

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Rule for Adoption

MINNESOTA DEPARTMENT OF PUBLIC WELFARE RULE 21

This rule covers grants to the counties of Dakota, Washington and Ramsey to individually or jointly established pilot programs of nonresidential community-based services of individualized treatment and rehabilitation to mentally ill persons residing in those counties under the provisions of Minnesota Statutes 245.72, as amended by Minnesota Laws 1976, Chapter 327.

A Introduction

1. This rule governs the financing of social and rehabilitative service costs to assist the counties of Dakota, Washington, and Ramsey in providing those nonresidential social and rehabilitative services to mentally ill residents of those counties who would otherwise be hospitalized or who are unable to use currently available after-care services. Services eligible for state financing under this rule shall be those contained in the individualized treatment plans of the mentally ill persons as determined by the above named counties. The goal of the individualized treatment plans shall be to enable those persons to live independently in the community without further hospitalization.

2. Definitions:

a. County Welfare Board: A legally established board under the authority of Minnesota Statutes 1974, Chapter 393.

b. Human Service Board: Single county or multi-county board established under the authority of Minnesota Statutes 1974, Chapter 402,

as amended.

c. Community Mental Health Board: A board organized under the authority of Minnesota Statutes, 245.61-.69 to provide local mental health programs and services.

d. Mentally Ill Person: A person defined by Minnesota Statutes 253A.02, subdivision 3.

e. Social and Rehabilitative Services: Those activities provided to carry out the individualized treatment plan for each eligible mentally ill person.

f. State Agency: Minnesota Department of Public Welfare.

B Standards for the Awarding of Grants

1. The state agency will apportion the available funds to the three above-named counties on the basis of their most current population as determined by the Metropolitan Council. The initial apportionment of available funds will be made for a period not to exceed 14 months, from May 1, 1976 to June 30, 1977. Subsequent apportionments will be made on a fiscal year basis.

2. By mutual agreement of the county welfare board and community mental health board, in such a county where there are separate such boards, or by a human service board where such board exists, a county's share of the available funds under this rule may be assigned directly to a designated intermediary which is willing to accept this responsibility to carry out the purposes of this rule. Such fiscal intermediary shall be a legally established county welfare board, community mental health board, or human service board in one of the three above-named counties. Such designation and acceptance of the designation by the fiscal intermediary shall be in

writing. The fiscal intermediary shall maintain such records as the commissioner of public welfare may require, and shall report to the commissioner on such forms and at such times as the commissioner shall indicate.

3. The funds available under this rule may be used to pay for expenses within the budget approved by the commissioner.

4. All vendors providing services eligible for reimbursement under this rule shall maintain records on each person served that document the existence of a written individualized treatment plan for each such person, the services provided to each such person to carry out the individualized treatment, the duration of such service, the outcomes of such services, and their costs. Such records shall be available for review by the county agency responsible for individual case management designated in accordance with B 5 infra.

5. Each of the three counties shall determine the county agency responsible for the case management of eligible persons and such agencies shall periodically review the progress of each eligible person with the fiscal intermediary, if one is designated, and with vendors authorized to provide services contained in each eligible person's individualized treatment plan.

6. By mutual agreement between any two or more of the above-named three counties, those funds available under this rule and apportioned to any one of these counties that are not needed by that county may be made available to the other county, or counties, to carry out the purposes of this rule. Funds may cover approved costs incurred after June 1, 1976.

C Application

1. Each of the three above-named counties may apply to the commissioner of public welfare for its share of the funds available under this rule, designating the fiscal intermediary if one is selected. The application shall be jointly signed by the county welfare board and the community mental health center board, or their designees where they are separate boards. In the event that a human service board is established in any of these counties, that board or its designee shall sign the application. In lieu of the above procedure and upon agreement of the county welfare boards and community mental health center boards or human service boards, if such are established in all three of the above-named counties, a designated fiscal intermediary may make a single application to the commissioner of public welfare for funds available under this rule. Such application shall specify the amount of funds being proportionately requested by each county and shall be jointly signed by the county welfare board and the community mental health board, or human service board, in each county.

2. Applications are to be sent to the Commissioner, Department of Public Welfare, Attention: Director, Mental Health Program Division.

