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November 30, 2006 *Protecting, maintaining and improving the health of all Minnesotans*

Governor Tim Pawlenty

Greg Hubinger, Director  
Legislative Coordinating Commission

Michele Timmons  
Revisor of Statutes

Policy and Funding Committees and Divisions with  
Jurisdiction over the Minnesota Department of Health

[A complete list of addressees is at the end of the letter.]

**Subject:** Annual Report 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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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.

We have identified the following Minnesota Department of Health (MDH) rule subparts as obsolete for this report:

- 2006 (1) Minnesota Rules 4626.2015, subparts 3(c) and 6(b) — Certified Food Manager certification fees are obsolete and duplicative because Minn. Stat. § 157.16 imposes different fees that supersede the rule.

MDH intends to repeal these obsolete rules when it performs its next routine rule repeal, which we anticipate will follow our current every-other-year schedule. We will use the expedited process for repealing obsolete rules under Minn. Stat. § 14.3895.

In the last two years' reports, we identified the following sections of MDH rules as being obsolete, unnecessary, or duplicative. We repealed all of these under Minn. Stat. § 14.3895 on July 10, 2006. (See 31 State Register 35):

- 2005 (1) Parts 4763.0310, 4763.0320, and 4763.0330 — Loan Forgiveness Programs. (These rules were no longer needed due to statute change in 2003. The rest of the chapter was repealed in Laws 2003, but these three sections were overlooked and not listed.)
- 2004 (2) Certain parts and subparts of Chapter 4685 — Health Maintenance Organizations. These rules (except for part 4685.3300, subparts 6 and 7, which we left in place in response to concerns of the Minnesota Council of Health Plans) were repealed on July 10, 2006. See 31 State Register 35.
- 2004 (3) Part 4736.0100 — Indian Health Grants to Community Health Boards.
- 2004 (4) Chapter 4763 — Medical Education Assistance Programs.

If you have any questions regarding this report, please contact me at:

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Saint Paul, Minnesota 55164-0975  
651.201.5748

Yours very truly,

  
Patricia Winget, Rules Coordinator  
Minnesota Department of Health

This is a complete list of addressees for MDH's 2006 Annual Obsolete Rules Report.

Governor Tim Pawlenty

Greg Hubinger, Director  
Legislative Coordinating Commission

Michele Timmons  
Revisor of Statutes

Senator Becky Lourey, Chair  
Senator Michelle Fischbach, Ranking Minority Party Member  
Senate Health and Family Security Committee

Senator John Marty, Chair Elect  
Senate Health, Housing and Family Security Committee

Senator Linda Berglin, Chair  
Senator Brian LeClair, Ranking Minority Party Member  
Senate Finance Committee, Health and Human Services Budget Division

Senator Ellen R. Anderson, Chair Elect  
Senate Environment, Energy and Natural Resources Budget Committee

Senator Dallas Sams, Chair  
Senator Steve Dille and Senator Dennis Fredrickson, Ranking Minority Party Members  
Senate Environment, Agriculture, and Economic Development Budget Division

Senator Linda Higgins, Chair  
Senator Ann H. Rest, Chair Elect  
Senator Claire Robling, Ranking Minority Party Member  
Senate State and Local Government Operations Committee

Senator Sheila Kiscaden, Chair  
Senator Don Betzold, Chair Elect  
Senator Geoff Michel, Ranking Minority Party Member  
Senate State Government Budget Division Committee

Representative Jim Abeler, Chair  
House Healthcare Cost Containment Division Committee

Representative Fran Bradley, Chair  
House Health Policy and Finance Committee

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Representative Thomas Huntley, Chair Elect  
House Health Care and Human Services Finance Committee

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Representative Karen Clark, Chair Elect  
House Housing Policy and Finance and Public Health Finance Committee

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Representative Paul Thissen, Chair Elect  
House Health Care and Human Services Policy Committee

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Representative Tom Hackbarth, Chair  
House Environment and Natural Resources Policy Committee

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Representative Dennis Ozment, Chair  
Representative Jean Wagenius, Lead-DFL & Chair Elect  
House Environment and Natural Resources Finance Committee

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Representative Kathy Tingelstad, Chair  
House Governmental Operations and Veterans Affairs Policy Committee

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Representative Phyllis Kahn, Chair Elect  
State Government Finance Committee

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Representative Mary Ellen Otremba, Chair Elect  
House Agriculture, Rural Economies and Veterans Affairs Policy Committee

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Representative Gene Pelowski, Jr., Chair Elect  
House Government Operations Reform, Technology and Elections Policy Committee

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Representative Bob Gunther, Chair  
Representative John Dorn, Lead-DFL  
House Jobs and Economic Opportunity Finance Committee

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Representative Joe Atkins, Chair Elect  
Commerce and Labor Policy Committee