



January 15, 2026

Senate Health and Human Services Committee
Senate Human Services Committee
House Children and Families Finance and Policy Committee
House Health Finance and Policy Committee
House Human Services Finance and Policy Committee

VIA ELECTRONIC MAIL

Re: Minnesota Department of Human Services Annual Rulemaking Docket Notice to the Legislature pursuant to Minnesota Statutes §14.116(a)

Dear Legislators:

[Minnesota Statutes §14.116\(a\)](#) states:

By January 15 each year, each agency must submit its rulemaking docket maintained under section 14.366, and the official rulemaking record required under section 14.365 for any rule adopted during the preceding calendar year, to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule.

This letter will serve as our notice, as required.

RULEMAKING DOCKET

The Minnesota Department of Human Services (“the Department”) maintains a rulemaking docket on our public website at <https://mn.gov/dhs/partners-and-providers/policies-procedures/rulemaking/>.

The current rulemaking docket is as follows:

Revision of Children’s Residential Facility Rules

Summary: A periodic review of the need for amendments to Rule 2960, governing licensure and certification of programs for children.

[Rule 2960](#), which was adopted in 1995, sets licensing and certification standards for all children’s residential facilities in the state. Originally created to provide consistent, safe, and equitable care across systems, the rule has not kept pace with the shifting landscape of residential services—including evolving terminology, new service models, recent federal requirements, and increasing structural complexity.

In 2025 DHS initiated a rulemaking process to revise Rule 2960 under the statutory authority of [Minnesota Statutes, section 245A.09, subdivision 4](#). That section requires DHS to “evaluate the effects” every five years of rules that “govern the operation, maintenance, and licensure of programs subject to licensure” under section 245A.

The effort to revise Rule 2960 will modernize the framework to improve clarity, reflect current practice, and support safe, high-quality care for children in all settings.

DHS is proceeding in two phases: Phase 1 will consider changes that are not expected to be controversial or opposed by stakeholders (providers, clients, advocates), and will include terminology updates, definition updates, updates to statutory references, and content updates. Phase 2 will be a larger overhaul that includes more substantive and complex content changes, including integration of rules for mental health and substance use disorder, addressing staffing ratios, and amending portions of the rule passed jointly with other agencies. Phase 2 will include a broader group of stakeholders.

Status

The Department held several internal meetings in 2025 with staff of DHS and other state agencies who have an interest in Rule 2960 (Departments of Education, Children, Youth & Families, and Corrections) to (1) draft and approve a Rule 2960 project charter, (2) establish the scope of revisions, (3) create a Rule 2960 SharePoint site/Teams channel, and (4) review proposed amendments to the rule. Additional meetings will be held in 2026 that will include external stakeholders, with a goal of preparing and publishing in the State Register the proposed Phase 1 amendments and a Request for Comments.

Contact information

Kevin Slator, Associate General Counsel, Minnesota Department of Human Services, Administrative Law, Office, P.O. Box 64254, St. Paul, MN 55164-0254 Phone: Phone: 651-431-4101. Email: dhsrulecomments@state.mn.us or kevin.slator@state.mn.us.

Residential Treatment Programs for Adults who are Mentally Ill

Summary: Proposed amendments to rules governing the residential treatment programs for adults who are mentally ill.

In accordance with a [2023 directive from the Minnesota Legislature](#), amendments have been proposed to Minnesota Rules, parts [9520.0500](#) to [9520.0670](#) (commonly referred to as “Rule 36”). The proposed amendments are intended to:

1. Update requirements for Category I programs to align with current mental health practices, client rights applicable to comparable services, and the health and safety needs of individuals receiving services;
2. Eliminate the Category II classification and its associated requirements; and
3. Add licensing requirements for the Forensic Mental Health Program.

The Department published a Notice of Request for Comments in the [December 2, 2024, issue of the State Register](#) (49 SR 607) and distributed the notice to individuals registered to receive the Department’s rulemaking announcements. The 60-day public comment period closed on January 31, 2025. One comment and response were received.

Status

A [website dedicated to proposed amendments to Rule 36](#) was launched in July 2025. The website provides background information on Rule 36, explains the need for revisions, includes a schedule of stakeholder meetings, and offers opportunities to submit comments and subscribe to a [Rule 36 email list](#). The site will also post draft revisions as it becomes available.

The Department conducted multiple stakeholder engagement efforts. On September 9, 2025, the Department held the first session of a two-part virtual stakeholder meeting series. This session provided foundational context on Rule 36, introduced the revision process, outlined the scope of the proposed changes, and highlighted opportunities for stakeholder engagement. Thirty-four individuals attended this meeting.

The second stakeholder meeting was held on September 11, 2025, with twenty-six individuals attending. This session included a detailed walkthrough of the proposed changes to Rule 36 and provided an opportunity for focused discussion and stakeholder input.

