

January 13, 2023

VIA EFILING ONLY

Vanessa Vogl
Minnesota Department of Human Services
PO Box 64254
Saint Paul, MN 55164
vanessa.vogl@state.mn.us

Re: *In the Matter of the Good Cause Rulemaking Amendments to Rules Relating to Licensing Staffing Requirements and Qualifications for Children's Residential Facilities and Detoxification Programs; Minnesota Rules, parts 2960.0460, 2960.0470, 9530.6565, 9530.6570*
OAH 60-9029-38874; Revisor R-4770

Dear Ms. Vogl:

Enclosed herewith and served upon you by mail is the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.388 AND MINN. R. 1400.2400** in the above-entitled matter. The amendments to the rule parts are exempt from the rulemaking requirements of Minn. R. ch. 1400 (2021) pursuant to the good cause exemption in Minn. Stat. § 14.388, subd. 3 (2022).

With the approval of the adopted rules, the Office of Administrative Hearings has closed this file and is returning the rule record to the Department so that the Department can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365 (2022). Upon submission to the Office of Administrative Hearings of the Department's signed order approving the rules, the Office of Administrative Hearings will file the rules with the Secretary of State. The Department's next step is to arrange for publication of the proposed amendments in the State Register as required by Minn. Stat. § 14.388, subd. 1 (2022).

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

NICHOLE HELMUELLER
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Ryan Inman

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Exempt Rules of the Department of Human Services Relating to Licensing Staffing Requirements and Qualifications for Children's Residential Facilities and Detoxification Programs; Minnesota Rules, parts 2960.0460, 2960.0470, 9530.6565, 9530.6570

**ORDER ON REVIEW
OF RULES UNDER
MINN. STAT. § 14.386
AND MINN. R. 1400.2400**

This matter came before Administrative Law Judge James E. LaFave on the request of the Minnesota Department of Human Services (DHS) for a legal review of the above-entitled rules under Minn. Stat. § 14.388 (2022) and Minn. R. 1400.2400 (2021).

On January 3, 2023, the DHS filed required documents with the Office of Administrative Hearings seeking review and approval of its proposed exempt rules. The public comment period closed on January 10, 2023, and the record closed on that date.

Based upon a review of all written submissions,

IT IS HEREBY DETERMINED THAT:

1. The proposed rule amendment incorporates a specific change set forth in 2022 Minn. Laws, ch. 98, art. 12, § 20. These changes to rule reflect changes to statute made in the Minnesota Session Laws 2022, Chapter 98, article 12, sections 4, 5, 13, 15, and 21, effective January 1, 2023.

2. In 2012, Minnesota Statutes Chapter 148C was repealed and replaced with Chapter 148F. Accordingly the DHS is updating the statutory references in these rule parts from Chapter 148C to 148F. These are specific changes set forth in applicable statutes and no interpretation of law is required.

3. The DHS has the statutory authority to adopt the rule using the good cause exempt rulemaking process pursuant to Minn. Stat. § 14.388, subd. 1(3).

4. The rule amendment complies with the procedural requirements of Minn. Stat. §§ 14.386(a)(1)-(4), .388 (2022) and Minn. R. 1400.2100 A, D-G, .2400 (2021).

IT IS HEREBY ORDERED THAT:

The adopted rules are **APPROVED**.

Dated: January 13, 2023


JAMES E. LAFAVE
Administrative Law Judge