance.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Office of State Procurement (OSP) Website. Interested vendors are encouraged to monitor the P/T Contract Section of the OSP Website at <https://mn.gov/admin/osp> for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Requirements: There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Office of State Procurement strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised; \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days; \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

Contact the Office of State Procurement at: (651) 296-2600

Minnesota State Academies

Request for Proposals for Speech/Language, Occupational Therapy and Behavioral Services

PROJECT NAME: Speech/Language Pathology services, Occupational Therapy Supervisor services, Occupational Therapy Assistant services and Behavioral Consultant services.

DETAILS: The Minnesota State Academies is requesting proposals for the purpose of providing psychological services for students who attend the Minnesota State Academy for the Blind School and the Minnesota State Academy for the Deaf School.

Work is anticipated to start after August 28, 2023

COPY REQUEST: To receive a copy of the Request for Proposals, please send a written request by email to:

Amber Miller
Fiscal Services Director
amber.miller@msa.state.mn.us

PROPOSAL DEADLINE: Proposals in response to the Request for Proposals in this advertisement must be received not later than **2:00 PM, Central Time, August 7, 2023**. **Late proposals will not be considered.** Emailed proposals will be considered.

This request does not obligate the State of Minnesota to award a contract or complete the proposed program, and the State reserves the right to cancel this solicitation if it is considered in its best interest. All costs incurred in responding to this solicitation will be borne by the responder.

Department of Administration

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Armstrong Hall Replacement, Mankato (SDSB Project # 23-09)

The State of Minnesota, acting through Minnesota State through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

State Contracts

A full Request for Proposals is available on the Minnesota Department of Administration's website at <https://mn.gov/admin/government/construction-projects/sdsb/projects/> (click SDSB Project #23-09).

A **mandatory** informational meeting will be held on **Tuesday, July 18, 2023** at **9:00 AM CT** at the **Minnesota State University, Mankato campus in Morris Hall Room 102**. Attendance will be taken and posted on the University Purchasing web site (<https://admin.mnsu.edu/facilities-management/facilities-services/facilities-purchasing/>). Parking is available in Lot 20 located at the intersection of Stadium Road and Warren Street or the Visitors Pay Lot (Lot 4) located at the intersection of Ellis Avenue and South Road. There will be an opportunity for a self-guided tour of the proposed project areas after the meeting.

Any questions should be directed to Mr. Nathan Huettl, Director of Planning & construction at nathan.huettl@mnsu.edu. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **July 21, 2023**, no later than **4:00 p.m.** Central Time.

Proposals must be delivered to SDSB.Proposals.ADM@state.mn.us not later than **Monday, July 31, 2023, by 12:00 noon CT**. Late responses will not be considered.

Minnesota State is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Administration

MMCAP Infuse

Notice of Request for Proposals Medication Repackaging Services

MMCAP Infuse is requesting for proposals from vendors for **Medication Repackaging Services**. MMCAP Infuse is a government-run healthcare product and service group purchasing organization serving governmental entities. For more information on MMCAP Infuse visit: <https://osp.admin.mn.gov/GS-auto>

To obtain a copy of the RFP, please send a request by email to: MMCAP_Infuse.RFP@state.mn.us

Proposals submitted in response to the Request for Proposals in this notice must be received according to the specifications in the Request for Proposal.

RFP Due Date is August 2, 2023, 2:00 p.m. Central Time.

The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Administration

Real Estate and Construction Services

Notice of Availability of Request for Qualifications (RFQ) for Construction Manager at Risk for Capitol Complex Physical Security Upgrades Phase 2

NOTICE IS HEREBY GIVEN that the State of Minnesota Department of Administration, represented by Real Estate and Construction Services Division (RECS), is seeking Construction Manager at Risk services for Capitol Complex Physical Security Upgrades Phase 2, Capitol Complex, St. Paul, MN.

A full Request for Qualifications is available on the Department of Administration's website at <https://mn.gov/admin/osp/vendors/solicitations-and-contract-opportunities/> click "Construction Virtual Plan Room". Project Name "RECS RFQ CMR Capitol Complex Physical Security Upgrades Phase 2", QUESTCDN Project Number: 8579552, RECS Project Number: 02CP0140. To be considered for selection and a contract, responses must be submitted by the date and time indicated in the RFQ.

State Contracts

A Mandatory Pre-Qualifications Submittal/Proposal Meeting is tentatively scheduled for Wednesday, August 2, 2023 at 1:30 p.m. CDT. Firms must Pre-Register for the Mandatory Pre-Qualifications Submittal/Proposal Meeting by 3:00 p.m. CDT, Friday, July 28, 2023. Project questions will be taken by Talia Landucci Owen at talia.landucci-owen@state.mn.us. Questions regarding this RFQ must be received by Thursday, August 3, 2023 at 3:00 p.m. CDT.

Responses must be received by the Real Estate and Construction Services, Department of Administration, Talia Landucci Owen, no later than Wednesday, August 9, 2023 by 12:00 noon CDT. Late responses will not be accepted.

The Department of Administration, Real Estate and Construction Services Division is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota State Colleges and Universities (Minnesota State) Notice of Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for contract opportunities, goods/commodities and related services on its Vendor and Supplier Opportunities website (<https://www.minnstate.edu/vendors/index.html>). New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

If you have any questions regarding this notice or are having problems viewing the information on the Vendor and Supplier Opportunities website, please email the Minnesota State Procurement Unit at Sourcing@MinnState.edu.

Legislative-Citizen Commission on Minnesota Resources Request for Proposal for Scientific Peer Review Services

The Minnesota Legislative-Citizen Commission on Minnesota Resources (LCCMR) is requesting proposals from contractors to coordinate scientific peer review of research proposals recommended for funding by the LCCMR. The scientific peer review services to be performed include identifying qualified peer reviewers for 20-30 proposals, obtaining approximately three reviews per proposal, coordinating proposer responses to peer reviews, managing payment to peer reviewers, and communicating status and results of reviews to LCCMR.

The full text of the Request for Proposals can be obtained from the LCCMR website at https://www.lccmr.mn.gov/about/rfp_for_scientific_peer_review_services.html or by contacting:

Diana Griffith
Legislative-Citizen Commission on Minnesota Resources
65 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, Minnesota 55155
Email: Diana.Griffith@lccmr.mn.gov

Proposals must be received by 4:30 p.m. (CDT) on Monday, July 31, 2023. Late proposals may not be accepted. All expenses incurred in responding to this notice shall be borne by the responder.

Legislative Coordinating Commission – Minnesota Legislature

Request for Proposal for Financial Audit for Fiscal Year 2023

The Minnesota Legislative Coordinating Commission (LCC) is requesting proposals to audit the financial statements of the Commission for the fiscal year ending June 30, 2023. The audit is to be performed by an independent certified public accounting firm licensed to do business in the State of Minnesota. The LCC's expenditures for fiscal year 2023 is anticipated to be approximately \$13.5 million.

The full text of the Request for Proposals can be obtained from the LCC Web site at <https://www.lcc.mn.gov/RFPs.html> or by contacting:

Anne Shaw, Fiscal Service Office Manager
 Legislative Coordinating Commission
 State Office Building, STE 600
 100 Rev. Dr. Martin Luther King, Jr. Blvd
 St. Paul, Minnesota 55155
 Phone: (651) 296-5370 (Voice)
 Email: anne.shaw@lcc.mn.gov

Proposals must be received by Monday August 14, 2023, at 4:00 p.m., CDT. Late proposals may not be accepted. All expenses incurred in responding to this notice shall be borne by the responder.

Minnesota Department of Transportation (MnDOT)

Engineering Services Division

Notices Regarding Professional/Technical (P/T) Contracting

P/T Contracting Opportunities: MnDOT is now placing additional public notices for P/T contract opportunities on the MnDOT's Consultant Services website. New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Taxpayers' Transportation Accountability Act (TTAA) Notices: MnDOT is posting notices as required by the TTAA on the MnDOT Consultant Services website.

MnDOT's Prequalification Program: MnDOT maintains a Pre-Qualification Program in order to streamline the process of contracting for highway related P/T services. Program information, application requirements, application forms and contact information can be found on MnDOT's Consultant Services website. Applications may be submitted at any time for this Program.

MnDOT Consultant Services website: www.dot.state.mn.us/consult

If you have any questions regarding this notice, or are having problems viewing the information on the Consultant Services website, please call the Consultant Services Help Line at 651-366-4611, Monday – Friday, 9:00am – 4:00pm.

Non-State Public Bids, Contracts & Grants

The State Register also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: <https://mn.gov/admin/osp> as well as the Office of Grants Management (OGM) at: <https://mn.gov/admin/citizen/grants/>.

Cities Church

Request for Bids for Cities Church Masonry Restoration, 1524 Summit Avenue, St. Paul, MN 55105

MacDonald & Mack Architects, on behalf of Cities Church, is seeking bids from qualified contractors to provide all labor, materials, equipment, and supplies to complete masonry restoration of the tower at 1524 Summit Avenue, St. Paul, MN. All work must be done in accordance with the Drawings, Project Manual, and the Contract, as well as this Request for Bids. This is a jobs reporting and prevailing wage project.

Availability of Bidding Documents: Bidders desiring bidding documents may secure a complete set from the Franz Reprographics Public Plan Room, available via <https://franzrepro.com/>. Sets will be available for electronic download free of charge.

Documents will be available after July 17, 2023.

Prospective bidders are required to attend the mandatory pre-bid meeting on-site.

All bids must be received by email to Angela Wolf Scott at angelaws@mm-architects.com, no later than 2:00 pm, August 18, 2023. Bids will be opened privately and evaluated based on all aspects of the bids.

Metropolitan Airports Commission (MAC)

Notice of Call for Bids for 2023 Electrical Substation Replacement P3

Airport Location:	Minneapolis-St. Paul International Airport
Project Name:	2023 Electrical Substation Replacement P3
MAC Contract No.:	106-2-1018
Bids Close At:	2:00 PM on August 15, 2023
Bid Opening Conference Call:	3:00 PM on August 15, 2023
Teleconference Dial In #:	1-612-405-6798
Conference ID #:	681 090 675#

Notice to Contractors: Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via QuestCDN <https://questcdn.com/> until the official time and date as displayed in QuestCDN Online.

Note: You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

— Non-State Public Bids, Contracts & Grants

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of Targeted Group Businesses on this project is 7%.

Bid Security: Each bid shall be accompanied by a “Bid Security” in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

Project Labor Agreement: This project is subject to the MAC’s Project Labor Agreement requirements. A copy of the Project Labor Agreement and Contract Riders are included in Appendix B.

Availability of Bidding Documents: Bidding documents are available for inspection at the QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring bidding documents for personal use may secure a complete digital set at <https://www.questcdn.com>. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #8587869 in the “Search Projects” page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy bidding documents will not be made available to Bidders.

Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will **ONLY** be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on July 17, 2023, at MAC’s web address of <https://metroairports.org/doing-business/solicitations> (construction bids).

Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Request for Qualifications for Concourse and Hub Tram Conceptual Design Consulting Services

The Metropolitan Airports Commission (MAC) is requesting Statements of Qualifications (SOQs) from firms interested in providing Concourse and Hub Tram Conceptual Design Consulting Services. The selected firms will work closely with MAC staff and other(s) as determined. All submittals must be received by MAC prior to 4:00 p.m. on Monday, August 7, 2023. For a copy of the RFQ, please go to the following link: <http://metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx>. Direct questions to Heather Leide, AIA, Director, Airport Development Project Initiation, Metropolitan Airports Commission, 6040 28th Ave. S., Minneapolis, MN 55450 Phone: 612.726.8133, Fax: 612.794.4407, E-mail: Heather.Leide@mspmac.org.

Metropolitan Emergency Services Board (MESB) Request for Proposals for Actuarial Services

The Metropolitan Emergency Services Board (MESB) is soliciting proposals from qualified firms to research and provide the MESB with actuarial services on its Other Post-Employment Benefits (OPEB) obligations in compliance with Governmental Accounting Standards Board (GASB) 75 requirements.

To see full Request for Proposals document, go to www.mn-mesb.org. All questions and correspondence should be directed to Jill Rohret, Executive Director, in writing at 2099 University Ave. W., St. Paul, MN 55104 or via telephone at (651) 643-8394.

Proposals are due by 4:00 p.m. on Friday, August 11, 2023.



**GET THE STATE REGISTER SENT
TO WHERE YOU ARE. SUBSCRIBE!**



Minnesota Department of Human Services

CERTIFICATE OF SENDING THE NOTICE OF INTENT TO REPEAL RULES TO THE RULEMAKING MAILING LIST

Proposed Repeal of Obsolete Rules of the Minnesota Department of Human Services for Rules Related to Personal Care Assistance (PCA) Services; Minnesota Rules, part 9505.03 and Minnesota Rules, part 9505.2175 subpart 7; Revisor's ID Number 04786

I certify that on July 17, 2023, at least 63 days before the end of the comment period, in Saint Paul, Ramsey County, Minnesota, I delivered the Notice of Intent to Repeal Rules and the proposed repealed rules by sending an electronic memo with links via GovDelivery to all persons and associations on the rulemaking mailing list established by Minnesota Statutes, section 14.14, subdivision 1a. A copy of the email confirming the GovDelivery message was sent is attached. I also certify that on July 13, 2023, I deposited a copy of the Notice of Intent to Repeal Rules and the proposed repealed rules in the United States mail to those persons and associations on the rulemaking mailing list who have indicated that they prefer communications by U.S. Mail. A copy of the U.S. mailing list is also attached.