3. Applications are to include the following:

a. Narrative description of the proposed services, the number of mentally ill persons expected to use the services, assurance that the individualized treatment programs of these persons will document their need for the proposed services, and a statement of the expected results.

b. A budget which states the cost of the proposed services.

D Evaluation

1. In accordance with Minnesota Laws, 1976, Chapter 327, the commissioner of public welfare shall establish the procedures necessary to monitor and evaluate each pilot program funded under this rule and shall make all necessary reports to the legislature. The commissioner may allocate funds for this purpose.

E Reports to the State Agency

1. The commissioner of public welfare shall require that those local boards and agencies receiving funds under this rule shall report to the state agency the number of persons served, their county of residence, the costs of providing the services to them, the results achieved, and other relevant data as requested.

APPROVED AS TO FORM AND LEGALITY

SEP 16 1976 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY /s/ Michael B. Miller

SPECIAL ASSISTANT ATTORNEY GENERAL

9:30 AM

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 16 1976
Joan Anderson Growe
Secretary of State

256
257
258
259

John H. Daniels
Special Assistant
Attorney General
Department of Welfare

Sept. 20, 1976

- DPW 21, DPW 22, DPW 23, DPW 178

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of Rule 21 of the Minnesota Department of Public Welfare

ORDER ADOPTING RULES

The above-entitled matter came on for a hearing before Hearing Examiner George A. Beck of the Minnesota Office of Hearing Examiners, at 9:00 a.m. on Tuesday, June 15, 1976, in Room 83 of the State Office Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0412, subd. 4 (1975 Supp.) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rule and the reasonableness thereof; and

Upon a review of the Findings of Fact, Conclusions and Recommendation of the Hearing Examiner dated July 9, 1976.

NOW, THEREFORE, IT IS ORDERED:

1. That the Findings of Fact, Conclusions and Recommendations of the Hearing Examiner dated July 9, 1976

is adopted by the Department of Public Welfare, and

2. That this rule, identified as DPW Rule 21, is adopted this 9th day of September, 1976, pursuant to the authority vested in me by Minn. Stat. § 246.01 (1974).

Dated: September 9, 1976.

Vera J. Likins

VERA J. LIKINS
Commissioner of Public Welfare

RECEIVED
MAY 14 1976
OFFICE OF HEARING EXAMINERS

MINNESOTA DEPARTMENT OF PUBLIC WELFARE RULE 21

This rule covers grants to the counties of Dakota, Washington and Ramsey to individually or jointly established pilot programs of nonresidential community-based services of individualized treatment and rehabilitation to mentally ill persons residing in those counties under the provisions of Minnesota Statutes 245.72, as amended by Minnesota Laws 1976, Chapter 327.

(I) Introduction

(a) This rule governs the financing of social and rehabilitative service costs to assist the counties of Dakota, Washington, and Ramsey in providing those nonresidential social and rehabilitative services to mentally ill residents of those counties who would otherwise be hospitalized or who are unable to use currently available after-care services. Services eligible for state financing under this rule shall be those contained in the individualized treatment plans of the mentally ill persons as determined by the above named counties. The goal of the individualized treatment plans shall be to enable those persons to live independently in the community without further hospitalization.

(b) Definitions:

(1) County Welfare Board: A legally established board under the authority of Minnesota Statutes 1974, Chapter 393.

(2) Human Service Board: Single county or multi-county board established under the authority of Minnesota Statutes 1974, Chapter 402, as amended.

(3) Community Mental Health Board: A board organized under the authority of Minnesota Statutes, 245.61-.69 to provide local mental health programs and services.

(4) Mentally Ill Person: A person defined by Minnesota Statutes 253A.02, subdivision 3.

(5) Social and Rehabilitative Services: Those activities provided to carry out the individualized treatment plan for each eligible mentally ill person.

(6) State Agency: Minnesota Department of Public Welfare.

(II) Standards for the Awarding of Grants

(a) The state agency will annually apportion the available funds to the three above-named counties on the basis of their most current population as determined by the Metropolitan Council.

(b) By mutual agreement of the county welfare board and community mental health board, in such a county where there are separate such boards, or by a human service board where such board exists, a county's share of the available funds under this rule may be assigned directly to a designated intermediary which is willing to accept this responsibility to carry out the purposes of this rule. Such fiscal intermediary shall be a legally established county welfare board, community mental health board, or human service board in one of the three above-named counties. Such designation and acceptance of the designation by the fiscal intermediary shall be in

writing. The fiscal intermediary shall maintain such records as the commissioner of public welfare may require, and shall report to the commissioner on such forms and at such times as the commissioner shall indicate.

