

Minnesota Department of Human Services

ORDER ADOPTING RULES

Adoption of Permanent Exempt Rules Relating to Licensing Staffing Requirements and Qualifications for Children’s Residential Facilities and Detoxification Programs; Minnesota Rules, parts 2960.0460, 2960.0470, 9530.6565, and 9530.6570; Revisor’s ID Number 4770; OAH Docket Number 60-9029-38874

BACKGROUND INFORMATION

1. Minnesota Statutes, section 14.388, subdivision 1 states:

“If an agency for good cause finds that the rulemaking provisions of [chapter 14] are unnecessary, impracticable, or contrary to the public interest when adopting, amending, or repealing a rule to . . . (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required; or (4) make changes that do not alter the sense, meaning, or effect of a rule, the agency may adopt, amend, or repeal the rule after satisfying the requirements of subdivision 2 and section 14.386, paragraph (a), clauses (1) to (4). . . .”

2. The Department of Human Services (Department) for good cause finds that the regular rulemaking provisions of Minnesota Statutes, Chapter 14 are unnecessary, impracticable, and contrary to the public interest for the adoption of the proposed rule amendments, and that it is more appropriate to use the exempt rulemaking provisions in Minnesota Statutes, section 14.388 to adopt these amendments.

3. In the Laws of Minnesota 2022, Chapter 98, Article 12, Section 20, the Minnesota Legislature directed the Department to:

- a. Amend Minnesota Rules, part 2960.0460, to remove all references to repealed Minnesota Rules, part 2960.0460, subpart 2;
- b. Amend Minnesota Rules, part 2960.0470, to require license holders to have written personnel policies that describe the process for disciplinary action, suspension, or dismissal of a staff person for violating the drug and alcohol policy described in Minnesota Statutes, section 245A.04, subdivision 1, paragraph (c), and Minnesota Rules, part 2960.0030, subpart 9;
- c. Amend Minnesota Rules, part 9530.6565, subpart 1, to remove items A and B and the documentation requirement that references these items; and
- d. Amend Minnesota Rules, part 9530.6570, subpart 1, item D, to remove the existing language and insert language to require license holders to have written personnel policies that describe the process for disciplinary action, suspension, or dismissal of a staff person for violating the drug and alcohol policy described in Minnesota Statutes, section 245A.04, subdivision 1, paragraph (c).

These changes to rule reflect changes to statute made in the Laws of Minnesota 2022, Chapter 98, Article 12, Sections 4, 5, 13, 15, and 21, effective January 1, 2023. Therefore, these changes to rule incorporate specific changes stated in applicable laws and statutes that require no interpretation of law, and the good cause exempt rulemaking process for these rules is authorized by Minnesota Statutes, section 14.388, subdivision 1(3).

4. In 2012, Minnesota Statutes, Chapter 148C was repealed and replaced with Chapter 148F. Accordingly, the Department is also updating statutory references in these rule parts from Chapter 148C to Chapter 148F. These changes incorporate specific changes set forth in applicable statutes and no interpretation of law is required. Therefore, the good cause exempt rulemaking process for these changes is authorized by Minnesota Statutes, section 14.388, subdivision 1(3).

5. The Department has complied with all notice and procedural requirements in the exempt rulemaking process, including Minnesota Statutes, section 14.386, paragraph (a), clauses (1) to (4). In accordance with Minnesota Statutes, section 14.388, subdivision 2, the Department sent notice to all persons who have registered their name with the agency under Minnesota Statutes, section 14.14, subdivision 1a. The Department also gave notice specifically to detoxification programs and children's residential facilities. The notice and supporting documents are posted on the Department's website.

6. The Office of Administrative Hearings received 0 written comments on the rules.

7. This rule change is needed and reasonable.

ORDER

Rules of the Department of Human Services relating to licensing staffing requirements and qualifications for children's residential facilities and detoxification programs in the form set out in the Revisor's draft, file number RD-4770, dated September 12, 2022, are adopted under my authority in Minnesota Statutes, section 14.388, subdivision 1(3).

January 19, 2023

Date



Amy Akbay, Chief General Counsel
Minnesota Department of Human Services