

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ADMIN 1000 (Rev. 1 78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : GEORGE R. PETTERSEN
Commissioner of Health

Attn: William Miller
Special Assistant
Attorney General

DATE: January 26, 1981

FROM : JERRY S. ANDERSON
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of Adopted Vital Statistics Rule
7 MCAR § 1.008

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages of the rules in the approved set.

If you have any questions in this regard, please contact me.

JSA:jb
Enc.
cc: Duane Harves
Susan Robertson

Our File No. 664

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1/14/81
DATE FOR REVIEW 1/22/81
DATE DUE 1/28

Adopted w/a hearing _____
Adopted w/o a hearing X
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____

____ Rule as Adopted not submitted — see my note

✓ Rule as Proposed - as published in SR.

✓ Order Adopting 1.8.81

N/A Notice of Intent to Solicit Outside Opinion

____ Order for rulemaking not submitted - see my note
_____ ~~Date of Hearing~~

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking (as mailed
OK Sufficiency except for incorrect citation to subd. of APA - should be "subd 4(h)"

✓ Affidavit of Mailing Notice of rulemaking
11.17.80 At least 30 days prior to ~~hearing~~/adoption

____ Mailing list Certificate - not submitted, but see reference to "attached list" in affidavit of mailing

✓ Publication in State Register
11.24.80 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

N/A Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

____ Agency's Findings of Fact not submitted

N/A LCRAR Report or agency Affidavit

N/A Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

____ Affidavit of Mailing Notice of Submission to Attorney General

____ Notice of Submission to the Attorney General

not submitted, but see Memo of Transmission, W. Miller to J. Anderson, 1/12/81

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Proposed
Amendment of Vital Statistics Rule
7 MCAR § 1.008

ORDER AMENDING RULES

Notice of the Commissioner's intent to amend the above-entitled rule without a public hearing was published in the State Register on November 24, 1980 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. § 15.0412, subd. 4 on November 17, 1980. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving no written requests for a public hearing within the 30-day comment period, and determining the need for and reasonableness of the above-captioned rule,

NOW, THEREFORE, IT IS ORDERED that these rules identified as 7 MCAR § 1.008 are amended this 12th day of January, 1981 pursuant to authority vested in me by Minn. Stat. § 144.12 (1980) and pursuant to Minn. Stat. § 257.33 (1980).

Dated: January 8, 1981

MINNESOTA DEPARTMENT OF HEALTH

George R. Petterson M.D.

GEORGE R. PETTERSEN, M.D.
Commissioner of Health

RULE AS AMENDED

7 MCAR § 1.008 is amended to delete 7 MCAR § 1.008 D, as referenced below, and to reletter 7 MCAR §§ 1.008 E-H as D-G.

~~7-MCAR-§-1.008-D.-Out-of-wedlock-reports.-Every-out-of-wedlock-birth-shall-be-reported-within-24-hours-after-the-birth-of-the-child,-to-the-Commissioner-of-Public-Welfare,-on-a-form-furnished-by-him.~~

Re: In the Matter of the Proposed Amendment of Vital Statistics Rule & MCAR § 1.008

DEPARTMENT OF HEALTH
Vital Statistics

APPROVED AS TO FORM AND LEGALITY

1-21 19 81

WARREN SPANNAUS, ATTORNEY GENERAL

BY Jerry Anderson

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 23 1981
Joan Anderson Growe
Secretary of State

10:10 AM

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Health

Office Memorandum

TO : Jerry Anderson
Special Assistant
Attorney General

DATE: January 12, 1981

FROM : William G. Miller
Special Assistant
Attorney General

PHONE: 341-7272

SUBJECT: In the Matter of the Proposed Amendment of Vital Statistics Rule 7 MCAR § 1.008

I have enclosed for your review the relevant documents related to the above-captioned rules. No requests for a hearing on this matter were received by the agency. No one requested to be notified of this submission. I have included:

a) Notice and a copy of the section proposed to be repealed as it appeared in the State Register of November 24, 1980;

b) Notice as was mailed (with affidavit of mailing);

c) Statement of Need and Reasonableness;

d) Order of Adoption; and

e) Statement of Compliance.

