Minnesota Department of **Human Services**

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December 1, 2000

Governor Jesse Ventura

Representative Steve Sviggum, Chair
Legislative Coordinating Commission

Michele Timmons
Revisor of Statutes

Senator John Hottinger, Chair
Senator Don Samuelson, Budget Division Chair
Senate Health and Family Security Committee

Representative Fran Bradley, Chair
House Health and Human Services Committee

Representative Kevin Goodno, Chair
House Health and Human Services Finance

Subject: **Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by Minnesota Statutes, section 14.05, subdivision 5**

Minnesota Statutes, section 14.05, subdivision 5, states:

> "By December 1 of each year, an agency must submit to the governor, the legislative coordinating commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary, or duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's December 1 report must state that conclusion."

We have identified the following rule parts or subparts for repeal as obsolete or unnecessary:

- **Minnesota Rules, parts 9515.0300, Definitions, and 9515.0400, Regulated Treatments, in parts 9515.0200 to 9515.0800 governing administration of specified therapies to state hospital patients.**

The regulated treatments listed and defined in parts 9515.0300 and 9515.0400 have either changed dramatically or they have been dropped from current medical practice since the rule was promulgated in 1981. References to these treatments should therefore be deleted as obsolete. The repealers are part of a general rewrite of parts 9515.0200 to 9515.0800. The amendments establish standards that must be met in determining whether to use electroconvulsive therapy with a patient residing in a state facility and in obtaining consent to proceed with the treatment if its use is indicated.

The proposed repealers and amendments will be effective early in 2001.

- **Minnesota Rules, part 9505.0270 governing Medical Assistance payments for dental services, subparts 3, 4, 5, 6, 7, 8, and 9 relating to payment limitations and criteria for prior authorization for specified procedures.**

The Department is repealing major pieces of part 9505.0270 to simplify the administrative process for authorizing and paying for dental services covered by medical assistance. The repealers, combined with proposed new language, update a 13-year-old rule to 1) reflect current community standards of dental practice; 2) state clearly what services are covered for eligible recipients; and 3) remove requirements that providers seek prior authorization even for routine diagnostic, preventive, and restorative services that are well established in current standards of dental practice as being reasonable and medically necessary.

The projected effective date for the repealers and the amendments is late July 2001.

In last year's report, we did not identify any rules as being obsolete, unnecessary, or duplicative.

If you have any questions about this report, please call Alice Weck of my staff at 297-4302.

Sincerely,

Virginia Rae Bly, Director
Appeals and Regulations Division