Both sessions drew a diverse range of representations of stakeholders affected directly or indirectly by the rule, such as representatives from counties, advocacy organizations, the ombudsmen for mental health and developmental disabilities, and other state agencies, divisions, and departments.

In addition, the Department met with Forensic Mental Health Program (FMHP) in a three-part meeting series on September 22, October 30, and November 19, 2025. The FMHP has been operating as a variance to Rule 36 since 2016 and will be codified into Rule 36 with this revision. These meetings included a detailed review of the existing variance, identification of recommended changes, and discussion of program areas requiring revision or clarification in the proposed rule amendments.

To ensure the revised rule reflects the lived experiences and perspectives of residents and patients, the Department has and continues to engage directly with resident and advisory councils. On December 17, 2025, Department staff attended a resident council meeting and a family advisory council meeting on January 6, 2026. Resident and advisory councils' members shared valuable feedback from a resident perspective on the proposed amendments.

Next Steps

Following the completion of stakeholder engagement activities, the Department will consolidate and analyze feedback, draft the first formal version of the revised rule, and post the draft for a public comment period.

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OFFICIAL RULEMAKING RECORDS

The Department did not adopt any new rules in 2025. All of the recently adopted rules are reflected on the Department's public website, <https://mn.gov/dhs/partners-and-providers/policies-procedures/rulemaking/>.

The Department's recent rulemaking activities, with links to their official records and other important documents, are:

Repeal of Rules Governing Investigation and Reports of Maltreatment of Vulnerable Adults

The Department used the obsolete rule repeal process at Minnesota Statutes, section 14.3895, to [repeal rules relating to investigation and reporting of maltreatment of vulnerable adults](#), Minnesota Rules, parts 9555.7100, 9555.7200, 9555.7300, 9555.7600, and 9543.0070, subpart 1, item B; part 9555.5515, item N; and part 9555.5705, subpart 3, item D. The comment period started March 24, 2025, and ended May 23, 2025. One comment was received. On June 9, 2025, Administrative Law Judge Suzanne Todnem approved the rule repeal. The Department published a Notice of Adopted Repeal of Obsolete Rules in the [Minnesota State Register on July 7, 2025](#) (50 SR 5). The rule repeal went into effect 5 days after publication.

The following rulemaking efforts have been terminated:

Recoupment or Recovery of Medical Assistance and MinnesotaCare Benefit Overpayments

In 2024 the Department [initiated an obsolete rule repeal process](#) relating to the termination of recoupment or recovery of medical assistance and MinnesotaCare benefit overpayments that were caused by an enrollee/recipient's error. The Department published a Notice of Intent to Repeal Obsolete Rules of the [Minnesota State Register on December 9, 2024](#) (49 SR 625). The relevant rules were [Minnesota Rules, part 9505.2215, subpart 1\(B\)](#), and [part 9505.2200, subpart 1](#). These rules were deemed to be obsolete based on guidance from the Centers for Medicare & Medicaid Services relating to "unwinding" after the end of the COVID-19 public health emergency. The federal guidance was rescinded on May 1, 2025, and the rule repeal proceeding was terminated.

Cost-of-Care for Clients in State-Operated Facilities

The Department considered amendments to Minnesota Rules, parts [9515.1000-.2600](#) that would update and clarify the process used to determine the ability of patients, clients, and relatives to pay for the cost of care in a state facility when no other payer is available or when the only payer available is a public payer. The Department published a Notice of Request for Comments in the [June 4, 2018, Minnesota State Register](#) (42 SR 1528). This project was then placed on hold. After the Direct Care and Treatment Administration separated from the Department and [became its own department in 2025](#), this rulemaking project was transferred to the new agency.

Retroactive Medical Assistance Billing

The Department considered an amendment to the rule governing retroactive billing for medical assistance providers and reimbursement of medical assistance recipients, [Minnesota Rules, part 9505.0450, subpart 3](#). The Department [requested comments on the proposed amendment](#), and the comment period ended on May 22, 2017 (41 SR 1059). This rulemaking project [has since been terminated](#).

Definition of Investigative

The Department considered repealing certain parts of Minnesota Rules, part 9505, governing administration of the medical assistance program that establish the health care services, durable medical equipment, and medical supplies for which providers are eligible to receive payment. In August 2014 the Department [proposed repealing obsolete language](#) from [Minnesota Rules, part 9505.5005](#), that refers to the National Blue Cross and Blue Shield Association Medical Advisory Committee because the committee no longer exists (39 SR 230). This rulemaking project [has since been terminated](#).

Please feel free to contact me at 651-431-4101 or kevin.slator@state.mn.us with any questions or for additional information.

Sincerely,

/s/

Kevin Slator
Rulemaking Attorney

cc: Andrew Johnson, DHS Chief General Counsel
Rick Figueroa, DHS Senior Counsel
Karen Sullivan Hook, DHS Administrative Law Office Manager

Kristy Graume, DHS Director of State Government Relations