You will note that some of the documents reference the "repeal" of 7 MCAR § 1.008(D) and some reference the "amendment" of 7 MCAR § 1.008. For reasons still unclear to me, the State Register imposed the change on the documents it printed and by the time the matter was raised with me, it was not worth the effort to argue them into a change. I do not think this should have any effect on the rules.

WGM:rlb

Enclosures

RECEIVED
JAN 14 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

PRINTED ON RECYCLED PAPER

H. ~~F.~~ The ~~Commissioner of Administration~~ Director of the Division of Procurement may divide bid invitations by dollar amounts, units of production, or duration of contract to facilitate awarding contracts to business in the set-aside program.

I. ~~G.~~ No contractor awarded a contract under the set-aside program shall sub-contract fifty percent (50%) or more of the dollar value of the work under such contract. In construction contracts, the amount of specialty sub-contracting shall be excluded in determining the total amount of permissible sub-contracting.

Department of Health
Vital Statistics

Proposed Amendment of Vital Statistics Rule 7 MCAR § 1.008

Notice of Intent to Amend Rule without A Public Hearing

Notice is hereby given that the Minnesota Commissioner of Health (hereinafter "commissioner") proposes to amend rule 7 MCAR § 1.008. The amendment of this rule would also necessitate the renumbering of 7 MCAR § 1.008 E.-H. as D.-G. to conform with the elimination of paragraph D. The rule currently provides:

7 MCAR § 1.008

D. Out-of-wedlock reports. Every out-of-wedlock birth shall be reported within 24 hours after the birth of the child, to the Commissioner of Public Welfare, on a form furnished by him.

The necessity for this paragraph was removed through the adoption by the legislature of amendments to Minn. Stat. § 257.33 (Minn. Laws of 1980, ch. 589, § 31).

The commissioner has determined that the amendment of this rule will be uncontroversial in nature, due to the above-referenced legislative change. Therefore, this proceeding is being made under the provisions of Minn. Stat. § 15.0412, subd. 4(g) (Minn. Laws of 1980, ch. 615 § 7), which provides for an expedited process for the adoption of uncontroverted administrative rule changes without the holding of a public hearing.

The public is hereby advised that:

1. There is a period of 30 days in which to submit comment on the proposed rule;

2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30 day comment period;

3. All comments and any written requests for a public hearing shall be submitted to Frederick L. King, State Registrar of Vital Records, 235 Minnesota Health Department Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

4. The proposed amendment may be modified if modifications are supported by the data and views submitted;

5. The agency now has available a "Statement of Need and Reasonableness" supporting the proposed rule amendment. Anyone wishing to receive a copy of this document may contact Mr. King at the above-listed address;

6. Under this expedited procedure, the agency must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Mr. King at the above listed address;

7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice;

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

November 5, 1980

George R. Pettersen, M.D.
Commissioner of Health

Amendments as Proposed

~~7 MCAR § 1.008 D. Out-of-wedlock reports. Every out-of-wedlock birth shall be reported within 24 hours after the birth of the child, to the Commissioner of Public Welfare, on a form furnished by him.~~

[7 MCAR § 1.008 E.-H. Reletter as D.-G.]

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the
Proposed Repeal of
Vital Statistics Rule
7 MCAR § 1.008(D)

NOTICE OF
RULEMAKING

Notice is hereby given that the Minnesota Commissioner of Health (hereinafter "Commissioner") proposes to repeal rule 7 MCAR § 1.008(D). The repeal of this rule would also necessitate the renumbering of 7 MCAR §§ 1.008(E)-(H) to conform with the elimination of section 1.008(D). The rule currently provides:

7 MCAR § 1.008

D. Out-of-wedlock reports. Every out-of-wedlock birth shall be reported within 24 hours after the birth of the child, to the Commissioner of Public Welfare, on a form furnished by him.

