Minnesota Department of **Human Services**

November 30, 2004

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Legislative Coordinating Commission

Michele Timmons, Revisor of Statutes

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Re: Annual Report from Minnesota Department of Human Services 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

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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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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."

At this time, we can identify no Department of Human Services' rules that are obsolete, unnecessary, or duplicative and that should be repealed, except those identified in 2003.

Status of Rules Identified for Repeal in 2003

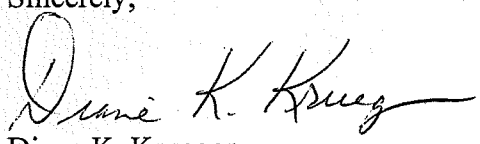
The December 1, 2003 report identified various licensing provisions as obsolete, including 9502.0315, subparts 22 and 30; 9503.0005, subp.25, 9503.0015, B., 9543.1020, subpart 2.G. and subpart 11.B. and C.; 9555.5105, subparts 6. and 30., 9555.6125, subpart 6; 9555.9600, subpart 3 and 9555.9730, subpart 2. Part 9543.1020 was repealed by 2004 legislation. The process to repeal the remaining parts using the good cause exemption of Minnesota Statutes § 14.388 has not been completed.

The 2003 report also identified Minnesota Rules, parts 3400.0235 as obsolete. As a result of legislation passed in the 2004 session, part 3400.0235 is no longer obsolete and should be removed from the report.

Finally, Minnesota Rules, parts 3400.0100, subpart 4.B. was identified as obsolete. The process to repeal this subpart has not been completed.

If you have any questions about this report, please call me at (651)296-5571.

Sincerely,



Diane K. Krueger
Administrative Law Manager
Appeals and Regulations Division

Minnesota Department of **Human Services**

July 18, 2005

Governor Tim Pawlenty

Representative Steve Sviggum, Chair
Legislative Coordinating Commission

Michele Timmons, Revisor of Statutes

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Representative Thomas Huntley, DFL Lead
House Health and Human Services Finance Committee

Representative Jim Abeler, Chair
Representative Paul Thissen, DFL Lead
Health Care Cost Containment Division Committee

Re: Amendment to the Annual Report from Minnesota Department of Human Services 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

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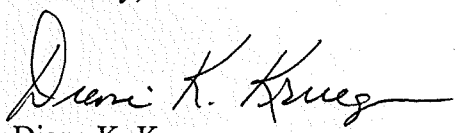
or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill 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."

The Department of Human Services is amending the obsolete rule report submitted on November 30, 2004 to add the following rule provisions that have been identified as obsolete, unnecessary, or duplicative.

Minnesota Rules, part 9505.0353, subparts 2 and 3. These provisions govern prenatal care covered by medical assistance. Subpart 2 requires providers to complete a risk assessment for recipients on the commissioner's form and to submit this form to the Department. The risk assessment information currently being collected on the commissioner's form, however, now is available to the commissioner through a new federal survey. Consequently, the requirement in subpart 2 requiring providers to also complete and submit the commissioner's form is obsolete, unnecessary, and duplicative. Further, the last clause in subpart 3 is obsolete, unnecessary, and duplicative because prior authorization no longer is required for the listed prenatal services. The department will repeal these obsolete provisions using the process established in Minn. Stat. 14.3895.

If you have any questions about this amendment to the 2004 obsolete rules report, please call me at (651)296-5571.

Sincerely,



Diane K. Krueger
Administrative Law Manager
Appeals and Regulations Division