(c) The funds available under this rule may be used to pay for expenses within the budget approved by the commissioner.

(d) At least one of the above-named boards in each county, and all vendors providing services eligible for reimbursement under this rule shall maintain records on each person served that document the existence of a written individualized treatment plan for each such person, the services provided to each such person to carry out the individualized treatment, the duration of such service, the outcomes of such services, and their costs.

(e) Each of the three counties shall determine the county agency responsible for the case management of eligible persons and such agencies shall periodically review the progress of each eligible person with the fiscal intermediary, if one is designated, and with vendors authorized to provide services contained in each eligible person's individualized treatment plan.

(f) By mutual agreement between any two or more of the above-named three counties, those funds available under this rule and apportioned to any one of these counties that are not needed by that county may be made available to the other county, or counties, to carry out the purposes of this rule. Funds may cover approved costs incurred after May 1, 1976.

(III) Application

(a) Each of the three above-named counties may apply to the commissioner of public welfare for its share of the funds available under this rule, designating the fiscal intermediary if one is selected. The application shall be jointly signed by the county welfare board and the community mental health center board, or their designees where they are separate boards. In the event that a human service board is established in any of these counties, that board or its designee shall sign the application.

(b) Applications are to be sent to the Commissioner, Department of Public Welfare, Attention: Director, Mental Health Program Division.

(c) Applications are to include the following:

(1) Narrative description of the proposed services, the number of mentally ill persons expected to use the services, assurance that the individualized treatment programs of these persons will document their need for the proposed services, and a statement of the expected results.

(2) A budget which states the cost of the proposed services.

(IV) Evaluation

(a) In accordance with Minnesota Laws, 1976, Chapter 327, the commissioner of public welfare shall establish the procedures necessary to monitor and evaluate each pilot program funded under this rule and shall make all necessary reports to the legislature. The commissioner may allocate funds for this purpose.

(V) Reports to the State Agency

(a) The commissioner of public welfare shall require that those local boards and agencies receiving funds under this rule shall report to the state agency the number of persons served, their county of residence, the costs of providing the services to them, the results achieved, and other relevant data as requested.

Rule OPD-76-008

STATE OF MINNESOTA

COUNTY OF RAMSEY

RECEIVED
MAY 14 1976
OFFICE OF HEARING EXAMINERS
2:15 P.M.

BEFORE VERA J. LIKINS

COMMISSIONER OF PUBLIC WELFARE

In the Matter of the Proposed Rule 21 of the Minnesota Department of Public Welfare.

ORDER FOR HEARING

The Commissioner of the Minnesota Department of Public Welfare deems it necessary to consider adoption of the proposed Rule 21 pursuant to the authority vested in her by Minnesota Statutes 1974, as amended.

NOW, THEREFORE, IT IS ORDERED this 14th day of May, 1976, that a public hearing on the proposed rules captioned above be held in the State Office Building Auditorium, St. Paul, Minnesota, on June 15, 1976, commencing at 9:00 a.m., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning rules scheduled each day.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

Vera J. Likins

VERA J. LIKINS
COMMISSIONER, MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

Dated:

RECEIVED
MAY 14 1976
OFFICE OF HEARING EXAMINERS
2:15 P.M.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE VERA J. LIKINS

COMMISSIONER OF PUBLIC WELFARE

In the Matter of the Proposed Rule 21 of the Minnesota Department of Public Welfare.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes 15.0412, subd. 4 (1975 Supp.) regarding the above-entitled matter, in the State Office Building Auditorium (Room 83), Wabasha Street (between Aurora and Fuller), St. Paul, Minnesota, on Tuesday, June 15, 1976, commencing at 9:00 a.m., and continuing until all representatives or other interested groups or persons have had an opportunity to be heard concerning proposed Rule 21, by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

Rule DPW 21, Nonresidential Services to Mentally Ill Persons, governs State financing of pilot programs in Dakota, Washington and Ramsey Counties for individualized treatment and rehabilitation of their residents. These services are to assist persons who would otherwise be hospitalized or who are unable to use currently available aftercare services.

