

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the Proposed  
Adoption of Department of Health  
Rules Governing the Licensing of  
Home Care Providers, Minnesota  
Rules, Chapter 4668, and Establishing  
License Fees, Chapter 4669.

REPORT OF THE  
CHIEF ADMINISTRATIVE LAW JUDGE

The above-entitled matter came on for review by the Chief Administrative Law Judge pursuant to the provisions of Minn. Stat. § 14.15, subds. 3 and 4, which provide:

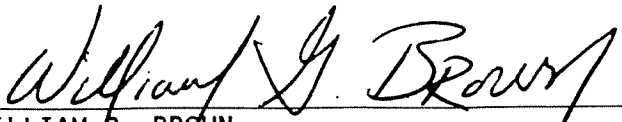
Subd. 3. Finding of substantial change. If the [administrative law judge's] report contains a finding that a rule has been modified in a way which makes it substantially different from that which was originally proposed, or that the agency has not met the requirements of sections 14.131 to 14.18, it shall be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves the finding of the administrative law judge, the chief administrative law judge shall advise the agency and the revisor of statutes of actions which will correct the defects. The agency shall not adopt the rule until the chief administrative law judge determines that the defects have been corrected.

Subd. 4. Need or reasonableness not established. If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative commission to review administrative rules for the commission's advice and comment. The agency shall not adopt the rule until it has received and considered the advice of the commission. However, the agency is not required to delay adoption longer than 30 days after the commission has received the agency's submission. Advice of the commission shall not be binding on the agency.

Based upon a review of the record in this proceeding, the Chief Administrative Law Judge hereby approves the Report of the Administrative Law Judge in all respects.

The Administrative Law Judge has found that the amendments and additions to the proposed rules which were suggested by the Department after publication of the proposed rules in the State Register result in rules substantially different from the proposed rules as published in the State Register. Therefore, the Department may not adopt the rules as currently proposed. In order to adopt the rules, the Department must follow the procedure set forth in Conclusion No. 4 of the Administrative Law Judge.

Dated: October 23<sup>rd</sup>, 1991.

  
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WILLIAM G. BROWN  
Chief Administrative Law Judge