



## Minnesota Department of **Human Services**

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November 30, 2016

Governor Mark Dayton ([joanna.dornfeld@state.mn.us](mailto:joanna.dornfeld@state.mn.us))

Senator Kathy Sheran, Chair ([sen.kathy.sheran@senate.mn](mailto:sen.kathy.sheran@senate.mn))

Senator Michelle R. Benson, Ranking Minority Party Member ([sen.michelle.benson@senate.mn](mailto:sen.michelle.benson@senate.mn))  
Senate Health, Human Services, and Housing Committee

Senator Tony Lourey, Chair ([sen.tony.lourey@senate.mn](mailto:sen.tony.lourey@senate.mn))

Senator Julie A. Rosen, Ranking Minority Party Member ([sen.julie.rosen@senate.mn](mailto:sen.julie.rosen@senate.mn))  
Senate Health and Human Services Budget Division Finance Committee

Representative Matt Dean, Chair ([rep.matt.dean@house.mn](mailto:rep.matt.dean@house.mn))

Representative Tina Liebling, DFL Lead Health Care ([rep.tina.liebling@house.mn](mailto:rep.tina.liebling@house.mn))

Representative Diane Loeffler, DFL Lead Human Services ([rep.diane.loeffler@house.mn](mailto:rep.diane.loeffler@house.mn))  
House Health and Human Services Finance Committee

Representative Tara Mack, Chair ([rep.tara.mack@house.mn](mailto:rep.tara.mack@house.mn))

Representative Joe Mullery, DFL Lead ([rep.joe.mullery@house.mn](mailto:rep.joe.mullery@house.mn))  
House Health and Human Services Reform Committee

Mr. Greg Hubinger, Director ([greg.hubinger@state.mn.us](mailto:greg.hubinger@state.mn.us))  
Legislative Coordinating Commission

Mr. Paul Marinac, Revisor ([revisor@revisor.mn.gov](mailto:revisor@revisor.mn.gov))  
Office of the Revisor of Statutes

VIA ELECTRONIC MAIL ONLY

**Re: Annual Report on Obsolete, Unnecessary or Duplicative Rules as Required by Minnesota Statutes, Section 14.05, Subdivision 5**

Dear Governor Dayton, Senators, Representatives, Director Hubinger, and Revisor Timmons:

Minnesota Statutes, section 14.05, subdivision 5, directs state agencies to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative, and to provide an update on the status of such rules identified the prior year. This letter contains the 2016 report of the Minnesota

Department of Human Services. Last year, the Minnesota Department of Human Services identified the following rules as obsolete:

**Minnesota Rules, part 9506.0010, subpart 3, subpart 7, subpart 9, subpart 11; Minnesota Rules, part 9506.0020, subpart 1, subpart 2, subpart 3, subpart 4; and Minnesota Rules, part 9506.0040, subpart 2.** Minnesota Rules, Chapter 9506 provides guidance for activities of the MinnesotaCare program. Due to amendments in recent years to state and federal statutes which govern the program, some of the definitions and eligibility requirements in Chapter 9506 are no longer in alignment with the statutes. **Update:** The Department continues work on the substance of the necessary changes and will likely pursue making amendments to the rule parts with conventional rulemaking.

**Minnesota Rules, part 9555.7100; Minnesota Rules, part 9555.7200; Minnesota Rules, part 9555.7300; and Minnesota Rules, part 9555.7600.** Minnesota Rules, parts 9555.7100 to 9555.7600 governs protective services to vulnerable adults. Minnesota Statutes, Chapter 626 also contains many provisions related to the protection of vulnerable adults and has been significantly amended over recent years. As a result, much of parts 9555.7100 to 9555.7600 is now inconsistent with or duplicative of state law. **Update:** The Department is considering repealing these provisions legislatively, or through the process detailed in Minnesota Statutes, section 14.3895, as appropriate.

This year, the Minnesota Department of Human Services has reviewed its rules and identified the rules listed below as obsolete, unnecessary or duplicative:

**Minnesota Rules, part 9500.1206; Minnesota Rules, part 9500.1215; Minnesota Rules, part 9500.1221; Minnesota Rules, part 9500.1223; Minnesota Rules, part 9500.1225; Minnesota Rules, part 9500.1226; Minnesota Rules, part 9500.1231; Minnesota Rules, part 9500.1239; and Minnesota Rules, part 9500.1245.** Minnesota Rules, parts 9500.1200 to 9500.1245 govern administration of the General Assistance program. Numerous definitions and eligibility requirements found in parts 9500.1200 to 9500.1245 are obsolete or inconsistent with Minnesota Statutes, section 256P, which established uniform standards for economic assistance programs. The Department will investigate making necessary changes using the Good Cause Exemption process detailed in Minnesota Statutes, section 14.388(3), or through conventional rulemaking, as appropriate.

**Minnesota Rules, part 9560.0040; Minnesota Rules, part 9560.0450; Minnesota Rules, part 9560.0050; Minnesota Rules, part 9560.0440, subpart 3(D); Minnesota Rules, part 9560.0060, subpart 2(D); and Minnesota Rules, part 9560.0170, subparts 1-4.** Minnesota Statutes, Chapters 259 and 260C, govern adoption, and juvenile safety and placement, respectively. Both contain a number of policy provisions that are consistent with current best practices, such as permitting foster parents to approve age-appropriate activities for a foster child, and addressing the best interests of a child and preserving a child's connections in adoptive placements. These statutory chapters also expressly set

forth requirements for operating the State Adoption Exchange; family recruitment methods; and post-adoption services. Minnesota Rules, chapters 2960 and parts 9560, govern Child Safety and Permanency programs, including licensure and social services, respectively. The identified rule parts are either inconsistent with current practices, redundant with statute, or rendered obsolete by statute. The Department is considering repealing these provisions legislatively, or through the process detailed in Minnesota Statutes, section 14.3895, as appropriate.

Please let me know if I can provide further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Vanessa Vogl". The signature is fluid and cursive, with the first name "Vanessa" written in a larger, more prominent script than the last name "Vogl".

Vanessa Vogl  
Rulemaking Attorney  
General Counsel's Office

Cc: Karen E. Sullivan Hook, DHS Administrative Law Office Manager  
Amy Dellwo, DHS Legislative Affairs Director