Vanessa Vogl
Rulemaking Attorney

From: [Minnesota Department of Human Services](#)
To: [Adrian, Steven E \(DHS\)](#); [MinnDHSEHOWS@public.govdelivery.com](#); [Ballek, Daniel John \(MNIT\)](#); [Steen, Andrea M \(DHS\)](#); [Wittman, Jonathan D \(DHS\)](#); [Conway, Melissa B \(DHS\)](#); [Wilder, Lisa A \(DHS\)](#); [Vogl, Vanessa M \(DHS\)](#); [Lee, Mehgan M \(DHS\)](#); [Sullivan Hook, Karen E \(DHS\)](#); [Berg, Sarah \(She/Her/Hers\) \(DHS\)](#); [Echols, Nanette M \(DHS\)](#)
Subject: Courtesy Copy: Notice of Proposed Repeal of Rules of the Minnesota Department of Human Services Governing PCA Services and Related Required Documentation
Date: Monday, July 17, 2023 10:19:51 AM

This is a courtesy copy of an email bulletin sent by Vanessa Vogl.

This bulletin was sent to the following groups of people:

Subscribers of Rulemaking Notices (8080 recipients)

The Minnesota Department of Human Services (Department) intends to repeal certain rules governing PCA services: Minnesota Rules, part 9505.0335 and Minnesota Rules, part 9505.2175, subpart 7, without a public hearing following the procedures in the Administrative Procedure Act and applicable rules. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Sept. 22, 2023, the Department will hold a virtual public hearing on the proposed rule changes, conducted by an Administrative Law Judge.

Minnesota Rules, part 9505.0335 describes oversight of PCA Services, but it is now outdated and has been replaced by Minnesota Statutes, section 256.0659. Therefore, it is obsolete and requires repeal. Minnesota Rules, part 9505.2175, subpart 7 governs PCA service records maintenance. The documentation requirements in this subpart have been updated and are noted in statute (Minnesota Statutes, section 256.0659, subdivisions 10, 12, 14, and 16) or elsewhere in rule (Minnesota Rules, part 9505.2175, subparts 1-2). Additionally, subpart 7 references a repealed statute (Minnesota Statutes, section 256B.0655) and the other rule part the Department is proposing to repeal (Minnesota Rules, part 9505.0335). Therefore, part 9505.2175, subpart 7 is duplicative and confusing to providers and agency staff, making it obsolete and necessitating its repeal.

The Department published a Notice of Intent to Repeal Obsolete Rules in the [July 17, 2023 State Register](#). If you would like to comment or request a hearing, please follow the procedure described in the Notice. You have until 4:30 p.m. on Sept. 22, 2023 to comment or request a hearing. A copy of [the Notice](#) and [the proposed rule repeal](#) are on the Department's [Rulemaking Docket webpage](#).

You are receiving this communication because according to our records, you registered to receive such notice of rulemaking proceedings commenced by the Department. If you do not wish to continue receiving such notices from the Department, you can change your email subscription preferences by entering your email address [here](#). If you know of others who would be interested in receiving notification of agency rulemakings, they can do so by submitting their email address [at the same location](#).

Stay connected

[Minnesota Department of Human Services](#)



Registered Rulemaking List (U.S. Mailing preferred)

U.S. Mailing preferred

Company Name	Mailing Address
Citizens Council for Health Freedom	161 Saint Anthony Ave Suite 923 St. Paul, MN 55103-2308
Our House of Minnesota, Inc.	1848 Portland Ave St. Paul, MN 55104
Pine Ridge Homes, Inc.	1509 14 th Street Cloquet, MN 55720
Becker County Dac (Development Achievement Center)	PO Box 852 Detroit Lakes, MN 56502
Range Center, Inc.	1001 NW Eighth Ave PO Box 629 Chisholm, MN 55719
Sam Ruhle – Minnesota Office of Administrative Hearings	PO Box 64620 St. Paul, MN 55164-0620

Minnesota Department of Human Services

CERTIFICATE OF ACCURACY OF THE DEPARTMENT'S RULEMAKING LISTS

Proposed Repeal of Obsolete Rules of the Minnesota Department of Human Services for Rules Related to Personal Care Assistance (PCA) Services; Minnesota Rules, part 9505.03 and Minnesota Rules, part 9505.2175 subpart 7; Revisor's ID Number 04786

I certify that the list of persons and associations who have requested that their names be placed on the Department of Human Services rulemaking email and U.S. mailing lists under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of July 13, 2023. An email list is maintained via GovDelivery subscription and the number of the people on the list is 8080. A list of people and organizations that prefer to receive notice via U.S. mail is included with the Certificate of Sending the Notice of Intent to Repeal Rules to the Department's Rulemaking Lists.



Vanessa Vogl
Rulemaking Attorney
General Counsel's Office

Minnesota Department of Human Services

CERTIFICATE OF DELIVERY OF INTENT TO REPEAL OBSOLETE RULES

Proposed Repeal of Obsolete Rules of the Minnesota Department of Human Services for Rules Related to Personal Care Assistance (PCA) Services; Minnesota Rules, part 9505.03 and Minnesota Rules, part 9505.2175 subpart 7; Revisor's ID Number 04786

I certify that at St. Paul, Ramsey County, Minnesota, I delivered the Notice of Intent to Repeal Rules according to the Additional Notice Plan approved by the Office of Administrative Hearings on June 21, 2023. Specifically, I

- Posted a message to the Provider news and updates webpage on July 17, 2023;
- Sent a copy of the Notice of Intent to Repeal Obsolete Rules as published in the State Register and a copy of the proposed rule amendment directly to the MN-ITS mailboxes of Minnesota Health Care Program PCA providers on July 17, 2023.

A copy of the Provider news and updates posting is included with this Certificate.



Brittany Riopelle
Online Business Specialist
Medicaid Payments and Provider Services



MHCP provider news and updates

This page includes news and resources for providers enrolled to serve Minnesota Health Care Programs (MHCP) members. News articles are retained on the Minnesota Department of Human Services (DHS) website for one year. Current messages are linked below. Sign up to receive provider news and other MHCP notices through our [free provider email lists \(/dhs/partners-and-providers/contact-us/minnesota-health-care-programs/providers/email-signup.jsp\)](#).

Systems announcements

We will update this section with information about MN-ITS availability, technical information and other systems announcements when necessary.

Current news and updates

All contracted managed care organization providers must enroll with Minnesota Health Care Programs

Minnesota Health Care Programs (MHCP) will start the screening and enrollment process for managed care organization (MCO) in-network-only providers on July 17, 2023. MCO in-network only providers who are currently providing services or wish to provide services to members enrolled in managed care organizations must enroll and meet the MHCP requirements.

Actively enrolled fee-for-service providers who have an existing contract with an MCO will not need to go through the screening and enrollment process again.

Refer to the [Minnesota Provider Screening and Enrollment \(MPSE\) portal training \(/dhs/partners-and-providers/training-conferences/minnesota-health-care-programs/provider-training/mpse-portal-training.jsp\)](#) page for MPSE training on how to use the MPSE portal to enroll.

Refer to the enrollment process for contracted MCO providers on the [Enroll with MHCP \(/dhs/partners-and-providers/enroll-with-mhcp/index.jsp\)](#) webpage for more information. (pub. 7/17/23)

DHS will repeal certain rules governing PCA services and seeks public comment

The Minnesota Department of Human Services (DHS) intends to repeal certain rules governing personal care assistance (PCA) services and required documentation associated with the services and seeks public comment. You can find the official [Notice of Intent to Repeal Obsolete Rules \(PDF\) \(/dhs/assets/pca-notice-of-intent-to-repeal-obsolete-rules-signed_tcm1053-583827.pdf\)](#) on the [Rulemaking Docket \(http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_016414\)](#) webpage.

You can submit comments or request a hearing on the [proposed repeal \(/dhs/assets/pca-proposed-rules_tcm1053-583828.pdf\)](#) (or both) via:

- Email (preferred): Vanessa.Vogl@state.mn.us (<mailto:Vanessa.Vogl@state.mn.us>)
- U.S. Mail:
Vanessa Vogl
Administrative Law Office, Minnesota Department of Human Services
P.O. Box 64254
St. Paul, MN 55164-0254
- Fax: 651-431-7714
- TTY users may call 800-627-3529

We will accept comments and requests for a hearing until 4:30 p.m. on **Sept. 22, 2023**. (pub. 7/17/23)

July 5 warrant checks will be mailed July 12, 2023

Some providers may experience a delay in receiving checks for the July 5, 2023, warrant date. We will mail the delayed checks on July 12, 2023, to providers who have not received a July 5 warrant check. You should allow up to 10 business days to receive your check. If you do not receive your check by July 19, please call the Minnesota Health Care Programs (MHCP) Provider Resource Center at 651-431-2700 or 800-366-5411 to open a case.

MHCP recommends all providers sign up to be paid through EFT or direct deposit. EFT payments are a convenient alternative to receiving paper checks. Review Electronic funds transfer (ETF) or direct deposit information under Enrolling as an MHCP provider on the [Enroll with Minnesota Health Care Programs webpage \(/dhs/partners-and-providers/enroll-with-mhcp/index.jsp\)](#). (pub. 7/12/23)

Claims for customized living services provided in settings not in compliance will deny starting July 1, 2023

To comply with the **federal Home and Community-Based Services waiver rule** (<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7817B-ENG>), all customized living settings or 24-hour customized living settings in operation on or after Jan. 11, 2021, are limited to serving people on the Brain Injury (BI) and Community Access for Disability Inclusion (CADI) waivers who are 55 years of age or older.

Lead agencies cannot authorize customized living services for people younger than 55 on the BI and CADI waivers in settings that are subject to the age limitation. For a list of these settings, refer to the Community-Based Services Manual page: **Customized living provider settings only allowed to serve people on the BI and CADI waivers who are age 55 and older.** (https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs-330385).

Effective for dates of service starting July 1, 2023, the Minnesota Department of Human Services will deny claims for customized living services provided in settings subject to the age limitation to people younger than 55 on BI and CADI waivers. Claims that deny will show a claim status code of 142 in MN-ITS and a remark code of M143 on the remittance advice.

Review the Disability Services Division eList announcement **MMIS claims edit to address CL age limitation for BI and CADI waiver** (https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=MNDHS-063395)s for more information. (pub. 7/12/23)

Updates to Substance Use Disorder 1115 Demonstration provider enrollment

Review the following 1115 Demonstration provider enrollment dates.

Providers requiring Jan. 1, 2024, enrollment date

The following substance use disorder (SUD) providers are required to enroll in the **1115 Demonstration** (</dhs/partners-and-providers/policies-procedures/alcohol-drug-other-addictions/1115-sud/index.jsp>) by Jan. 1, 2024:

- Minnesota residential treatment providers licensed by the Minnesota Department of Human Services (DHS) and enrolled in Minnesota Health Care Programs (MHCP)
- Minnesota withdrawal management providers licensed by DHS and enrolled in MHCP
- Out-of-state residential SUD providers enrolled in MHCP

Providers requiring Jan. 1, 2025, enrollment date

The following SUD providers are required to enroll in the demonstration by Jan. 1, 2025:

- Minnesota nonresidential treatment providers licensed by DHS and enrolled in MHCP
- Hospital-based residential treatment providers licensed by DHS and enrolled in MHCP

Tribally licensed providers may elect to participate in the demonstration.

These enrollment requirements are according to **Minnesota Statute 256B.0759, subdivision 2** (<https://www.revisor.mn.gov/statutes/cite/256B.0759>). Send an email to 1115demonstration.dhs@state.mn.us (<mailto:1115demonstration.dhs@state.mn.us>) if you have questions or would like assistance in completing your enrollment application. (pub. 7/12/23)

Behavioral Health Fund eligibility guidelines updated for state fiscal year 2024

The Minnesota Department of Human Services has updated the **Behavioral Health Fund Eligibility Guidelines for State Fiscal Year 2024 (DHS-6770) (PDF)** (<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6770-ENG>) (<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-6770-ENG>). Refer to the Behavioral Health Division's **Behavioral Health Fund eligibility guidelines updated for State Fiscal Year 2024** (https://content.govdelivery.com/bulletins/gd/MNDHS-364a8f9?wgt_ref=MNDHS_WIDGET_C36) e-memo for more information. (pub. 7/12/23)

Minnesota Women, Infant and Children (WIC) extends medical formulas substitutions

Minnesota WIC is extending medical formula substitutions through Aug. 27, 2023. MN WIC participants should use the **Minnesota WIC Medical Formulas Substitutions (PDF)** (<https://www.health.state.mn.us/docs/people/wic/localagency/recall/medicalsups.pdf>) list through Aug. 27, 2023.