The necessity for this rule was removed through the adoption by the legislature of amendments to Minn. Stat. § 257.33 (Minn. Laws 1980, ch. 589, § 31).

The Commissioner has determined that the repeal of this rule will be uncontroversial in nature, due to the above-referenced legislative change. Therefore, this proceeding is being made under the provisions of Minn. Stat. § 15.0412, subd. 4(g) (Minn. Laws 1980, ch. 615 § 7), which provides for an expedited process for the adoption of uncontroverted administrative rule changes without the holding of a public hearing.

The public is hereby advised that:

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2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30 day comment period;

3. All comments and any written requests for a public hearing shall be submitted to Frederick L. King, State Registrar of Vital Records, 235 Minnesota Health Department Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

4. The proposed repeal may be modified if modifications are supported by the data and views submitted;

5. The agency now has available a "Statement of Need and Reasonableness" supporting the proposed rule repeal. Anyone wishing to receive a copy of this document may contact Mr. King at the above-listed address;

6. Under this expedited procedure, the agency must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Mr. King at the above listed address;

7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice;

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the State Register of notice of the adoption of the change.

Dated: November 5, 1980

STATE OF MINNESOTA

COMMISSIONER OF HEALTH

s/George R. Pettersen, M.D.
GEORGE R. PETTERSEN, M.D.
Commissioner

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Frederick L. King, being first duly sworn upon oath, deposes and says:

That at the City of Minneapolis, county and state aforementioned, on the 17th day of November, 1980, he serve the attached NOTICE by depositing in the United States mail at said city, a true and correct copy thereof, properly enveloped, with first class postage prepaid, and addressed to the attached list.

Frederick L. King

FREDERICK L. KING

Subscribed and sworn to before me this 17th of November, 1980.

Christine Grinsteinner

NOTARY PUBLIC

CHRISTINE GRINSTEINNER
Notary Public, Dakota Co., Minn.
My Commission Expires
Dec. 5, 1981

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the
Proposed Repeal of
Vital Statistics Rule
7 MCAR § 1.008(D)

NOTICE OF
RULEMAKING

Notice is hereby given that the Minnesota Commissioner of Health (hereinafter "Commissioner") proposes to repeal rule 7 MCAR § 1.008(D). The repeal of this rule would also necessitate the renumbering of 7 MCAR §§ 1.008(E)-(H) to conform with the elimination of section 1.008(D). The rule currently provides:

7 MCAR § 1.008

D. Out-of-wedlock reports. Every out-of-wedlock birth shall be reported within 24 hours after the birth of the child, to the Commissioner of Public Welfare, on a form furnished by him.

The necessity for this rule was removed through the adoption by the legislature of amendments to Minn. Stat. § 257.33 (Minn. Laws 1980, ch. 589, § 31).

The Commissioner has determined that the repeal of this rule will be uncontroversial in nature, due to the above-referenced legislative change. Therefore, this proceeding is being made under the provisions of Minn. Stat. § 15.0412, subd. 4(g) (Minn. Laws 1980, ch. 615 § 7), which provides for an expedited process for the adoption of uncontroverted administrative rule changes without the holding of a public hearing.

The public is hereby advised that:

1. There is a period of 30 days in which to submit comment on the proposed rule;

2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30 day comment period;

3. All comments and any written requests for a public hearing shall be submitted to Frederick L. King, State Registrar of Vital Records, 235 Minnesota Health Department Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

4. The proposed repeal may be modified if modifications are supported by the data and views submitted;

5. The agency now has available a "Statement of Need and Reasonableness" supporting the proposed rule repeal. Anyone wishing to receive a copy of this document may contact Mr. King at the above-listed address;

6. Under this expedited procedure, the agency must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Mr. King at the above-listed address;

7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice;

8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the State Register of notice of the adoption of the change.