Under Minnesota Statutes 10A.01, subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five (5) days of the commencement of such activity by the individual. (The State Ethics Commission is located at Room 410, State Office Building, St. Paul, Minnesota 55155.)

Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to George Beck, Office of Hearing Examiner, 1745 Unviersity Avenue, St. Paul, Minnesota 55104, within 20 days following conclusion of the hearing. If the person submitting a written document cannot be present to read his statement at the hearing, the document will be entered into the record. For those persons wishing to submit written statements or exhibits, it is requested that at least three (3) copies of each statement, exhibit or summary be furnished at the hearing. It is suggested that to save time and avoid duplication, those organizations or associations sharing common viewpoints or interests in these proceedings join together where possible and present a single statement on behalf of such interests. All statements submitted should clearly identify the rule number to which the statement pertains. It is expected that 25 people will attend the hearing and that the hearing will take three (3) hours.

Copies of the rule are now available and may be obtained by writing: Terry Sarazin, Minnesota Department of Public Welfare, Mental Health Division, lst floor Centennial Office Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

Vera J. Likins

VERA J. LIKINS
Commissioner

Dated: May 14, 1976

State's Ex. 3

RECEIVED

MAY 21 1976

OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

JACQUELINE S. GUSTAFSON, being duly sworn on oath deposes and states:

1. That she is an employee of the Department of Public Welfare of the State of Minnesota.

2. That on the 13th day of May, 1976, she went to the Minnesota Secretary of State's Office and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412 (1974), as amended.

3. That on the 13th day of May, 1976, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Jacqueline S. Gustafson
JACQUELINE S. GUSTAFSON

Subscribed and sworn to before me
this 14 day of May, 1976.

Margaret A. Holt
Margaret A. Holt
MARGARET HOLT
Notary Public, Ramsey County, Minn.
My Commission Expires Sept. 22, 1977.

States' Ex 8
HB

RULES AND REGULATIONS

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Rule 21 of the Minnesota Department of Public Welfare

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482 labels and

I hereby certify that the attached two sheet(s) constitute the complete list of persons, associations, and other interested groups who as of 11:15 o'clock A .M., this 13th day of May, 1976, have requested pursuant to M.S. 1974, Sec. 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Joan Anderson Growe

By Ceil Dion

State's Ex. 4

RECEIVED
MAY 21 1976
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

In the Matter of the Proposed Rule 21 of the Minnesota Department of Public Welfare.

AFFIDAVIT OF MAILING

Terry Sarazin , being first duly sworn, deposes and says:

That on the 14 day of May, 1976, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

Terry Sarazin

Subscribed and sworn to before me
this 19 day of May, 1976.

Margaret Holt
Margaret A. Holt
MARGARET HOLT
Notary Public, Ramsey County, Minn.
My Commission Expires Sept. 22, 1977.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE Vera J. Likins

COMMISSIONER OF PUBLIC WELFARE

In the matter of the Proposed Adoption of Rule 21 of the Minnesota Department of Public Welfare Relating to the making of grants to the Counties of Dakota, Washington, and Ramsey to establish pilot programs of non-residential community-based treatment and rehabilitation of mentally ill persons.

STATEMENT OF NEED

Proposed Minnesota Rule DPW 21 is a new administrative rule of the Minnesota Department of Public Welfare and is not an amendment to an already existing rule.

The need to adopt Minnesota Rule DPW 21 arises because:

1. Minnesota Statutes 245.72 as amended by Minnesota Laws 1976, Chapter 327, permits the Commissioner of Public Welfare to make grants to the Counties of Dakota, Washington, and Ramsey to individually or jointly establish pilot programs of non-residential community-based services of individualized treatment and rehabilitation to mentally ill persons residing in those counties.

2. The record of the legislative Conference Committee of April 2, 1976, indicates legislative intent to initiate these services as soon as possible.

3. These services are intended to assist persons who would otherwise be hospitalized or who are unable to use currently available aftercare services.

4. Many experts in the field of mental health treatment and rehabilitation are convinced that community-based care and treatment are preferable to institutional care and treatment in that they are less disruptive to people's family and social relationships, and to their employment; that they carry much less social stigma; that they are a less restrictive alternative; and that recovery often occurs more quickly in familiar than unfamiliar surroundings.