Alternate Mead Johnson formulas, including larger can sizes of WIC contract formula, are also available through Aug. 27, 2023. Refer to the Minnesota Department of Health's **WIC and Health Care Providers** (<https://www.health.state.mn.us/people/wic/hcp/index.html>) webpage for more information. (pub. 7/5/23)

2023 MinnesotaCare tax rate is 1.6 percent; claims to be reprocessed

Effective Jan. 1, 2023, the MinnesotaCare tax rate was lowered to 1.6 percent for the provider, hospital, surgical center, wholesale drug distributor, and legend drug use taxes. The MinnesotaCare tax rate for 2022 was 1.8 percent. Minnesota Health Care Programs (MHCP) reimbursement includes a rate add-on that equals the tax rate to reimburse providers for MHCP's share of the tax.

We updated our system with the new tax rate and will reprocess claims that were submitted and paid at the higher add-on rate.

Providers do not need to take action. We will provide information about reprocessing these claims when available.

Watch for a future Provider News message on this webpage. (pub. 7/03/23)

REVISED: Medical Assistance renewal deadline extended to Aug. 1 for people whose renewal paperwork is overdue for July 1 coverage

This message has been updated to announce we've received federal permission to extend the July 1 deadline to Aug. 1 for the first group of families and children renewing their Medical Assistance since the pandemic. Minnesota extended the Medical Assistance renewal deadline to Aug. 1 for 39,000 Minnesotans whose renewal paperwork is overdue for July 1 coverage. But people should still send in their renewal form and any required documentation as soon as possible to avoid gaps in their health insurance.

The state is working with the federal government to avoid ending Medical Assistance coverage for people who may still qualify, but face barriers such as not receiving the form in the mail. Medical Assistance is Minnesota's Medicaid program.

"We don't want anyone to lose their health insurance," said Minnesota Department of Human Services Commissioner Jodi Harpstead. "Our goal is for every eligible Minnesotan to keep their Medical Assistance."

The Minnesota Department of Human Services received federal permission to extend the July 1 deadline to Aug. 1 for the first group of families and children renewing their Medical Assistance since the pandemic. The extra month will let the department and its partners find and connect with people in that group who haven't responded yet. The extension also means that no eligible Minnesotans will lose Medical Assistance just before the Independence Day weekend. Having insurance makes it easier to get health care and supports the health and well-being of people and their families and communities.

People who have already been determined to no longer qualify for Medical Assistance will still lose coverage July 1. Some are newly qualified for MinnesotaCare beginning on that date. Others can get help finding other insurance options through MNSure, the state's health insurance marketplace.

Refer to the [mn.gov/dhs/renewmycoverage/\(dhs/renewmycoverage/index.jsp\)](https://mn.gov/dhs/renewmycoverage/(dhs/renewmycoverage/index.jsp)) webpage for more information about Medical Assistance and MinnesotaCare renewals. (pub. 6/22/23, rev. 6/29/23)

Remote adult day services option is available starting July 1, 2023

The Minnesota Department of Human Services (DHS) authorized licensed adult day service providers to deliver services in alternative ways during the COVID-19 peacetime emergency. Alternative adult day services as outlined in the [COVID-19 \(https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs-320036#HCBS\)](https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs-320036#HCBS) section of the Minnesota Health Care Programs (MHCP) Provider Manual will end on June 30, 2023. Adult day services will resume with a new method to deliver services remotely starting July 1, 2023, for licensed adult day service providers.

Home and Community-Based Services (HCBS) providers who choose to provide the remote adult day services option will need to contact their licenser or contact the HCBS Help Desk at 651-431-6624 to request approval of adding remote adult day service to their license. Review the [Community-Based Services Manual \(CBSM\) - Adult day services \(https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_002205\)](https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_002205), under the provider standards and qualifications section for additional licensing requirements. Providers can use the [DHS licensing information lookup \(https://licensinglookup.dhs.state.mn.us/\)](https://licensinglookup.dhs.state.mn.us/) to search for adult day services providers that are approved for remote services.

Once approved by DHS Licensing, MHCP is requiring providers to submit an updated [HCBS Programs Service Request \(DHS-6638\) \(PDF\) \(https://edocs.dhs.state.mn.us/lfsrver/Public/DHS-6638-ENG\)](https://edocs.dhs.state.mn.us/lfsrver/Public/DHS-6638-ENG) along with the [Waiver Services Remote Support Provider Assurance Statement \(DHS-8059\) \(PDF\) \(https://edocs.dhs.state.mn.us/lfsrver/Public/DHS-8059-ENG\)](https://edocs.dhs.state.mn.us/lfsrver/Public/DHS-8059-ENG) to add remote adult day services to their enrollment record.

Review the [Permanent remote adult day services option available July 1, 2023 \(https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=MNDHS-062727\)](https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=MNDHS-062727), Aging and Adult Services and Disability Services divisions eList announcement for information about policy, training, rates and authorization.

If you have questions regarding this message, use the [DSD Contact Form \(https://edocs.mn.gov/forms/DHS-8168-ENG\)](https://edocs.mn.gov/forms/DHS-8168-ENG) for disability waivers or email dhs.aasd.hcbs@state.mn.us (<mailto:dhs.aasd.hcbs@state.mn.us>) for Elderly Waiver and Alternative Care services. (pub. 6/28/30)

DHS sends Services Employees International Union Healthcare Minnesota and Iowa contract terms for 2023-2025

The Minnesota Department of Human Services (DHS) sent Personal Care Assistance (PCA) Choice agencies and Financial Management Service (FMS) providers a memo in their MN-ITS PRVLTR folder on June 23, 2023, with a summary of the new terms of the contract between the Services Employees International Union (SEIU) Healthcare Minnesota and Iowa and the State of Minnesota. The subject of the memo was "Services Employees International Union (SEIU) Healthcare Minnesota and Iowa Contract Requirements for 2023-2025."

PCA Choice and FMS providers are responsible for knowing the information contained in the memo and for implementing the terms on their effective dates. Some effective dates start July 1, 2023. (pub. 6/26/23)

MHCP has sent personal care assistance Steps for Success certificates for the May 24-26 workshop

Minnesota Health Care Programs (MHCP) has sent providers who attended the [PCA Steps for Success \(https://mn.gov/dhs/partners-and-providers/training-conferences/minnesota-health-care-programs/provider-training/pca-steps-for-success.jsp#4\)](https://mn.gov/dhs/partners-and-providers/training-conferences/minnesota-health-care-programs/provider-training/pca-steps-for-success.jsp#4) workshop on May 24-26, 2023, their certificates of completion via the email address they used to register for the Steps for Success training. Providers who completed the training should have received the certificate by the end of the business day on June 26, 2023. If you have any questions, call the MHCP Provider Resource Center at 651-431-2700 or 800-366-5411. (pub. 6/26/23)

DHS has updated the collocated setting policy for Home and Community-Based Services (HCBS) waivers

The Minnesota Department of Human Services (DHS) updated the collocated setting policy to include exceptions based on the status of the HCBS waiver settings, effective June 12, 2023.

Collocated settings refer to when a single provider leases or owns more than one service setting located on the same or adjacent property, the lead agency can only authorize services in **one** of the settings.

Collocated setting policy and exceptions apply to the following services through the Brain Injury (BI), Community Alternative Care (CAC), Community Access for Disability Inclusion (CADI) and Developmental Disabilities (DD) waivers:

- **Adult day services** (https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_002205), including **adult day bath** (https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs-291135) and **family adult day services** (https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs-291136).
- **Community residential services** (https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs-327067).
- **Customized living or 24-hour customized living** (https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_001787).
- **Day support services** (https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs-327071).
- **Family residential services** (https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs-327068).
- **Integrated community supports** (https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs-327069).
- **Prevocational services** (https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_002238).

This collocated setting policy update does not apply to Alternative Care (AC) or Elderly Waiver (EW).

Review [Updates to collocated setting policy \(https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=MNDHS-063209\)](https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=MNDHS-063209) Disability Services Division (DSD) eList announcement for more information on current collocated setting policy and new collocated setting exceptions. (pub. 6/22/23)

Temporarily suspended psychotherapy service limitations billing update

We published a provider news message on Feb. 7, 2023, announcing that we would be temporarily suspending service limitations for psychotherapy effective Jan. 1, 2023. We have not completed updating our billing system and we are aware claims exceeding the original limits are denying. We are currently updating the system to allow claims to be paid for these services without authorization. You should continue to bill for each date of service, and we will reprocess denied claims when the system work is complete. Call the Minnesota Health Care Programs Provider Resource Center at 651-431-2700 or 800-366-5411, option #1, if you have questions about this message. (pub. 6/22/23)

Medical Assistance for Payment of Long-Term Care Services (MA-LTC) eligibility policy: Resuming Renewals Update webinar scheduled

Minnesota Department of Human Services will hold an MA-LTC eligibility policy: Resuming Renewals Update webinar on Tuesday, June 27 from 1 to 2:30 p.m.

This webinar will focus on the MA-LTC eligibility policies associated with resuming MA-LTC renewals and will include information about the new ex parte renewal process and the MA asset disregard. We will answer questions following the presentation. The presentation will address long-term care provider questions about MA-LTC eligibility policy. Call the Minnesota Health Care Programs Provider Resource Center at 651-431-2700 or 800-366-5411 if you have questions about provider payment and billing policies.

You may register for this webinar by visiting the [MA-LTC Eligibility Policy: Resuming Renewals Update webinar Tuesday, June 27, 2023, 1 to 2:30 p.m.](https://minnesota.webex.com/webex/register/rc1427bf1e61d6c4ce57e1587431b8d55)

(<https://minnesota.webex.com/webex/register/rc1427bf1e61d6c4ce57e1587431b8d55>) webpage. We will announce additional dates and times for more webinars later. (6/22/23)

Hospital-grade breast pump claims and accessory kits

We reprocessed hospital-grade breast pump claims (HCPCS code E0604) for dates of service from Jan. 1, 2023, through May 25, 2023, as they were priced incorrectly in our system. The reprocessed claims will be on the July 5, 2023, remittance advice. We corrected pricing for E0604 based on a set rental rate. Accessory kits used with E0604 are now coded A9999 and claims require a pricing attachment with the manufacturer's suggested retail price or invoice. (pub. 6/22/23)

Housing Stabilization Services providers required to submit newest version of Professional Statement of Need (DHS-7122) beginning July 17, 2023

Housing Stabilization Services providers and qualified professionals must complete housing stabilization service assessments using the newest version of the [Professional Statement of Need \(DHS-7122\) \(PDF\)](https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-7122-ENG) (<https://edocs.dhs.state.mn.us/lfservlet/Public/DHS-7122-ENG>) beginning July 17, 2023. We posted the newest version of the Professional Statement of Need (DHS-7122) in October of 2022.

If a person had a Professional Statement of Need assessment completed on an outdated form before July 17, 2023, the assessment is still valid for up to 12 months and will be accepted as documentation when submitting [Housing Stabilization Eligibility Requests \(DHS-7948\)](https://edocs.mn.gov/forms/DHS-7948-ENG) (<https://edocs.mn.gov/forms/DHS-7948-ENG>).

Review the [Helpful Tips for Housing Stabilization Services Eligibility Requests \(PDF\)](https://dhs/assets/helpful-tips-hss-eligibility-requests_tcm1053-458830.pdf) (https://dhs/assets/helpful-tips-hss-eligibility-requests_tcm1053-458830.pdf) for more guidance on eligibility requests and the Professional Statement of Need. Email dhshousingstabilization@state.mn.us (<mailto:dhshousingstabilization@state.mn.us>) if you have questions about these resources. (pub. 6/20/23)

Incontinence products quantity limit changes effective July 1, 2023

Quantity limits for disposable briefs, diapers, underwear, pull-ons, liners, shields, guards, pads and garments (HCPCS T4521-T4535, T4538, T4533-T4544) will be covered up to 400 units per product or combination of products per month before authorization is required effective July 1, 2023. Product combinations more than one size apart are not permitted. Refer to the [Equipment and supplies resources \(/dhs/partners-and-providers/policies-procedures/minnesota-health-care-programs/provider/types/equipment/index.jsp\)](https://dhs/partners-and-providers/policies-procedures/minnesota-health-care-programs/provider/types/equipment/index.jsp) webpage for the list of covered incontinence products. Quantity limits for underpads (T4541-T4542) will be covered up to 100 units per month before authorization is required. We will update the [Incontinence Products \(https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_141527\)](https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_141527) section of the Minnesota Health Care Programs (MHCP) Provider Manual July 1, 2023. Call the MHCP Provider Resource Center at 651-431-2700 or 800-366-5411 if you have questions about this message. (pub. 6/14/23)

DHS ends requirement for qualified professionals to use electronic visit verification during PCA supervision

Through the first two phases of [electronic visit verification \(/dhs/partners-and-providers/news-initiatives-reports-workgroups/long-term-services-and-supports/evv/index.jsp\)](https://dhs/partners-and-providers/news-initiatives-reports-workgroups/long-term-services-and-supports/evv/index.jsp) (EVV) implementation, the Minnesota Department of Human Services (DHS) has received stakeholder feedback. Based on this valuable feedback, DHS has decided to end the requirement for qualified professionals to use EVV when supervising Minnesota Health Care Programs-enrolled personal care assistance (PCA) providers, effective immediately.

