

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed  
Amendments to Rules Governing  
Use of Random Sample Extrapolation  
in Monetary Recovery; Minnesota  
Rules 9505.2220

**ORDER ON REVIEW OF  
RESUBMITTED RULES UNDER  
MINN. STAT. § 14.16, SUBDS. 1, 2  
AND MINN. R. 1400.2240, SUBPS. 4, 5**

This matter came on for review by the Chief Administrative Law Judge pursuant to Minn. Stat. § 14.16, subds. 1, 2 (2020) and Minn. R. 1400.2240, subps. 4, 5 (2021).

This rulemaking concerns the proposed rules of the Minnesota Department of Human Services (Department) governing the use of random sample extrapolation to identify and recover overpayments of Minnesota Health Care Program funds. The proposed rules came on for a public rulemaking hearing on January 28, 2021.

Administrative Law Judge Jessica A. Palmer-Denig disapproved the rules in a Report dated March 26, 2021. The Chief Administrative Law Judge concurred with the determinations of the Administrative Law Judge by Order dated April 1, 2021.

On August 9, 2021, the Department requested the Chief Administrative Law Judge review and approve modifications to the proposed rules pursuant to Minn. R. 1400.2240, subps. 4, 5. The resubmitted rules include modifications incorporating Administrative Law Judge Palmer-Denig's recommended changes as well as other new changes made in light of the Department's revisions.

The Chief Administrative Law Judge finds that all defects identified in the prior Order have been corrected. In addition, the Chief Administrative Law Judge finds that the Department's proposed additional modifications do not render the final proposed rules substantially different from those published in the *State Register* on November 23, 2020, and proposed at the public hearing.<sup>1</sup>

Based upon a review of the modifications made by the Department as presented in its submissions filed on August 9, 2021, and the rulemaking record,

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<sup>1</sup> Minn. Stat. § 14.05, subd. 2(b)(2) (2020) ("A modification does not make a proposed rule substantially different if . . . the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice.").

**IT IS HEREBY ORDERED THAT:**

The proposed rules, as modified and approved by the Revisor on July 29, 2021, are approved as to legality.

Dated: August 17, 2021

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line extending to the right.

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JENNY STARR  
Chief Administrative Law Judge