5. This legislation is compatible with the Department of Welfare's Comprehensive Plan submitted to the Minnesota Legislature in January, 1975, and the Department of Public Welfare's Report to the 1976 Minnesota Legislature, submitted on January 5, 1976, which proposes a plan of community care of mentally ill residents of the Counties of Dakota, Washington, and Ramsey.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

Dated: May 18, 1976

VERA J. LIKINS
Commissioner

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS
ROOM 300 – 1745 UNIVERSITY AVENUE
ST. PAUL, MINNESOTA 55104
(612) 296-6910

July 9, 1976

Mr. James T. Sarazin
Director of the Mental Health
Program Division
Bureau of Community Services
Department of Public Welfare
Centennial Office Building
Saint Paul, Minnesota 55155

In re: In the Matter of the Proposed Rule 21 of the Minnesota Department of Public Welfare; DPW-76-008-GB

Dear Mr. Sarazin:

Enclosed and served upon you by mail please find my Report concerning the above-entitled matter.

I am also returning to you all exhibits which were submitted.

Sincerely,

GEORGE A. BECK
Hearing Examiner

GAB:sw
Enclosures

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

BEFORE THE DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Rule 21 of the Minnesota Department of Public Welfare	FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION

The above-entitled matter came on for hearing before George A. Beck, duly appointed as Hearing Examiner in this matter, on June 15, 1976 at 9:00 a.m. in the Auditorium (Rm. 83) of the State Office Building, City of Saint Paul, County of Ramsey, State of Minnesota.

This is a rules hearing held pursuant to Minnesota Statutes, Chapter 15, to determine whether proposed Department of Public Welfare Rule 21 should be adopted.

The agency was represented by James T. (Terry) Sarazin, Director of the Mental Health Program Division, Bureau of Community Services, Department of Public Welfare.

Witnesses included: Dr. Loring McAllister, Chief Psychologist, Dakota County Mental Health Center; and Don Schmidt, Program Coordinator, SLIC, Inc.

Based upon all the exhibits, testimony, and written comments, the Hearing Examiner makes the following:

FINDINGS OF FACT

1. That the agency submitted the following documents as exhibits in this matter:

   a. The Notice of Hearing (Ex. 1)

   b. The Order for Hearing (Ex. 2)

   c. The Affidavit of Receipt of the Secretary of State's List (Ex. 3)

   d. The Affidavit of Mailing (Ex. 4)

   e. The Statement of Witnesses (Ex. 5)

   f. The Statement of Need (Ex. 6)

   g. Proposed Rule 21 (Ex. 7)

   h. Certificate of the Secretary of State (Ex. 8)

2. That Exhibits 1, 2 and 7 as proposed were filed with the Office of Hearing Examiners on May 14, 1976 and that Exhibits 1, 2, 3, 4, 5 and 6 were filed with the Office of Hearing Examiners on May 21, 1976. All of the aforementioned documents were available for inspection at the Office of Hearing Examiners from the date of filing

to the date of hearing.

3. That the Department cited Minn. Stat. § 246.01 and Minn. Laws 1976, ch. 327 as authority for promulgation of the proposed rule.

4. That the rule proposed is needed to implement Minnesota Laws 1976, ch. 327 which appropriates funds for a pilot program to provide nonresidential community based services of individualized treatment and rehabilitation to mentally ill persons residing in Dakota, Washington and Ramsey Counties.

5. That Section I of the proposed rule is necessary to explain the scope and purpose of the rule and to provide definitions needed to interpret the rule. The concept of community based care and treatment is supported by expert opinion which says that such treatment is preferable to institutional care and treatment in that it is less disruptive to a person's family and social relationships and employment; that less social stigma results and that recovery often occurs more quickly in familiar rather than unfamiliar surroundings.

6. That Section II of the proposed rule is necessary to set the standards and conditions for the awarding of grants. It was suggested at the hearing that Section II (a) be clarified to specify that the initial apportionment of funds would cover the period of May 1, 1976 to June 30, 1977 since the legislation was effective at the end of April, 1976. It was also suggested that Section II (d) be modified to eliminate record keeping by the county agency and require it only of the vendor with review by the county agency.

7. That Section III of the proposed rule is necessary to set the method for and content of applications for funding. It was suggested at the hearing that an alternate procedure be provided in regard to Section III (a) which would allow the three counties involved to make a single application through a single designated fiscal intermediary.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. That the Department of Public Welfare gave proper notice of the proposed adoption of the rule.