For more information refer to the Disability Services Division (DSD) eList announcement [EVV PCA supervision update \(https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=MNDHS-063163\)](https://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=MNDHS-063163). (pub. 6/13/23)

1.1 **Department of Human Services**

1.2 **Adopted Repeal of Obsolete Rules**

1.3 **3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL**
1.4 **REHABILITATION SERVICES.**

1.5 *[For text of subparts 1 to 6, see Minnesota Rules]*

1.6 **Subp. 7. Personal assistance services.**

1.7 *[For text of items A to D, see Minnesota Rules]*

1.8 E. Agency payments for personal assistance services must be made at the lesser
1.9 of the provider's submitted charges or the maximum rate established by Minnesota Statutes,
1.10 section 256B.851, as adjusted by the Consumer Price Index for urban consumers as published
1.11 by the Bureau of Labor Statistics, United States Department of Labor and is incorporated
1.12 by reference. It is subject to frequent change and is available from the Minitex interlibrary
1.13 loan system.

1.14 *[For text of items F and G, see Minnesota Rules]*

1.15 *[For text of subparts 7a to 16, see Minnesota Rules]*

1.16 **9505.0295 HOME HEALTH SERVICES.**

1.17 *[For text of subpart 1, see Minnesota Rules]*

1.18 **Subp. 2. Covered services.** Home health services in items A to H are eligible for
1.19 medical assistance payment:

1.20 *[For text of items A to C, see Minnesota Rules]*

1.21 D. personal care services under Minnesota Statutes, section 256B.0659;

1.22 *[For text of items E to H, see Minnesota Rules]*

1.23 *[For text of subparts 3 and 4, see Minnesota Rules]*

2.1 Subp. 5. **Payment limitation; screening team.** Medical assistance payment for
 2.2 screening team services provided in subpart 3 is prohibited for a screening team that has a
 2.3 common financial interest, with the provider of home health services or for a provider of a
 2.4 personal care service listed in Minnesota Statutes, section 256B.0659, subdivision 2, unless:

2.5 *[For text of items A and B, see Minnesota Rules]*

2.6 **9505.0297 HOSPICE CARE SERVICES.**

2.7 *[For text of subparts 1 to 8, see Minnesota Rules]*

2.8 Subp. 9. **Waiver of other benefits.** A recipient who elects hospice care under subpart
 2.9 6 or for whom a representative elects hospice care under subpart 7 waives the right to medical
 2.10 assistance payments during the recipient's hospice stay for the following services:

2.11 *[For text of items A and B, see Minnesota Rules]*

2.12 C. Personal care services, under Minnesota Statutes, section 256B.0659.

2.13 *[For text of subparts 10 to 15, see Minnesota Rules]*

2.14 Subp. 16. **Covered services.** As required by the recipient's plan of care, the services
 2.15 listed in items A to D must be provided directly by hospice employees, except that the
 2.16 hospice may contract for these services under the circumstances provided for in Code of
 2.17 Federal Regulations, title 42, section 418.80. As required by the recipient's plan of care, the
 2.18 services listed in items E to I must be provided directly or be made available by the hospice.

2.19 *[For text of items A to G, see Minnesota Rules]*

2.20 H. Home health aide services and homemaker services. Home health aides may
 2.21 provide personal care services as described in Minnesota Statutes, section 256B.0659,
 2.22 subdivision 2. Home health aides and homemakers may perform household services to
 2.23 maintain a safe and sanitary environment in areas of the home used by the recipient, such
 2.24 as changing the recipient's bed linens or light cleaning and laundering essential to the comfort

3.1 and cleanliness of the recipient. Home health aide services must be provided under the
3.2 supervision of a registered nurse.

3.3 *[For text of item I, see Minnesota Rules]*

3.4 *[For text of subparts 17 to 20, see Minnesota Rules]*

3.5 **9505.0360 HOME CARE NURSING SERVICES.**

3.6 *[For text of subparts 1 and 2, see Minnesota Rules]*

3.7 Subp. 3. **Covered service.** A home care nursing service in items A to C is eligible for
3.8 medical assistance payment:

3.9 *[For text of items A and B, see Minnesota Rules]*

3.10 C. service that is required for the instruction or supervision of a personal care
3.11 assistant under Minnesota Statutes, section 256B.0659. The service must be provided by a
3.12 registered nurse.

3.13 *[For text of subpart 4, see Minnesota Rules]*

3.14 **REPEALER.** Minnesota Rules, parts 9505.0335; and 9505.2175, subpart 7, are repealed.

Minnesota Department of Human Services

PROPOSED ORDER ADOPTING RULES

Repeal of Obsolete Rules Governing Personal Care Assistance (PCA) Services, Minnesota Rules, 9505.0335; and Health Service Records, Minnesota Rules, 9505.2175, subpart 7; Revisor's ID Number 04786

BACKGROUND INFORMATION

1. The rules repealed by this order are obsolete and were identified in the Minnesota Department of Human Services' annual obsolete rules report dated December 1st, 2022 and the amended obsolete rules report dated January 27th, 2023, under Minnesota Statutes section 14.05, subdivision 5.

2. The Minnesota Department of Human Services (Department) has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.

3. The Department received no written comments or submissions on the rules. The Department received no requests for a public hearing; therefore, there are not 25 or more requests for a public hearing. The Department received no requests for notice of submission to the Office of Administrative Hearings.

4. No changes were made between the proposed rules and the adopted rules.

5. The requirements and other information in these rules are outdated and have been replaced in statute (Minnesota Statutes, section 256.0659).

6. The rules are obsolete, unnecessary, or duplicative.

ORDER

The above-named rules, in the form published in the State Register on July 17, 2023, are repealed under my authority in Minnesota Statutes, section 256B.04, subdivision 2, and section 14.3895.

Date

Vanessa Vogl, Rulemaking Attorney
(for the Commissioner of the
Department of Human Services)



December 1, 2022

Governor Tim Walz (parisa.rouzegar@state.mn.us)

Senator Paul J. Utke, Chair (sen.paul.utke@senate.mn)

Senator Melissa H. Wiklund, Ranking Minority Party Member (sen.melissa.wiklund@senate.mn)
Senate Health and Human Services Finance and Policy Committee

Senator Jim Abeler, Chair (sen.jim.abeler@senate.mn)

Senator John A. Hoffman, Ranking Minority Party Member (sen.john.hoffman@senate.mn)
Senate Human Services Reform Finance and Policy Committee

Senator Michelle R. Benson, Chair (sen.michelle.benson@senate.mn)

Senator Chris A. Eaton, Ranking Minority Party Member (sen.chris.eaton@senate.mn)
Senate Human Services Licensing Policy Committee

Senator Karin Housley, Chair (sen.karin.housley@senate.mn)

Senator Kent Eken, Ranking Minority Party Member (sen.kent.eken@senate.mn)
Senate Aging and Long-Term Care Policy Committee

Representative Jennifer Schultz, Chair (rep.jennifer.schultz@house.mn)

House Human Services Finance and Policy Committee

Representative Peter Fischer, Chair (rep.peter.fischer@house.mn)

Representative Keith Franke, Republican Lead (rep.keith.franke@house.mn)
House Behavioral Health Policy Division Committee

Representative Aisha Gomez, Chair (rep.aisha.gomez@house.mn)

Representative Anne Neu Brindley, Republican Lead (rep.anne.neu@house.mn)
Preventing Homelessness Division

Ryan Inman, Revisor (revisor@revisor.mn.gov)

Office of the Revisor of Statutes

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

Legislative Reference Library (reports@lrl.leg.mn)

VIA ELECTRONIC MAIL

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

Dear Governor Walz, Senators, Representatives, Legislative Coordinating Commission, and Revisor Inman:

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 in the prior year. This letter contains the 2021 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 9502.0325, subpart 3. Minnesota Rules, part 9502.0325, subpart 3 lists day care situations that are excluded from family day care licensing requirements. Minnesota Statutes, section 245A.03, subdivision 2 also contains such a list which is more exhaustive and includes the items listed in rule. Therefore, subpart 3 is duplicative and obsolete. **Update:** The Department is still considering whether to repeal this rule part through the process detailed in Minnesota Statutes, section 14.3895, or to include it in a legislative proposal.

Minnesota Rules, part 9502.0435, subpart 8, item B. Minnesota Rules, part 9502.0435 details the sanitation and health requirements for licensed day care facilities. Subpart 8 identifies conditions for emergency preparedness, and item B specifies that emergency phone numbers “must be posted by the telephone.” In 2019, subdivision 5 was added to Minnesota Statutes, section 245A.51, which indicates that a license holder is not required to post a list of emergency numbers and may use a cellular telephone to meet the requirements of subpart 8. Subdivision 5 renders item B obsolete. **Update:** The Department is considering whether to repeal this rule part through the process detailed in Minnesota Statutes, section 14.3895, or to include it in a legislative proposal.

Minnesota Rules, part 9530.6520, subpart 2, item C. Minnesota Rules, part 9530.6520 details the application and licensure requirements for detoxification programs. Item C references an assessment of need that was eliminated when Minnesota Rules, parts 9530.6800 and 9530.6810 were repealed in 2021, making item C obsolete. **Update:** The Department planning to repeal this rule part through the either the good cause exempt rulemaking process detailed in Minnesota Statutes, section 14.388, or the obsolete rule repeal process detailed in 14.3895.

Minnesota Rules, part 9560.0120, subparts 1 and 2; and part 9560.0130, subpart 3. Minnesota Statutes, Chapters 259 and 260C govern adoption, foster care, and juvenile safety and placement. Both contain a number of policy provisions that are consistent with current best practices, including 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 chapter 9560 govern Child Safety and Permanency programs. Specifically, parts 9560.0120 and 9560.0130 address adoption placement, and the identified subparts are either inconsistent with current practices, redundant with statute, or rendered obsolete by statute. **Update:** The Department

continues work on the substance of the necessary changes to these rules and will likely pursue making amendments to the rule parts with conventional rulemaking.

Minnesota Rules, part 9575.0110, subpart 1; part 9575.0160, item D; part 9575.0450, subpart 3; part 9575.0460; part 9575.0510; part 9575.0580, subpart 2. Minnesota Rules, part 9575 governs the County Welfare Merit System. The Merit System rules were first adopted in 1982 and have not been updated since 2001. Some of the requirements in the rules are obsolete because practices have become electronic; for example, stenographers are no longer necessary to carry out the work of the Merit System, and communication is done by email or posting online rather than by U.S. Mail or telegram or posting physical copies of information. Some of the terms in the rules are obsolete because they are outdated and not person-centered; for example, “disabled persons” rather than “persons with disabilities”. **Update:** The Department is still considering making further updates to these rules and amending accordingly through one of the rulemaking processes identified in Minnesota Statutes, Chapter 14.

Minnesota Rules, part 9575.1500. This part of the Merit System rules contains minimum and maximum salary ranges that change yearly but have not been updated in at least 20 years, rendering obsolete the information currently in this rule part. **Update:** The Department is still considering repealing this rule part in its entirety and replacing it with something that can be easily updated year to year, either through the rule repeal process detailed in Minnesota Statutes, section 14.3895 or conventional rulemaking, depending on the changes that are required.

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, part 9505.0325, subpart 4, item D. Subpart 4 identifies nutritional products that do not require authorization for medical assistance program coverage, including item D which is “a combined allergy to human milk, cow milk, and soy milk.” This is in direct conflict with Minnesota Statutes, section 256B.0625, subd. 32, which requires authorization for “nutritional products needed for the treatment of a combined “a combined allergy to human milk, cow milk, and soy milk.” The Department intends to repeal this language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Minnesota Rules, part 9505.0277, subpart 3, item P. Item P identifies transition lenses as an excluded service for eyeglasses with regard to medical assistance program coverage. Item O under the same subpart lists photochromatic lenses. Transition lenses are a brand name for photochromatic lenses; therefore, item P is duplicative and unnecessary. The Department intends to repeal this language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Minnesota Rules, part 9505.0310, subpart 3, items A and B; and Minnesota Rules, part 9505.0365, subparts 2 and 3. Language in these items and subparts refer to a “performance agreement” for providers of durable medical equipment, prosthetics, orthotics and supplies (DMEPOS). The Department does not currently use any such agreement, and DMEPOS providers sign the same

provider agreement as other providers. Under Minnesota Rules, part 9505.0175, subpart 32, the definition of “performance agreement” as used in these items and subparts was repealed back in 2015. Therefore, these items and subparts are obsolete. The Department intends to repeal this language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Minnesota Rules, part 9505.5010, subparts 1 and 2. Subparts 1 and 2 reference forms DHS-3065 and DHS-3066. Both of these forms no longer exist. The Department intends to replace these references with accurate ones using either the good cause exempt rulemaking process identified in Minnesota Statutes, section 14.388, or as part of a larger conventional rulemaking.

