



Minnesota Department of **Human Services**

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REVISOR OF STATUTES

November 30, 2006

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Legislative Coordinating Commission

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Senate Health, Human Services, and Corrections Budget Division

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Representative Thomas Huntley, DFL Lead Finance  
Representative Mary Ellen Otremba, DFL Lead Policy  
House Health and Human Services Policy and Finance Committee

**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 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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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 has identified the following rules as obsolete:

**Minnesota Rules, part 9500.1126.** This rule part addresses the recapture of depreciation from a hospital following a change in ownership. Under the rule provision, the recapture is based upon the methodology and principles used in the Medicare program. The Medicare program eliminated depreciation recapture several years ago and repealed the laws establishing the methodology. This rule provision is therefore obsolete. The Department will repeal this obsolete provision during 2007 using the process established in Minnesota Statutes, section 14.3895.

**Minnesota Rules, Parts 9500.1206, subparts 12i, 12j, 19c and 32a; 9500.1219, subparts 5 and 6; 9500.1223, subpart 4; 9500.1231, subparts 4 and 6; 9500.1235; 9500.1237, subparts 3 and 5; 9500.1245, subparts 8-9; 9500.1251; and 9500.1259, subpart 1.**

The above provisions relate to the application of the general assistance program (GA) and specifically govern the GA work readiness program and the family GA program. In 1995, the work readiness program was defunded by the legislature and the statutory provisions referring to work readiness were deleted. 1995 Minn. Laws, ch. 178, art. 6, §§ 1-14, 17-18. In 1997 the legislature enacted the Minnesota Family Investment Program (MFIP) on a statewide basis and simultaneously repealed the statutory provisions authorizing the payment of family GA, which authorized GA for adults with minor children. 1997 Minn. Laws, ch. 85, art. 3, §§ 23-48, 59. Effective March 1, 1998, GA can be paid only to single adults, childless couples, and children between the ages of 16 and 18 who are not living with their parents or legal custodians. Since the work readiness and family GA programs are defunct and has been for several years, the rules governing these programs are obsolete and must be repealed. The Department will repeal these provisions during 2007 as part of a larger project using the good cause exemption process to incorporate specific changes in applicable statutes into rule language when no interpretation is required under Minnesota Statutes, section 14.388, subdivision 1 (3).

**Minnesota Rules, part 9500.1463, subpart 3, item E.** This provision requires a prepaid health plan providing services to medical assistance participants to notify the prepaid health plan ombudsman of any participant complaints within three working days. The statutory language requiring this notice was repealed. 2005 Minn. Laws 1<sup>st</sup> Spec. Sess., Ch. 4, art. 8, § 9. Consequently, part 9500.1463, subpart 3, item E, is obsolete. The Department will repeal this provision during 2007 as part of a larger project using the good cause exemption process to incorporate specific changes in applicable statutes into rule language when no interpretation is required under Minnesota Statutes, section 14.388, subdivision 1 (3).

**Minnesota Rules, parts 9500.1655, subpart 3.** . The Aid to Families with Dependent Children Program was eliminated by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193. Consequently, the definition of this Program in part 9500.1655, subpart 3, is obsolete. The Department will repeal this provision during 2007 as part of a larger project using the good cause exemption process to incorporate specific changes in applicable statutes into rule language when no interpretation is required under Minnesota Statutes, section 14.388, subdivision 1 (3).

**Minnesota Rules, Parts 9505.1696, subpart 10, and 9505.1709.** In the past, providers used a paper form to bill for screening services provided under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program. Since the adoption of the Health Insurance Portability and Accountability Act (HIPPA), however, DHS and most providers performing EPSDT services must electronically bill for these services. 42 U.S.C. § 1320d-4. Consequently, the provisions in part 9505.1696, subpart 10, and part 9505.1709, requiring the use of the EPSDT paper form are obsolete. The Department will repeal these provisions during 2007 as part of a larger project using the good cause exemption process to incorporate specific changes in applicable statutes into rule language when no interpretation is required under Minnesota Statutes, section 14.388, subdivision 1 (3).

**Minnesota Rules, part 9550.6220, subpart 6.** Rule part 9550.6220 addresses parental responsibility for services provided to children. Subpart 6 establishes a formula for determining the amount of a monthly parental fee. This formula has been superceded by a statutory formula in Minnesota Statutes, section 252.27, subdivision 2a. The Department will repeal this obsolete provision during 2007 using the process established in Minnesota Statutes, section 14.3895.

**Minnesota Rules, Part 9560.0214, subpart 3.** Effective in 2006, the legislature adopted a new definition of "assessment" for purposes of responding to reports of maltreatment of minors. 2005 Minn. Laws ch. 159, art. 1, § 2. The definition of "assessment" in part 9560.0214, subpart 3, does not conform to the new statutory definition and therefore is obsolete. The Department will repeal this provision during 2007 as part of a larger project using the good cause exemption process to incorporate specific changes in applicable statutes into rule language when no interpretation is required under Minnesota Statutes, section 14.388, subdivision 1 (3).

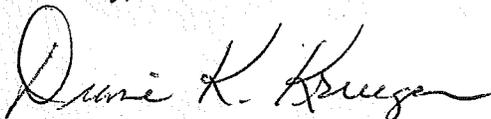
#### **Status of Rules Identified for Repeal in 2005**

**Minnesota Rules, parts 3400.0020, subpart 27; 3400.0100, subparts 1, 3, 3a, and 4; and 3400.0130, subpart 2a.** These provisions were identified in the 2005 report and were repealed in June 2006 (30 SR 1318) using the process for repealing obsolete rules under Minnesota Statutes, section 14.3895.

**Minnesota Rules, part 9505.1696, subpart 6; parts 9525.1800, subpart 1b; 9525.1820, subpart 1a; 9525.1860 subpart 4, (D); and 9525.1890, subpart 6.** These provisions were identified in the 2005 report and are on scheduled to be repealed in early 2007 are part of a larger project using the good cause exemption process to incorporate specific changes in applicable statutes into rule language when no interpretation is required under Minnesota Statutes, section 14.388, subdivision 1 (3).

If you have any questions about this report, please call me at (651)431-3611.

Sincerely,



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