Dated: November 5, 1980

STATE OF MINNESOTA

COMMISSIONER OF HEALTH

George R. Petersen M.D.

GEORGE R. PETTERSEN, M.D.
Commissioner

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of the Proposed
Repeal of Vital Statistics Rule
7 MCAR § 1.008(D)

STATEMENT OF NEED
AND REASONABLENESS

The need for and reasonableness of the proposed repeal of 7 MCAR § 1.008(D) (Minn. Rule MHD 8(d)) stems from the adoption by the Legislature of amendments to Minn. Stat. § 257.33 (Minn. Laws 1980, ch. 589, § 31). This statute formerly required that, upon notification of the delivery of an "illegitimate child," the Commissioner of Public Welfare was required to take certain steps to assure that the interests of the child are provided for. To assist the Commissioner in this duty, the Commissioner of Health adopted the rule that came to be codified as 7 MCAR § 1.008(D). This rule required the prompt reporting to the Commissioner of Welfare of out-of-wedlock births, so that appropriate social services could be rendered.

The 1980 amendment to the statute deleted the language related to "illegitimate" births and substituted new authority for the Commissioner of Welfare to "offer appropriate social services to <u>any</u> pregnant woman who is in need of social services under criteria <u>prescribed by rule of the Commissioner</u> [of welfare]." (Emphasis added.) The statute no longer limits the provision of these services to unmarried mothers and grants to the Commissioner of Welfare the authority to prescribe the criteria under which these services will be rendered. Thus the present rule of the Commissioner of Health is of no further assistance to the Commissioner of Welfare.

The Department of Public Welfare (DPW) is currently developing its criteria to implement the statutory amendment. Mr. Clayton Hagen, who is in charge of the program for unmarried mothers at DPW has informed the Department of Health (MHD) that the reporting rule is no longer of use to their program and he has recommended the prompt repeal of the rule. The Commissioner of Health has further determined that there would be no benefit to the public health should the rule remain effective. Therefore,

there is no need to burden providers of health care with the duty to report information which is of no further use to the government.

The Commissioner of Health has chosen to initiate this repeal proceeding under the provisions of Minn. Stat. § 15.0412, subd. 4(g) (Minn. Laws 1980, ch. 615, § 7). Under this provision, no public hearing will be required unless such is requested by at least seven persons. Given the clear mandate of the Legislature and the demonstrable lack of further need for this rule, it is anticipated that this rule will be uncontroversial and that no hearing will be necessary.

Dated: November 17, 1980.

MINNESOTA DEPARTMENT OF HEALTH

Frederick L. King

FREDERICK L. KING
State Registrar

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE
CENTENNIAL OFFICE BUILDING
ST. PAUL, MINNESOTA 55155

OFFICE OF THE
COMMISSIONER
612/296-2701

GENERAL
INFORMATION
612/296-6117

November 18, 1980

PLEASE REPLY TO_____

Frederick L. King
State Registrar of Vital Records
235 Minnesota Health Department Building
717 Delaware Street Southeast
Minneapolis, MN 55440

Re: Proposed Repeal of Vital Statistics Rule 7 MCAR §1.008(D)

Dear Mr. King:

I support the repeal of the above-mentioned rule. The amendments to Minn. Stat. §257.33 (Minnesota Laws 1980, Ch. 589, paragraph 31) removed the requirement that the Commissioner of Public Welfare offer service to unmarried mothers when notified of the birth of the child. There is, therefore, no basis to require hospitals to notify the Commissioner of Public Welfare of these births.

Sincerely,

Clayton Hagen

Clayton Hagen
Services to Unmarried Parents

DMX-c

NOV 19 1980

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General William G. Miller, do hereby declare that I have examined the proposed rules relating to the Proposed Repeal of Vital Statistics Rule 7 MCAR § 1.008(D) and all related documents and that, based on such examinations and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. The exceptions are as follows:

Dated: 1-12, 1981

WILLIAM G. MILLER
Special Assistant
Attorney General