m1 **DEPARTMENT OF
HUMAN SERVICES**

November 28, 2018

Governor Mark Dayton (kate.carlucci@state.mn.us)

Senator Michelle R. Benson, Chair (sen.michelle.benson@senate.mn)
Senator Tony Lourey, Ranking Minority Party Member (sen.tony.lourey@senate.mn)
Senate Health and Human Services Finance and Policy Committee

Senator Jim Abeler, Chair (sen.jim.abeler @senate.mn)
Senator Jeff Hayden, Ranking Minority Party Member*
Senate Human Services Reform Finance and Policy Committee

Representative Matt Dean, Chair (rep.matt.dean@house.mn)
Representative Erin Murphy, DFL Lead (rep.erin.murphy@house.mn)
House Health and Human Services Finance Committee

Representative Joe Schomacker, Chair (rep.joe.schomacker@house.mn)
Representative Tina Liebling, DFL Lead (rep.tina.liebling@house.mn)
House Health and Human Services Reform Committee

Legislative Coordinating Commission (lcc@lcc.leg.mn)

Ryan Inman, Revisor (revisor@revisor.mn.gov)
Office of the Revisor of Statutes

VIA ELECTRONIC MAIL (*with hand-delivery to Senator Hayden's office)

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

Dear Governor Dayton, Senators, Representatives, Legislative Coordinating Commission, and Revisor Inman:

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 2018 report of the Minnesota Department of Human Services.

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

Minnesota Rules, parts 9520.0010 through 9520.0230. Minnesota Rules, parts 9520.0010 through 9520.0230 create standards for community mental health services. These rules parts were originally promulgated in 1961. Provider standards for community mental health centers were superseded by the adoption of Minnesota Rules, parts 9520.0750 through 9520.0870, or "Rule 29" in 1983, and by statutory language on payment enhancements

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for Medicaid services enacted in 256B.763 in July 1, 2007. Additionally, the funding that was originally tied to these standards has been consolidated and redirected in intervening years. **Update:** The Department is currently working on a legislative initiative for 2019 that will likely include the repeal of these rule parts.

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 9555.6255. Minnesota Rules, part 9555.6255 relates to rights for people living in adult foster care. These rights are now listed in Minn. Stat. 245A.11, subd. 10. In 2017, DHS proposed some legislative policy changes related to the federal home and community-based services settings rule, which included moving the rights from rule to statute. DHS proposed repealing this section of the rule, but it did not end up in the final bill. The Department is now considering whether to repeal these rule parts through the process detailed in Minnesota Statutes, section 14.3895, or to include it in a 2019 legislative proposal.

Please let me know if I can provide further assistance.

Sincerely,

Vanessa Vogl
Rulemaking Attorney
Administrative Law Office/General Counsel's Office

CC: Karen E. Sullivan Hook, DHS Administrative Law Office Manager
        Roberta Downing, DHS Assistant Commissioner for External Relations