

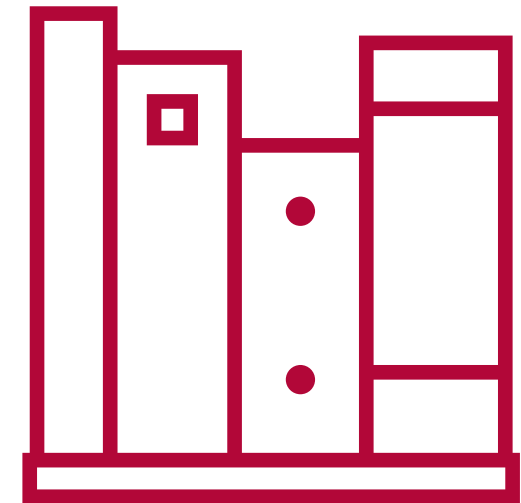


DHS 2024 Obsolete Rules Report

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Statutory Requirement

State agencies are required to report annually to the Legislature whether any of its rules are obsolete, unnecessary, or duplicative, and to provide an update on the status of the rules identified in the prior year.



See [Minn. Stat. §14.05, subdivision 5](#)

What are rules?



Administrative rules implement and enforce statutory law.



State agencies can create regulations only if they have been authorized to do so through specific enabling laws.




The Minnesota Administrative Procedure Act (APA) governs rulemaking.



Rules are published by the Revisor's Office. They are grouped by agency and arranged in a decimal numbering system

Purposes of Administrative Procedure Act

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- (1) provide oversight of duties delegated to agencies;
 - (2) increase public accountability of agencies;
 - (3) ensure a uniform minimum procedure;
 - (4) increase public access to governmental information;
 - (5) increase public participation in the formulation of rules;
 - (6) increase fairness of agencies in their conduct of contested case proceedings; and
 - (7) simplify the process of judicial review of agency action as well as increase its ease and availability.

See [section 14.001](#)

In the matter of *Statutes v. Rules*



Statutes

- Statutes prevail (for the most part)
- Statutes give agencies broad authority
- Legislature owns the statutes

Rules

- Agency has expertise to work out details
- More opportunity for community engagement
- Agency owns the rules

Obsolete rulemaking option

- ☒ Must be identified in obsolete rules report
- ☒ One public comment period of 60 days
- ☒ Statement of need and reasonableness (SONAR) and hearing required if 25 or more people request it

2023 Obsolete DHS rules

General Assistance

- Minnesota Rules, parts 9500.1221, 9500.1223, 9500.1225, and 9500.1226. These rules govern [General Assistance \(GA\)](#).
 - They are outdated and have been superseded by Minnesota Statutes, sections 256P.01 – 256P.06.

Update: The Department still intends to repeal these rules using the rule repeal process identified in [Minnesota Statutes, section 14.3895](#)

2023 Obsolete DHS Rules

Medical Necessity for inpatient admission



- Minnesota Rules, part 9505.0530, subpart 2 requires DHS's medical review agency to determine medical necessity using certain criteria and incorporates by reference the Appropriateness Evaluation Protocol of the National Institutes of Health (1984).
- DHS's medical review agents no longer rely on this book, and instead apply a "prevailing community standard"

Update: The Department intends to repeal this rule part using the rule repeal process identified in [Minnesota Statutes, section 14.3895](#).

2023 Obsolete DHS Rules

MA Monetary Recovery

- Minnesota Rules, parts 9505.2200, subpart 1; and 9505.2215, subpart 1, item B govern monetary recoveries for MA.
- These rules give DHS authority to seek monetary recovery of payment for Medicaid service that were the result of “recipient error.”
- CMS provided guidance and issued [a State Medicaid Director letter](#) that said states must not recover costs that were the result of recipient error.

Update: The Department has initiated the process to repeal this rule using the rule repeal process identified in [Minnesota Statutes, section 14.389](#).

2023 Obsolete DHS Rules

Protective Services for adults in need of care and supports

- Minnesota Rules, parts 9543.0070, subpart 1, item B, 9555.5515, item N, 9555.5705, subpart 3, item D, 9555.7100, 9555.7200, 9555.7300, and 9555.7600 govern services for adults in need of care and support (“vulnerable adults”).
- Minnesota statutes 626.557 and 626.5572 oversee maltreatment reporting for this population and the rules are duplicative of statute.

Update: The Department intends to repeal these rules using the rule repeal process identified in [Minnesota Statutes, section 14.3895](#).



2024 Obsolete DHS Rules

General Assistance (GA)

- Minnesota Rules, parts 9500.1206, 9500.1215, 9500.1231, 9500.1233, 9500.1243, 9500.1245, 9500.1248, 9500.1254, and 9500.1272. These rules govern General Assistance and are all partly obsolete.
- Portions of these rules are superseded or nullified by statute.

The Department intends to repeal these rules using the rule repeal process identified in [Minnesota Statutes, section 14.3895](#).

Thank You!

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