2. That the Department of Public Welfare properly documented its statutory authority to take the proposed action, to wit, the promulgation of this rule.

3. That the Department of Public Welfare has fulfilled all relevant substantive and procedural requirements of law or rule.

4. That the Department of Public Welfare demonstrated the need for the reasonableness of its proposed action, to wit, the promulgation of this rule, with an affirmative presentation of facts.

5. That the proposed rule should be renumbered and relettered to conform to Minnesota Rule RESTR 6D.

6. That the Department should review Minn. Laws 1975, Chapter 434 to determine whether the Department is in compliance with said statute.

RECOMMENDATION

It is recommended that the proposed rule be adopted with consideration given to the Findings of Fact and Conclusions herein.

Dated:
July 9, 1976

George A. Beck
Hearing Examiner

PLEASE TAKE NOTICE that pursuant to Minn. Stat. § 15.0412, subd. 4 and Minn. Stat. § 15.052, subd. 4 (Supp. 1975), the Department of Public Welfare shall make this report available to all affected individuals upon request for at least ten (10) days before the Department takes any final action on the proposed rule.

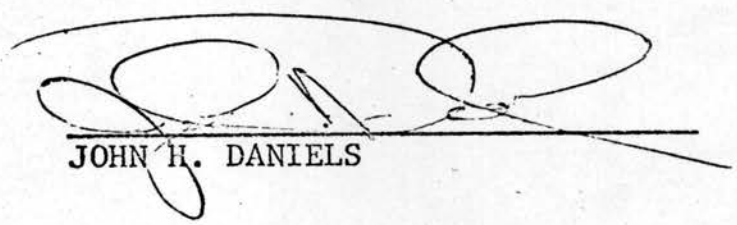
The Department shall, if it decides to adopt the rule as originally proposed or amended, submit the complete hearing record to the Chief Hearing Examiner no earlier than ten (10) days subsequent to the receipt of this report. The Department must submit the rule as originally proposed and the rule as proposed for adoption in final form.

The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Department on the issue of substantial changes in the rule within ten (10) calendar days. The Department is then responsible for filing the rule with the Attorney General.

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General John H. Daniels, Jr., do hereby declare that I have examined proposed Rule 21 and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.



JOHN H. DANIELS

Dated: August 17, 1976

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED)
RULE 21 OF THE MINNESOTA)
DEPARTMENT OF PUBLIC WELFARE)

REPORT OF THE ACTING
CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on June 15, 1976, before George A. Beck, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. §15.052, Subd. 3, was issued to the Department of Public Welfare on July 9, 1976; and

WHEREAS, the Department of Public Welfare has now determined to adopt rules pursuant to Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Department of Public Welfare has submitted said rules to the Acting Chief Hearing Examiner for review pursuant to Minn. Stat. §15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Acting Chief Hearing Examiner finds that there are no substantial changes in said rules as originally proposed.

NOW, THEREFORE, upon receipt of this Report, the Department of Public Welfare has the responsibility of submitting the complete hearing record and the rules as adopted by the Department to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. §15.0412, Subd. 4.

Dated this 11th day
of August, 1976.

DUANE R. HARVES
Acting Chief Hearing Examiner

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of Rule 21 of the Minnesota Department of Public Welfare

ORDER ADOPTING RULES

The above-entitled matter came on for a hearing before Hearing Examiner George A. Beck of the Minnesota Office of Hearing Examiners, at 9:00 a.m. on Tuesday, June 15, 1976, in Room 83 of the State Office Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 15.0412, subd. 4 (1975 Supp.) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rule and the reasonableness thereof; and

Upon a review of the Findings of Fact, Conclusions and Recommendation of the Hearing Examiner dated July 9, 1976.

NOW, THEREFORE, IT IS ORDERED:

1. That the Findings of Fact, Conclusions and Recommendations of the Hearing Examiner dated July 9, 1976

is adopted by the Department of Public Welfare, and

2. That this rule, identified as DPW Rule 21, is adopted this 9th day of September, 1976, pursuant to the authority vested in me by Minn. Stat. § 246.01 (1974).

Dated: September 9, 1976.

Vera J. Likins

VERA J. LIKINS
Commissioner of Public Welfare