Minnesota Rules, part 9505.5005, subpart 9. Subpart 9 references the National Blue Cross and Blue Shield Association Medical Advisory Committee. This committee no longer exists. The Department intends to repeal the obsolete language using the rule repeal process identified in Minnesota Statutes, section 14.3895, or as part of a larger conventional rulemaking.

Minnesota Rules, part 9505.0335. This rule part governs personal care assistance (PCA) services. Most of the requirements in this rule part are outdated and have been replaced by Minnesota Statutes, section 256B.0659. The Department is considering whether to repeal this rule part through the process detailed in Minnesota Statutes, section 14.3895, or to include it in a legislative proposal.

Minnesota Rules, part 9505.2175, subpart 7, item A. This item states that PCA agencies must document a physician’s initial order for PCA services. However, as a practice the Department does not require documentation of a physician’s order. Therefore, the item is unnecessary. The Department intends to repeal the obsolete language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Minnesota Rules, part 9555.5605, subpart 2. The last sentence of this rule subpart, which reads “A person using a wheelchair must be housed on a level with an exit directly to grade,” is obsolete because it is not consistent with current fire code. The Department intends to repeal this language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Minnesota Rules, parts 9560.0040, 9560.0450, and 9560.0050. In Minnesota Rules, parts of chapter 9560 govern Child Safety and Permanency programs, including social services, adoption, foster care, and child placement. The identified rule parts and items are either inconsistent with current practices, redundant with statute, or in conflict with statute. The Department continues work on the substance of the necessary changes to the rules governing Child Safety and Permanency Programs generally, and will likely pursue making amendments to the rule parts with conventional rulemaking, or may repeal obsolete language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Please let me know if I can provide further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Vanessa Vogl". The signature is written in a cursive, flowing style.

Vanessa Vogl

Rulemaking Attorney
Administrative Law Office/General Counsel's Office

CC: Karen E. Sullivan Hook, DHS Administrative Law Office Manager
Matthew Burdick, DHS Director of State Legislative Relations



January 27, 2023

Governor Tim Walz (parisa.rouzegar@state.mn.us)

Senator Melissa H. Wiklund, Chair (sen.melissa.wiklund@senate.mn)

Senator Paul J. Utke, Ranking Minority Party Member (sen.paul.utke@senate.mn)
Senate Health and Human Services Committee

Senator John A. Hoffman, Chair (sen.john.hoffman@state.mn.us)

Senator Jim Abeler, Ranking Minority Party Member (sen.jim.abeler@senate.mn)
Senate Human Services Committee

Representative Dave Pinto, Chair (rep.dave.pinto@house.mn)

Representative Brian Daniels, Republican Lead (rep.brian.daniels@house.mn)
House Children and Families Finance and Policy Committee

Representative Tina Liebling, Chair (rep.tina.liebling@house.mn)

Representative Joe Schomacker, Republican Lead (rep.joe.schomacker@house.mn)
House Health Finance and Policy Committee

Representative Mohamud Noor, Chair (rep.mohamud.noor@house.mn)

Representative Anne Neu Brindley, Republican Lead (rep.anne.neu@house.mn)
House Human Services Finance Committee

Representative Peter Fischer, Chair (rep.peter.fischer@house.mn)

Representative Debra Kiel, Republican Lead (rep.deb.kiel@house.mn)
House Human Services Policy Committee

Ryan Inman, Revisor (revisor@revisor.mn.gov)

Office of the Revisor of Statutes

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

Legislative Reference Library (reports@lrl.leg.mn)

VIA ELECTRONIC MAIL

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

Dear Governor Walz, Senators, Representatives, Legislative Coordinating Commission, and Revisor Inman:

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 in the prior year.

With this letter, the Minnesota Department of Human Services is amending the obsolete rules report submitted on December 1, 2022, to add the following rule provisions that have been identified as obsolete, unnecessary, or duplicative:

Minnesota Rules, part 9505.2175, subpart 7, items B-L. In addition to item A of this subpart, the Department has identified the remaining items as duplicative. The documentation requirements identified in items B-L for health care service records maintained by a personal care provider have been updated and included in Minnesota Statutes, section 256B.0659. Therefore, these items are duplicative and unnecessary. The Department intends to repeal the obsolete language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

If you have any questions about this amendment to the 2022 obsolete rules report, please contact me by email (vanessa.vogl@state.mn.us) or phone (651-431-3168).

Sincerely,



Vanessa Vogl

Rulemaking Attorney
Administrative Law Office/General Counsel's Office

CC: Karen E. Sullivan Hook, DHS Administrative Law Office Manager
Matthew Burdick, DHS Director of State Legislative Relations

Minnesota Department of Human Services

CERTIFICATE OF SENDING NOTICE TO LEGISLATORS

Proposed Repeal of Obsolete Rules of the Minnesota Department of Human Services for Rules Related to Personal Care Assistance (PCA) Services; Minnesota Rules, part 9505.03 and Minnesota Rules, part 9505.2175 subpart 7; Revisor's ID Number 04786

I certify that on July 17, 2023, at least 63 days before the end of the comment period, I sent the Notice of Proposed Repeal of Obsolete Rules and the proposed repealed rules to the chairs and ranking minority members with jurisdiction over the subject matter of the proposed repealed rules by sending electronic copies via email. I sent these documents to comply with Minnesota Statutes, section 14.3895. A copy of the email is attached to this Certificate.



Vanessa Vogl
Rulemaking Attorney

From: [Vogl, Vanessa M \(DHS\)](#)
To: [Mohamud Noor](#); rep.anne.neu@house.mn.gov; [Peter Fischer](#); rep.deb.kiel@house.mn.gov; [Sen. Paul Utke](#); [Melissa Wiklund](#); [John A. Hoffman](#); "[Sen. Jim Abeler](#)"
Bcc: [Stadheim, Morgan D \(She/Her/Hers\) \(DHS\)](#)
Subject: Proposed Repeal of Obsolete Rules of the Department of Human Services Governing Personal Care Assistance (PCA) Services and Related Required Documentation; Revisor's ID Number 04786
Date: Monday, July 17, 2023 10:52:00 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[Notice of Intent to Repeal Obsolete Rules_signed.pdf](#)
[PCA Proposed Rules.pdf](#)

To: Senator Melissa H. Wiklund, Chair, Senate Health and Human Services Committee
 Senator Paul J. Utke, Ranking Minority Member, Senate Health and Human Services Committee
 Senator John A. Hoffman, Chair, Human Services Committee
 Senator Jim Abeler, Ranking Minority member, Human Services Committee
 Representative Mohamud Noor, Chair, Human Services Finance
 Representative Anne Neu Brindley, Republican Lead, Human Services Finance
 Representative Peter Fischer, Chair, Human Services Policy
 Representative Debra Kiel, Republican Lead, Human Services Policy

Dear Legislators,

The Minnesota Department of Human Services intends to repeal certain rules [governing PCA services](#): Minnesota Rules, part 9505.0335 and Minnesota Rules, part 9505.2175, subpart 7.

Minnesota Rules, part 9505.0335 describes oversight of PCA Services, but it is now outdated and has been replaced by Minnesota Statutes, section 256.0659. Therefore, it is obsolete and requires repeal. Minnesota Rules, part 9505.2175, subpart 7 governs PCA service records maintenance. The documentation requirements in this subpart have been updated and are noted in statute (Minnesota Statutes, section 256.0659, subdivisions 10, 12, 14, and 16) or elsewhere in rule (Minnesota Rules, part 9505.2175, subparts 1-2). Additionally, subpart 7 references a repealed statute (Minnesota Statutes, section 256B.0655) and the other rule part we are proposing to repeal at this time (Minnesota Rules, part 9505.0335). Therefore, part 9505.2175, subpart 7 is duplicative and confusing to providers and agency staff, making it obsolete and necessitating its repeal.

The Department published a Notice of Intent to Repeal Obsolete Rules in the [July 17, 2023 State Register](#). If 25 or more people submit a written request, the Department will have to meet the requirements of Minnesota Statutes, sections 14.131 to 14.20 for rules adopted after a hearing or the requirements of sections 14.22 to 14.28 for rules adopted without a hearing, including the preparation of a statement of need and reasonableness and the opportunity for a hearing. If we do not receive written requests from 25 or more people, the Department will proceed with the procedures for repeal of obsolete rules under [section 14.3895](#).

As required by Minnesota Statutes, section 14.3895, subdivision 3, the Department is providing you with a copy of the Notice, attached to this email. For your information, we are also attaching a copy of the proposed rule repeal. If you have any questions about these rules, please do not hesitate to contact me by email (vanessa.vogl@state.mn.us) or phone (651) 431-3168. You can also find more information about this proposed rule repeal and other rulemaking projects on the Department's

[Rulemaking Docket webpage.](#)

Additionally, if you would prefer to receive notices via U.S. mail instead of or in addition to email, please notify me in writing by email or U.S. mail at Minnesota Department of Human Services, PO Box 64254, Saint Paul, MN 55164-0254.

Very truly yours,
Vanessa

Vanessa Vogl

[Pronouns:](#) she/her/hers

Rulemaking Attorney | Administrative Law Office

Minnesota Department of Human Services

P.O. Box 64254

St. Paul, MN, 55164-0254

O: 651-431-3168

F: 651-431-7714

mn.gov/dhs





**m1 DEPARTMENT OF
HUMAN SERVICES**

**Minnesota Department of Human Services
Office of General Counsel, Administrative Law Office
PO Box 64254
St. Paul, MN 55164-0254**

RECEIVED
JUL 17 2023
Office of Administrative Hearings

July 17, 2023

To: Persons Registered to Receive Notification of Agency Rulemakings
RE: Notice of Proposed Repeal of Rules of the Minnesota Department of Human Services Governing PCA Services and Related Required Documentation, *Minnesota Rules*, Part 9505.0335 and Part 9505.2175, subpart 7; Revisor's ID Number 04786

Greetings,

The Minnesota Department of Human Services (Department) intends to repeal certain rules governing PCA services: Minnesota Rules, part 9505.0335 and Minnesota Rules, part 9505.2175, subpart 7, without a public hearing following the procedures in the Administrative Procedure Act and applicable rules. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Sept. 22, 2023, the Department will hold a virtual public hearing on the proposed rule changes, conducted by an Administrative Law Judge.

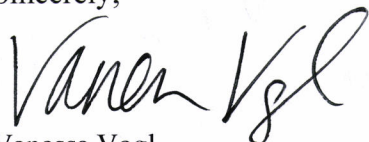
Minnesota Rules, part 9505.0335 describes oversight of PCA Services, but it is now outdated and has been replaced by Minnesota Statutes, section 256.0659. Therefore, it is obsolete and requires repeal. Minnesota Rules, part 9505.2175, subpart 7 governs PCA service records maintenance. The documentation requirements in this subpart have been updated and are noted in statute (Minnesota Statutes, section 256.0659, subdivisions 10, 12, 14, and 16) or elsewhere in rule (Minnesota Rules, part 9505.2175, subparts 1-2). Additionally, subpart 7 references a repealed statute (Minnesota Statutes, section 256B.0655) and the other rule part the Department is proposing to repeal (Minnesota Rules, part 9505.0335). Therefore, part 9505.2175, subpart 7 is duplicative and confusing to providers and agency staff, making it obsolete and necessitating its repeal.

The Department will publish a Notice of Intent to Repeal Obsolete Rules in the July 17, 2023 edition of the State Register. The Department is also providing you with a copy of the Notice and the proposed rule deletions. If you would like to comment or request a hearing, please follow the procedure described in the Notice. You have until 4:30 p.m. on Sept. 22, 2023 to comment or request a hearing. A copy of the Notice and other supporting documentation is on the Department's Rulemaking Docket, located on its website at <https://mn.gov/dhs/partners-and-providers/policies-procedures/rulemaking/>.

You are receiving this communication because according to our records, you registered to receive notices of rulemaking proceedings commenced by the Department. If you would prefer to receive notices via email instead of U.S. mail, or if you do not wish to continue receiving such notices from the Department, please notify Vanessa Vogl in writing, by email (vanessa.vogl@state.mn.us) or by U.S. mail (Vanessa Vogl, Minnesota Department of

Human Services, PO Box 64254, Saint Paul, MN 55164-0254). If you know of others who would be interested in registering to receive notification of agency rulemakings, please direct them to Vanessa.

Sincerely,

A handwritten signature in black ink that reads "Vanessa Vogl". The signature is written in a cursive style with a large, looping 'V' at the beginning.

