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December 1, 2003

Governor Tim Pawlenty

Greg Hubinger, Director
Legislative Coordinating Commission

Michele Timmons
Revisor of Statutes

Chairs of the Policy and Funding Committees and Divisions
with Jurisdiction over the Minnesota Department of Health
[A complete list of addressees is at the end of the letter.]

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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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 Minnesota Department of Health (MDH) rules as obsolete for this report:

- 2003 (1) Chapter 4656 – Case Mix Classification System for the Medical Assistance Program. These rules relate to the implementation and operation of the old case mix system. A new case mix classification system was implemented in October of 2002 and does not rely on the assessment forms and procedures that were used under the old system. Operational language for the new system was incorporated into Minnesota Statutes. These rules are no longer required and are recommended for repeal.
- 2003 (2) Certain parts and subparts of Chapter 4685 – Health Maintenance Organizations.
- Part 4685.0801, subpart 2, third paragraph, is recommended for repeal. This applies to copays approved prior to the effective date of this rule. All contracts must be modified when there are certain legislative changes and, since this provision was effective in FY1992, there could be no remaining old copayment provisions.
 - Part 4685.0935, subpart 2, is recommended for repeal. This subpart applies to the renewal of group contracts for health care benefits that were issued before October 9, 1989. This subpart is obsolete because all such contracts have been renewed.
 - Part 4685.2400 pertains to determining the maximum number of enrollees in an HMO as this relates to enrollment at any point in time. It is obsolete because it is not used. We recommend it for repeal.
 - Part 4685.3300, subparts 6 and 7, set deadlines for reviewing and amending filings. These subparts should be repealed because they have been superseded by Minnesota Statutes, section 62D.08, subdivision 1, and section 62D.04, subdivision 2.
 - Part 4685.3300, subpart 11, requires that notice of participating entity changes be submitted on forms prescribed by the commissioner. This is recommended for repeal as it is unnecessary and we have never issued forms for this purpose.
- 2003 (3) Part 4736.0100 – Indian Health Grants to Community Health Boards. This rule deals with procedures to be followed by Community Health Boards which, until the 2003 legislative provisions, were the only entities eligible to apply for Indian Health Grants. The eligibility is now open to a wider group of entities, including, but not exclusive to, Community Health Boards, which now compete on the same basis as other groups and use the same procedures as those groups.

Consequently, the procedures specific to them when they were the only eligible entities are obsolete and this rule is, therefore, recommended for repeal.

- 2003 (4) Chapter 4763 – Medical Education Assistance Programs. These rules are obsolete because they have been superceded by statute. Accordingly, these rules are recommended for repeal.

For the obsolete rules listed in this report, MDH intends to repeal them using the expedited process for repealing obsolete rules found in Minnesota Statutes, section 14.3895.

In last year's report, we identified nine sections of MDH rules as being obsolete, unnecessary, or duplicative. For seven of these nine sections, we have begun the formal process of repealing the rules via the expedited process for repealing obsolete rules found in Minnesota Statutes, section 14.3895. The current status of these rules is:

- 2002 (1) ✓ Chapter 4667 – Home Care Providers; Fees. In the process of being repealed using Minnesota Statutes, section 14.3895.
- 2002 (2) Part 4735.0200 – Licensure Fees. In the process of being repealed using Minnesota Statutes, section 14.3895.
- 2002 (3) Part 4685.1010, subpart 8 - Continuity of Care in the Event of Contract Termination. In the process of being repealed using Minnesota Statutes, section 14.3895.
- 2002 (4) ✓ Chapter 4647 - Health Care Equipment Loan Program. In the process of being repealed using Minnesota Statutes, section 14.3895.
- 2002 (5) Certain parts and subparts of chapter 9000 – Office of Mental Health Practice; Mental Health Practice. In the process of being repealed using Minnesota Statutes, section 14.3895.
- 2002 (6) Parts 4700.2600 to 4700.4000 – Grants for Maternal and Child Health Services. In the process of being repealed using Minnesota Statutes, section 14.3895.
- 2002 (7) Part 4620.1800 - Maximum Permissible Formaldehyde Level In Housing Units. There are people who expressed concerns about repealing these rules, so we have removed them from our list of obsolete rules.

2002 (8) Parts 4620.3900 to 4620.4900 - Carbon Monoxide and Nitrogen Dioxide in Enclosed Arenas. There are people who expressed concerns about repealing these rules, so we have removed them from our list of obsolete rules.

2002 (9) Part 4761.1230 - Lead-Safe Certification Of Housing. In the process of being repealed using Minnesota Statutes, section 14.3895.

If you have any questions regarding this report, please contact:

Dave Orren
Department of Health
85 East 7th Place, Suite 400
St. Paul, Minnesota 55164-0882
651/282-6310

Yours very truly,



Dianne M. Mandernach, Commissioner
Minnesota Department of Health.

This is a complete list of addressees for MDH's 2003 Annual Obsolete Rules Report.

Governor Tim Pawlenty

Greg Hubinger, Director
Legislative Coordinating Commission

Michele Timmons
Revisor of Statutes

Senator Becky Lourey, Chair
Senator Michelle Fischbach, Ranking
Minority Party Member
Senate Health and Family Security
Committee

Senator Linda Berglin, Chair
Senator Sheila M. Kiscaden, Ranking
Minority Party Member
Senate Health, Human Services and
Corrections Budget Division

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Committee

Senator Dallas Sams, Chair
Senator Steve Dille and Senator Dennis
Fredrickson, Ranking Minority Party
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