Vanessa Vogl
Rulemaking Attorney
General Counsel's Office

Encl: Notice of Intent to Repeal Obsolete Rules; Proposed Rule Deletions

**Minnesota Department of Human Services
Disability Services Division**

NOTICE OF INTENT TO REPEAL OBSOLETE RULES

Proposed Repeal of Obsolete Rules Governing

- **Personal Care Services, *Minnesota Rules*, 9505.0335; and**
- **Health Service Records, *Minnesota Rules*, 9505.2175, subpart 7.**

Revisor's ID Number R-04786

OAH Docket Number 22-9029-39326

Introduction. The Department of Human Services intends to repeal obsolete rules under the rulemaking process in the Administrative Procedure Act, *Minnesota Statutes*, section 14.3895. You may submit written comments or request a hearing on the proposed repeal of obsolete rules until 4:30 p.m. on Sept. 22, 2023.

Agency Contact Person. You may submit written comments or questions or request a hearing on the rules to:

Vanessa Vogl
Minnesota Department of Human Services
PO Box 64254
St. Paul, MN 55164-0254
Phone: 651-431-3168
Fax: 651-431-7714
Email (preferred): vanessa.vogl@state.mn.us

or

You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>.

Subject of the Repeal of Obsolete Rules and Statutory Authority.

- **Personal Care Services:** Minnesota Rules, part 9505.0335. The requirements and other information in this rule part are outdated and have been replaced by Minnesota Statutes, section 256.0659.
- **Health Services Records:** Minnesota Rules, part 9505.2175, subpart 7. This subpart references a repealed statute (Minnesota Statutes, section 256B.0655, subdivisions 5-6) and a rule part that the Department is proposing to repeal (Minnesota Rules, part 9505.0335). This subpart also references documentation requirements that are already in statute or elsewhere in rule (Minnesota Rules, part 9505.2175, subparts 1-2; and Minnesota Statutes, section 256.0659, subdivisions 10, 12, 14, and 16).
- **References to Proposed Repealed Rules:** References to these proposed repealed rules are also being updated accordingly in Minnesota Rules, parts 3300.5060, 9505.0295, 9505.0297, and 9505.0360.

The Department identified the proposed obsolete rules to be repealed in its annual obsolete rules report under Minnesota Statutes section 14.05, subdivision 5. The statutory authority to repeal the obsolete rules is found in Minnesota Statutes, section 14.3895. The initial statutory authority under which these rules were created is found in Minnesota Statutes, section 256B.04, which gives the Commissioner of Human Services the authority to make rules to carry out and enforce the medical assistance program in Minnesota. A copy of the proposed obsolete rules to be repealed is published in the State Register and included with this notice as mailed.

Comments. You have until 4:30 p.m. on Friday, Sept. 22, 2023, to submit written comment in support of or in opposition to the proposed repeal of obsolete rules and any part or subpart of the repeal. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed obsolete rules to be repealed addressed and the reason for the comment. In addition, you are encouraged to object to the repeal of any part or subpart. You must also make any comments on the legality of the proposed rules during this comment period.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the agency contact person must receive it by 4:30 p.m. on Friday, Sept. 22, 2023. Your written request must include your name and address. You must identify the portion of the proposed repealed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Department cannot count it for determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

- **Effect of Requests.** If 25 or more people submit a written request, the Department will have to meet the requirements of Minnesota Statutes, sections 14.131 to 14.20 for rules adopted after a hearing or the requirements of Minnesota Statutes, sections 14.22 to 14.28 for rules adopted without a hearing, including the preparation of a statement of need and reasonableness and the opportunity for a hearing.

Modifications. The Department might modify its choice of these designated rules or parts proposed for repeal (for example, fixing a typo or deciding not to repeal a rule because the rule is discovered not to be obsolete), based on comments and information submitted to the Department. If the final rules are identical to the rules originally published in the State Register, the Department will publish a notice of adopting the repealers in the State Register. If the final rules are different from the rules originally published in the State Register, the Department must publish a copy of the changes in the State Register. If the proposed repeal of obsolete rules affects you in any way, the Department encourages you to participate in the rulemaking process.

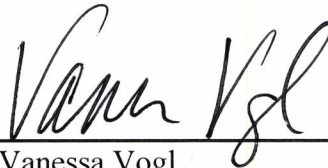
Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial

Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Repeal and Review of Obsolete Rules. If no hearing is required, the Department may repeal the obsolete rules at the end of the comment period. The Department will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the Department submits the rules. If you want to be so notified, or want to receive a copy of the repealed obsolete rules, or want to register with the Department to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

June 12, 2023 _____
Date



Vanessa Vogl
Rulemaking Attorney

1.1 **Department of Human Services**

1.2 **Proposed Repeal of Obsolete Rules**

1.3 **3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL**
1.4 **REHABILITATION SERVICES.**

1.5 *[For text of subparts 1 to 6, see Minnesota Rules]*

1.6 Subp. 7. **Personal assistance services.**

1.7 *[For text of items A to D, see Minnesota Rules]*

1.8 E. Agency payments for personal assistance services must be made at the lesser
1.9 of the provider's submitted charges or the maximum rate established by ~~part 9505.0335,~~
1.10 ~~subpart 11~~ Minnesota Statutes, section 256B.851, as adjusted by the Consumer Price Index
1.11 for urban consumers as published by the Bureau of Labor Statistics, United States Department
1.12 of Labor and is incorporated by reference. It is subject to frequent change and is available
1.13 from the Minitex interlibrary loan system.

1.14 *[For text of items F and G, see Minnesota Rules]*

1.15 *[For text of subparts 7a to 16, see Minnesota Rules]*

1.16 **9505.0295 HOME HEALTH SERVICES.**

1.17 *[For text of subpart 1, see Minnesota Rules]*

1.18 Subp. 2. **Covered services.** Home health services in items A to H are eligible for
1.19 medical assistance payment:

1.20 *[For text of items A to C, see Minnesota Rules]*

1.21 D. personal care services under ~~part 9505.0335~~ Minnesota Statutes, section
1.22 256B.0659;

1.23 *[For text of items E to H, see Minnesota Rules]*

2.1 [For text of subparts 3 and 4, see Minnesota Rules]

2.2 Subp. 5. **Payment limitation; screening team.** Medical assistance payment for
2.3 screening team services provided in subpart 3 is prohibited for a screening team that has a
2.4 common financial interest, with the provider of home health services or for a provider of a
2.5 personal care service listed in ~~part 9505.0335, subparts 8 and 9~~ Minnesota Statutes, section
2.6 256B.0659, subdivision 2, unless:

2.7 [For text of items A and B, see Minnesota Rules]

2.8 **9505.0297 HOSPICE CARE SERVICES.**

2.9 [For text of subparts 1 to 8, see Minnesota Rules]

2.10 Subp. 9. **Waiver of other benefits.** A recipient who elects hospice care under subpart
2.11 6 or for whom a representative elects hospice care under subpart 7 waives the right to medical
2.12 assistance payments during the recipient's hospice stay for the following services:

2.13 [For text of items A and B, see Minnesota Rules]

2.14 C. Personal care services, under ~~part 9505.0335~~ Minnesota Statutes, section
2.15 256B.0659.

2.16 [For text of subparts 10 to 15, see Minnesota Rules]

2.17 Subp. 16. **Covered services.** As required by the recipient's plan of care, the services
2.18 listed in items A to D must be provided directly by hospice employees, except that the
2.19 hospice may contract for these services under the circumstances provided for in Code of
2.20 Federal Regulations, title 42, section 418.80. As required by the recipient's plan of care, the
2.21 services listed in items E to I must be provided directly or be made available by the hospice.

2.22 [For text of items A to G, see Minnesota Rules]

2.23 H. Home health aide services and homemaker services. Home health aides may
2.24 provide personal care services as described in ~~part 9505.0335, subparts 8 and 9~~ Minnesota

3.1 Statutes, section 256B.0659, subdivision 2. Home health aides and homemakers may perform
3.2 household services to maintain a safe and sanitary environment in areas of the home used
3.3 by the recipient, such as changing the recipient's bed linens or light cleaning and laundering
3.4 essential to the comfort and cleanliness of the recipient. Home health aide services must be
3.5 provided under the supervision of a registered nurse.

3.6 *[For text of item I, see Minnesota Rules]*

3.7 *[For text of subparts 17 to 20, see Minnesota Rules]*

3.8 **9505.0360 HOME CARE NURSING SERVICES.**

3.9 *[For text of subparts 1 and 2, see Minnesota Rules]*

3.10 Subp. 3. **Covered service.** A home care nursing service in items A to C is eligible for
3.11 medical assistance payment:

3.12 *[For text of items A and B, see Minnesota Rules]*

3.13 C. service that is required for the instruction or supervision of a personal care
3.14 assistant under ~~part 9505.0335~~ Minnesota Statutes, section 256B.0659. The service must
3.15 be provided by a registered nurse.

3.16 *[For text of subpart 4, see Minnesota Rules]*

3.17 **REPEALER.** Minnesota Rules, parts 9505.0335; and 9505.2175, subpart 7, are repealed.

June 21, 2023

VIA EMAIL ONLY

Vanessa Vogl
Minnesota Department of Human Services
PO Box 64254
Saint Paul, MN 55164
vanessa.vogl@state.mn.us

Re: *In the Matter of the Proposed Repeal of Obsolete Rules of the Minnesota Department of Human Services; Minnesota Rules, part 9505.03 and Minnesota Rules, 9505.2175, subpart 7 OAH 22-9029-39326; Revisor R-04786*

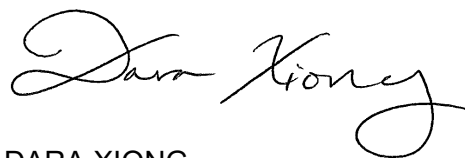
Dear Ms. Vogl:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF NOTICE PLAN** in the above-entitled matter.

Prior to publishing the Notice of Intent to Repeal Obsolete Rules in the State Register, please notify the Office of Administrative Hearings (OAH) at william.t.moore@state.mn.us in order to activate the agency's eComments page on the OAH's website. **Please note that if you do not notify us of the publication, the eComments site will not be available to receive public comments.**

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



DARA XIONG
Legal Assistant

Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Proposed Repeal of Obsolete Rules of the Minnesota Department of Human Services; Minnesota Rules, part 9505.03 and Minnesota Rules, 9505.2175, subpart 7	OAH Docket No. 22-9029-39326 R-04786
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On June 21, 2023, a true and correct copy of the **ORDER ON REVIEW OF NOTICE PLAN** was served by electronic mail, unless otherwise indicated below, addressed to the following:

<u>VIA EMAIL ONLY</u> Vanessa Vogl Minnesota Department of Human Services PO Box 64254 Saint Paul, MN 55164 vanessa.vogl@state.mn.us	
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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Repeal of
Obsolete Rules of the Minnesota
Department of Human Services;
Minnesota Rules, part 9505.03 and
Minnesota Rules, 9505.2175, subpart 7

**ORDER ON REVIEW OF
NOTICE PLAN**

This matter came before Chief Administrative Law Judge upon the Department of Human Services's (Department's) request for review of its Notice Plan as required by Minn. Stat. § 14.3895, subd. 2 (2022).

In its submissions, the Department included the following:

- the Department's Proposed Notice Plan for Repeal of Obsolete Rules;
- a proposed Notice of Intent to Repeal Obsolete Rules, including the repealer from the Minnesota Office of Revisor of Statutes, identifying the rules to be repealed; and
- the Department's Obsolete Rules Report dated December 1, 2022, and Obsolete Rules Report – Amended dated January 27, 2023.

Based upon a review of the written submissions by the Department, including its plan to:

- Publish its Notice of Intent to Repeal Obsolete Rules in the State Register;
- Notify people registered with the Department to receive notices of rulemaking;
- Notify PCA providers who have a signed provider agreement with the Department by sending notice of the proposed rule repeal through their MN-ITS mailboxes (MN-ITS is the free, web-based, HIPAA-compliant system for providers to submit electronic claims), and by posting notice to the Provider news and updates webpage for which the Department provides a link to providers through their MN-ITS mailboxes;
- Notify people registered to receive provider news and updates via GovDelivery; and,

- Publish notice of the rulemaking on its website at <https://mn.gov/dhs/mhcp/providers/news>.

IT IS HEREBY ORDERED THAT:

The Notice Plan is **APPROVED**.

Dated: June 21, 2023

A handwritten signature in black ink, appearing to be 'JS', written over a horizontal line.

JENNY STARR
Administrative Law Judge

**Office of the Revisor of Statutes
Administrative Rules**



TITLE: Proposed Repeal of Obsolete Rules

AGENCY: Department of Human Services

REVISOR ID: R-4786

MINNESOTA RULES: Chapters 3300 and 9505

The attached rules are approved for
publication in the State Register

Alex Willi

Alex Willi
Assistant Revisor



**Minnesota Department of Human Services
Office of General Counsel, Administrative Law Office
540 Cedar Street
PO Box 64254
St. Paul, MN 55164-0254**

June 12, 2023

The Honorable Jenny Starr
Chief Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
PO Box 64620
St. Paul, MN 55164-0620

Re: In the Matter of the Proposed Repeal of Obsolete Rules of the Minnesota Department of Human Services for Rules Related to Personal Care Assistance (PCA) Services; Minnesota Rules, part 9505.03 and Minnesota Rules, part 9505.2175, subpart 7; Revisor's ID Number 04786; OAH Docket No. 22-9029-39326; Request for Review and Approval of Additional Notice Plan

Dear Chief Administrative Law Judge Jenny Starr,

The Department of Human Services requests that you review and approve our Additional Notice Plan for giving notice of our intent to repeal obsolete rules governing PCA services as required by Minnesota Statutes, section 14.3895, subdivision 2. Minnesota Rules, part 9505.0335 describes oversight of PCA Services, but it is now outdated and has been replaced by Minnesota Statutes, section 256.0659. Therefore, it is obsolete and requires repeal. Minnesota Rules, part 9505.2175, subpart 7 governs PCA service records maintenance. The documentation requirements in this subpart have been updated and are noted in statute (Minnesota Statutes, section 256.0659, subdivisions 10, 12, 14, and 16) or elsewhere in rule (Minnesota Rules, part 9505.2175, subparts 1-2). Additionally, subpart 7 references a repealed statute (Minnesota Statutes, section 256B.0655) and the other rule part we are proposing to repeal at this time (Minnesota Rules, part 9505.0335). Therefore, part 9505.2175, subpart 7 is duplicative and confusing to providers and agency staff, making it obsolete and necessitating its repeal. References to these repealed rules have been updated accordingly.

Enclosed with this letter are the documents for the Office of Administrative Hearings' review, as required by Minnesota Rules, part 1400.2060, subpart 2, item B:

(1) The proposed obsolete rules to be repealed, certified by the Revisor.



- (2) Our proposed Notice of Intent to Repeal Rules.
- (3) Our Obsolete Rules Report dated December 1, 2022, and Obsolete Rules Report – Amended dated January 27, 2023 that identified the rules as obsolete, unnecessary, or duplicative.
- (4) Our explanation of why the Department believes the Notice Plan complies with Minnesota Statutes, section 14.3895. subdivision 2, is below.

Our proposed Additional Notice Plan consists of:

- Sending notice to people registered with the Department to receive notices of rulemaking;
- Notifying PCA providers who have a signed provider agreement with the Department by sending notice of the proposed rule repeal directly to providers through their MN–ITS mailboxes (MN–ITS is the free, web-based, HIPAA-compliant system for providers to submit electronic claims); and
- Posting to the Provider news and updates webpage for which the Department provides a link to providers through their MN-ITS mailboxes.

The MN–ITS mailbox is the primary way in which the Department communicates with PCA providers. Providers use MN–ITS to submit electronic claims and other billing-related transactions through Direct Data Entry or batch methods. Providers can also use the mailbox to upload required data and documents and download PCA related communications and data. The Department rarely communicates to the provider via email or U.S. mail, relying instead on the provider’s MN–ITS mailbox.

In addition to a direct message through their MN–ITS mailboxes, the Department will also post the notice to the [Provider news and updates](#) webpage. The news announcements advise providers about events and policy or program changes that are of interest to providers. The Department provides a link to the news webpage to providers every other week through their MN–ITS mailboxes. The public may also see the news by going to the Department’s public website at mn.gov/dhs/mhcp/providers/news. Interested people can also sign up to receive the Provider news and updates via the online system GovDelivery by submitting an email address through the Department’s website.

Finally, the Department will also send notice as required by Chapter 14 to the list of people and organizations who have registered to receive notice of the Department’s rulemaking activities. The list is maintained by GovDelivery and currently has 7,958 subscribers. The Department also has a list of six people who have indicated they want to receive notice of the Department’s rulemaking activities via U.S. mail; the Department will mail notices to them accordingly.



With the above information the Department believes that it has demonstrated compliance with Minnesota Statutes, section 14.22, and Minnesota Rules, part 1400.2060, subpart 2, item B. Thank you for your review. Please email me at Vanessa.Vogl@state.mn.us (preferred) or call me at (651) 431-3168 if you have any questions.

Yours very truly,

A handwritten signature in black ink that reads 'Vanessa Vogl'.

Vanessa Vogl
Rulemaking Attorney

**Minnesota Department of Human Services
Disability Services Division**

NOTICE OF INTENT TO REPEAL OBSOLETE RULES

Proposed Repeal of Obsolete Rules Governing

- **Personal Care Services, *Minnesota Rules*, 9505.0335; and**
- **Health Service Records, *Minnesota Rules*, 9505.2175, subpart 7.**

Revisor's ID Number R-04786; OAH Docket No. 22-9029-39326

Introduction. The Department of Human Services intends to repeal obsolete rules under the rulemaking process in the Administrative Procedure Act, *Minnesota Statutes*, section 14.3895. You may submit written comments or request a hearing on the proposed repeal of obsolete rules until 4:30 p.m. on Sept. 22, 2023.

Agency Contact Person. You may submit written comments or questions or request a hearing on the rules to:

Vanessa Vogl
Minnesota Department of Human Services
PO Box 64254
St. Paul, MN 55164-0254
Phone: 651-431-3168
Fax: 651-431-7714
Email (preferred): vanessa.vogl@state.mn.us

or

You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>.

Subject of the Repeal of Obsolete Rules and Statutory Authority.

- **Personal Care Services:** Minnesota Rules, part 9505.0335. The requirements and other information in this rule part are outdated and have been replaced by Minnesota Statutes, section 256.0659.
- **Health Services Records:** Minnesota Rules, part 9505.2175, subpart 7. This subpart references a repealed statute (Minnesota Statutes, section 256B.0655, subdivisions 5-6) and a rule part that the Department is proposing to repeal (Minnesota Rules, part 9505.0335). This subpart also references documentation requirements that are already in statute or elsewhere in rule (Minnesota Rules, part 9505.2175, subparts 1-2; and Minnesota Statutes, section 256.0659, subdivisions 10, 12, 14, and 16).
- **References to Proposed Repealed Rules:** References to these proposed repealed rules are also being updated accordingly in Minnesota Rules, parts 3300.5060, 9505.0295, 9505.0297, and 9505.0360.

The Department identified the proposed obsolete rules to be repealed in its annual obsolete rules

report under Minnesota Statutes section 14.05, subdivision 5. The statutory authority to repeal the obsolete rules is found in Minnesota Statutes, section 14.3895. The initial statutory authority under which these rules were created is found in Minnesota Statutes, section 256B.04, which gives the Commissioner of Human Services the authority to make rules to carry out and enforce the medical assistance program in Minnesota. A copy of the proposed obsolete rules to be repealed is published in the State Register and included with this notice as mailed.

Comments. You have until 4:30 p.m. on Friday, Sept. 22, 2023, to submit written comment in support of or in opposition to the proposed repeal of obsolete rules and any part or subpart of the repeal. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed obsolete rules to be repealed addressed and the reason for the comment. In addition, you are encouraged to object to the repeal of any part or subpart. You must also make any comments on the legality of the proposed rules during this comment period.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the agency contact person must receive it by 4:30 p.m. on Friday, Sept. 22, 2023. Your written request must include your name and address. You must identify the portion of the proposed repealed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Department cannot count it for determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

- **Effect of Requests.** If 25 or more people submit a written request, the Department will have to meet the requirements of Minnesota Statutes, sections 14.131 to 14.20 for rules adopted after a hearing or the requirements of Minnesota Statutes, sections 14.22 to 14.28 for rules adopted without a hearing, including the preparation of a statement of need and reasonableness and the opportunity for a hearing.

Modifications. The Department might modify its choice of these designated rules or parts proposed for repeal (for example, fixing a typo or deciding not to repeal a rule because the rule is discovered not to be obsolete), based on comments and information submitted to the Department. If the final rules are identical to the rules originally published in the State Register, the Department will publish a notice of adopting the repealers in the State Register. If the final rules are different from the rules originally published in the State Register, the Department must publish a copy of the changes in the State Register. If the proposed repeal of obsolete rules affects you in any way, the Department encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Repeal and Review of Obsolete Rules. If no hearing is required, the Department may repeal the obsolete rules at the end of the comment period. The Department will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the Department submits the rules. If you want to be so notified, or want to receive a copy of the repealed obsolete rules, or want to register with the Department to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

June 12, 2023

Date



Vanessa Vogl
Rulemaking Attorney

1.1 **Department of Human Services**

1.2 **Proposed Repeal of Obsolete Rules**

1.3 **3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL**
1.4 **REHABILITATION SERVICES.**

1.5 *[For text of subparts 1 to 6, see Minnesota Rules]*

1.6 Subp. 7. **Personal assistance services.**

1.7 *[For text of items A to D, see Minnesota Rules]*

1.8 E. Agency payments for personal assistance services must be made at the lesser
1.9 of the provider's submitted charges or the maximum rate established by ~~part 9505.0335,~~
1.10 ~~subpart 11~~ Minnesota Statutes, section 256B.851, as adjusted by the Consumer Price Index
1.11 for urban consumers as published by the Bureau of Labor Statistics, United States Department
1.12 of Labor and is incorporated by reference. It is subject to frequent change and is available
1.13 from the Minitex interlibrary loan system.

1.14 *[For text of items F and G, see Minnesota Rules]*

1.15 *[For text of subparts 7a to 16, see Minnesota Rules]*

1.16 **9505.0295 HOME HEALTH SERVICES.**

1.17 *[For text of subpart 1, see Minnesota Rules]*

1.18 Subp. 2. **Covered services.** Home health services in items A to H are eligible for
1.19 medical assistance payment:

1.20 *[For text of items A to C, see Minnesota Rules]*

1.21 D. personal care services under ~~part 9505.0335~~ Minnesota Statutes, section
1.22 256B.0659;

1.23 *[For text of items E to H, see Minnesota Rules]*

2.1 [For text of subparts 3 and 4, see Minnesota Rules]

2.2 Subp. 5. **Payment limitation; screening team.** Medical assistance payment for
2.3 screening team services provided in subpart 3 is prohibited for a screening team that has a
2.4 common financial interest, with the provider of home health services or for a provider of a
2.5 personal care service listed in ~~part 9505.0335, subparts 8 and 9~~ Minnesota Statutes, section
2.6 256B.0659, subdivision 2, unless:

2.7 [For text of items A and B, see Minnesota Rules]

2.8 **9505.0297 HOSPICE CARE SERVICES.**

2.9 [For text of subparts 1 to 8, see Minnesota Rules]

2.10 Subp. 9. **Waiver of other benefits.** A recipient who elects hospice care under subpart
2.11 6 or for whom a representative elects hospice care under subpart 7 waives the right to medical
2.12 assistance payments during the recipient's hospice stay for the following services:

2.13 [For text of items A and B, see Minnesota Rules]

2.14 C. Personal care services, under ~~part 9505.0335~~ Minnesota Statutes, section
2.15 256B.0659.

2.16 [For text of subparts 10 to 15, see Minnesota Rules]

2.17 Subp. 16. **Covered services.** As required by the recipient's plan of care, the services
2.18 listed in items A to D must be provided directly by hospice employees, except that the
2.19 hospice may contract for these services under the circumstances provided for in Code of
2.20 Federal Regulations, title 42, section 418.80. As required by the recipient's plan of care, the
2.21 services listed in items E to I must be provided directly or be made available by the hospice.

2.22 [For text of items A to G, see Minnesota Rules]

2.23 H. Home health aide services and homemaker services. Home health aides may
2.24 provide personal care services as described in ~~part 9505.0335, subparts 8 and 9~~ Minnesota

3.1 Statutes, section 256B.0659, subdivision 2. Home health aides and homemakers may perform
3.2 household services to maintain a safe and sanitary environment in areas of the home used
3.3 by the recipient, such as changing the recipient's bed linens or light cleaning and laundering
3.4 essential to the comfort and cleanliness of the recipient. Home health aide services must be
3.5 provided under the supervision of a registered nurse.

3.6 *[For text of item I, see Minnesota Rules]*

3.7 *[For text of subparts 17 to 20, see Minnesota Rules]*

3.8 **9505.0360 HOME CARE NURSING SERVICES.**

3.9 *[For text of subparts 1 and 2, see Minnesota Rules]*

3.10 Subp. 3. **Covered service.** A home care nursing service in items A to C is eligible for
3.11 medical assistance payment:

3.12 *[For text of items A and B, see Minnesota Rules]*

3.13 C. service that is required for the instruction or supervision of a personal care
3.14 assistant under ~~part 9505.0335~~ Minnesota Statutes, section 256B.0659. The service must
3.15 be provided by a registered nurse.

3.16 *[For text of subpart 4, see Minnesota Rules]*

3.17 **REPEALER.** Minnesota Rules, parts 9505.0335; and 9505.2175, subpart 7, are repealed.



December 1, 2022

Governor Tim Walz (parisa.rouzegar@state.mn.us)

Senator Paul J. Utke, Chair (sen.paul.utke@senate.mn)

Senator Melissa H. Wiklund, Ranking Minority Party Member (sen.melissa.wiklund@senate.mn)
Senate Health and Human Services Finance and Policy Committee

Senator Jim Abeler, Chair (sen.jim.abeler@senate.mn)

Senator John A. Hoffman, Ranking Minority Party Member (sen.john.hoffman@senate.mn)
Senate Human Services Reform Finance and Policy Committee

Senator Michelle R. Benson, Chair (sen.michelle.benson@senate.mn)

Senator Chris A. Eaton, Ranking Minority Party Member (sen.chris.eaton@senate.mn)
Senate Human Services Licensing Policy Committee

Senator Karin Housley, Chair (sen.karin.housley@senate.mn)

Senator Kent Eken, Ranking Minority Party Member (sen.kent.eken@senate.mn)
Senate Aging and Long-Term Care Policy Committee

Representative Jennifer Schultz, Chair (rep.jennifer.schultz@house.mn)

House Human Services Finance and Policy Committee

Representative Peter Fischer, Chair (rep.peter.fischer@house.mn)

Representative Keith Franke, Republican Lead (rep.keith.franke@house.mn)
House Behavioral Health Policy Division Committee

Representative Aisha Gomez, Chair (rep.aisha.gomez@house.mn)

Representative Anne Neu Brindley, Republican Lead (rep.anne.neu@house.mn)
Preventing Homelessness Division

Ryan Inman, Revisor (revisor@revisor.mn.gov)

Office of the Revisor of Statutes

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

Legislative Reference Library (reports@lrl.leg.mn)

VIA ELECTRONIC MAIL

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

Dear Governor Walz, Senators, Representatives, Legislative Coordinating Commission, and Revisor Inman:

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 in the prior year. This letter contains the 2021 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 9502.0325, subpart 3. Minnesota Rules, part 9502.0325, subpart 3 lists day care situations that are excluded from family day care licensing requirements. Minnesota Statutes, section 245A.03, subdivision 2 also contains such a list which is more exhaustive and includes the items listed in rule. Therefore, subpart 3 is duplicative and obsolete. **Update:** The Department is still considering whether to repeal this rule part through the process detailed in Minnesota Statutes, section 14.3895, or to include it in a legislative proposal.

Minnesota Rules, part 9502.0435, subpart 8, item B. Minnesota Rules, part 9502.0435 details the sanitation and health requirements for licensed day care facilities. Subpart 8 identifies conditions for emergency preparedness, and item B specifies that emergency phone numbers “must be posted by the telephone.” In 2019, subdivision 5 was added to Minnesota Statutes, section 245A.51, which indicates that a license holder is not required to post a list of emergency numbers and may use a cellular telephone to meet the requirements of subpart 8. Subdivision 5 renders item B obsolete. **Update:** The Department is considering whether to repeal this rule part through the process detailed in Minnesota Statutes, section 14.3895, or to include it in a legislative proposal.

Minnesota Rules, part 9530.6520, subpart 2, item C. Minnesota Rules, part 9530.6520 details the application and licensure requirements for detoxification programs. Item C references an assessment of need that was eliminated when Minnesota Rules, parts 9530.6800 and 9530.6810 were repealed in 2021, making item C obsolete. **Update:** The Department planning to repeal this rule part through the either the good cause exempt rulemaking process detailed in Minnesota Statutes, section 14.388, or the obsolete rule repeal process detailed in 14.3895.

Minnesota Rules, part 9560.0120, subparts 1 and 2; and part 9560.0130, subpart 3. Minnesota Statutes, Chapters 259 and 260C govern adoption, foster care, and juvenile safety and placement. Both contain a number of policy provisions that are consistent with current best practices, including 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 chapter 9560 govern Child Safety and Permanency programs. Specifically, parts 9560.0120 and 9560.0130 address adoption placement, and the identified subparts are either inconsistent with current practices, redundant with statute, or rendered obsolete by statute. **Update:** The Department

continues work on the substance of the necessary changes to these rules and will likely pursue making amendments to the rule parts with conventional rulemaking.

Minnesota Rules, part 9575.0110, subpart 1; part 9575.0160, item D; part 9575.0450, subpart 3; part 9575.0460; part 9575.0510; part 9575.0580, subpart 2. Minnesota Rules, part 9575 governs the County Welfare Merit System. The Merit System rules were first adopted in 1982 and have not been updated since 2001. Some of the requirements in the rules are obsolete because practices have become electronic; for example, stenographers are no longer necessary to carry out the work of the Merit System, and communication is done by email or posting online rather than by U.S. Mail or telegram or posting physical copies of information. Some of the terms in the rules are obsolete because they are outdated and not person-centered; for example, “disabled persons” rather than “persons with disabilities”. **Update:** The Department is still considering making further updates to these rules and amending accordingly through one of the rulemaking processes identified in Minnesota Statutes, Chapter 14.

Minnesota Rules, part 9575.1500. This part of the Merit System rules contains minimum and maximum salary ranges that change yearly but have not been updated in at least 20 years, rendering obsolete the information currently in this rule part. **Update:** The Department is still considering repealing this rule part in its entirety and replacing it with something that can be easily updated year to year, either through the rule repeal process detailed in Minnesota Statutes, section 14.3895 or conventional rulemaking, depending on the changes that are required.

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, part 9505.0325, subpart 4, item D. Subpart 4 identifies nutritional products that do not require authorization for medical assistance program coverage, including item D which is “a combined allergy to human milk, cow milk, and soy milk.” This is in direct conflict with Minnesota Statutes, section 256B.0625, subd. 32, which requires authorization for “nutritional products needed for the treatment of a combined “a combined allergy to human milk, cow milk, and soy milk.” The Department intends to repeal this language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Minnesota Rules, part 9505.0277, subpart 3, item P. Item P identifies transition lenses as an excluded service for eyeglasses with regard to medical assistance program coverage. Item O under the same subpart lists photochromatic lenses. Transition lenses are a brand name for photochromatic lenses; therefore, item P is duplicative and unnecessary. The Department intends to repeal this language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Minnesota Rules, part 9505.0310, subpart 3, items A and B; and Minnesota Rules, part 9505.0365, subparts 2 and 3. Language in these items and subparts refer to a “performance agreement” for providers of durable medical equipment, prosthetics, orthotics and supplies (DMEPOS). The Department does not currently use any such agreement, and DMEPOS providers sign the same

provider agreement as other providers. Under Minnesota Rules, part 9505.0175, subpart 32, the definition of “performance agreement” as used in these items and subparts was repealed back in 2015. Therefore, these items and subparts are obsolete. The Department intends to repeal this language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Minnesota Rules, part 9505.5010, subparts 1 and 2. Subparts 1 and 2 reference forms DHS-3065 and DHS-3066. Both of these forms no longer exist. The Department intends to replace these references with accurate ones using either the good cause exempt rulemaking process identified in Minnesota Statutes, section 14.388, or as part of a larger conventional rulemaking.

Minnesota Rules, part 9505.5005, subpart 9. Subpart 9 references the National Blue Cross and Blue Shield Association Medical Advisory Committee. This committee no longer exists. The Department intends to repeal the obsolete language using the rule repeal process identified in Minnesota Statutes, section 14.3895, or as part of a larger conventional rulemaking.

Minnesota Rules, part 9505.0335. This rule part governs personal care assistance (PCA) services. Most of the requirements in this rule part are outdated and have been replaced by Minnesota Statutes, section 256B.0659. The Department is considering whether to repeal this rule part through the process detailed in Minnesota Statutes, section 14.3895, or to include it in a legislative proposal.

Minnesota Rules, part 9505.2175, subpart 7, item A. This item states that PCA agencies must document a physician’s initial order for PCA services. However, as a practice the Department does not require documentation of a physician’s order. Therefore, the item is unnecessary. The Department intends to repeal the obsolete language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Minnesota Rules, part 9555.5605, subpart 2. The last sentence of this rule subpart, which reads “A person using a wheelchair must be housed on a level with an exit directly to grade,” is obsolete because it is not consistent with current fire code. The Department intends to repeal this language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Minnesota Rules, parts 9560.0040, 9560.0450, and 9560.0050. In Minnesota Rules, parts of chapter 9560 govern Child Safety and Permanency programs, including social services, adoption, foster care, and child placement. The identified rule parts and items are either inconsistent with current practices, redundant with statute, or in conflict with statute. The Department continues work on the substance of the necessary changes to the rules governing Child Safety and Permanency Programs generally, and will likely pursue making amendments to the rule parts with conventional rulemaking, or may repeal obsolete language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

Please let me know if I can provide further information.

Minnesota Department of Human Services
Annual Obsolete Rules Report
December 1, 2022

Sincerely,

A handwritten signature in black ink, appearing to read "Vanessa Vogl". The signature is written in a cursive style with a large, stylized initial "V".

Vanessa Vogl

Rulemaking Attorney
Administrative Law Office/General Counsel's Office

CC: Karen E. Sullivan Hook, DHS Administrative Law Office Manager
Matthew Burdick, DHS Director of State Legislative Relations



January 27, 2023

Governor Tim Walz (parisa.rouzegar@state.mn.us)

Senator Melissa H. Wiklund, Chair (sen.melissa.wiklund@senate.mn)
Senator Paul J. Utke, Ranking Minority Party Member (sen.paul.utke@senate.mn)
Senate Health and Human Services Committee

Senator John A. Hoffman, Chair (sen.john.hoffman@state.mn.us)
Senator Jim Abeler, Ranking Minority Party Member (sen.jim.abeler@senate.mn)
Senate Human Services Committee

Representative Dave Pinto, Chair (rep.dave.pinto@house.mn)
Representative Brian Daniels, Republican Lead (rep.brian.daniels@house.mn)
House Children and Families Finance and Policy Committee

Representative Tina Liebling, Chair (rep.tina.liebling@house.mn)
Representative Joe Schomacker, Republican Lead (rep.joe.schomacker@house.mn)
House Health Finance and Policy Committee

Representative Mohamud Noor, Chair (rep.mohamud.noor@house.mn)
Representative Anne Neu Brindley, Republican Lead (rep.anne.neu@house.mn)
House Human Services Finance Committee

Representative Peter Fischer, Chair (rep.peter.fischer@house.mn)
Representative Debra Kiel, Republican Lead (rep.deb.kiel@house.mn)
House Human Services Policy Committee

Ryan Inman, Revisor (revisor@revisor.mn.gov)
Office of the Revisor of Statutes

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

Legislative Reference Library (reports@lrl.leg.mn)

VIA ELECTRONIC MAIL

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

Minnesota Department of Human Services
Amendment to the Annual Obsolete Rules Report
January 25, 2023

Dear Governor Walz, Senators, Representatives, Legislative Coordinating Commission, and Revisor Inman:

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 in the prior year.

With this letter, the Minnesota Department of Human Services is amending the obsolete rules report submitted on December 1, 2022, to add the following rule provisions that have been identified as obsolete, unnecessary, or duplicative:

Minnesota Rules, part 9505.2175, subpart 7, items B-L. In addition to item A of this subpart, the Department has identified the remaining items as duplicative. The documentation requirements identified in items B-L for health care service records maintained by a personal care provider have been updated and included in Minnesota Statutes, section 256B.0659. Therefore, these items are duplicative and unnecessary. The Department intends to repeal the obsolete language using the rule repeal process identified in Minnesota Statutes, section 14.3895.

If you have any questions about this amendment to the 2022 obsolete rules report, please contact me by email (vanessa.vogl@state.mn.us) or phone (651-431-3168).

Sincerely,



Vanessa Vogl

Rulemaking Attorney
Administrative Law Office/General Counsel's Office

CC: Karen E. Sullivan Hook, DHS Administrative Law Office Manager
Matthew Burdick, DHS Director of State Legislative Relations

RECEIVED

By: OAH on 6/12/2023 8:48 AM

OAH Docket Number: _____

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Repeal of part
Obsolete Rules of the Minnesota
Department of Human Services; Minnesota
Rules, part 9505.03 and Minnesota Rules,
9505.2175, subpart 7; Revisor's ID Number
04786

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**¹

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

Party's/Agency's Name: Minnesota Department of Human Services, c/o Vanessa Vogl,
Rulemaking Attorney

Email: vanessa.vogl@state.mn.us

Telephone: (651) 431-3168

Mailing Address: PO Box 64264, Saint Paul, MN 55164-0254

Party's/Agency's Attorney: _____

Firm Name: _____

Email: _____ Telephone: _____

Mailing Address: _____

Respondent's/Opposing Party's Name: _____

Email: _____ Telephone: _____

Mailing Address: _____

¹ In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. See 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2021).

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

Dated: June 9, 2023

A handwritten signature in black ink, appearing to read "Vance K/L", is written above a horizontal line.

Signature of Party/Agency or Attorney