

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File No. 774

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1-11-82
DATE FOR REVIEW 1-20-82
DATE DUE 1-25-82

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

Approved 1-20-82 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 1-20-82 Revisor approved 1/12/82 disapproved 1/12/82

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order "Adopting" 1.4.81 Date

_____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Mailing list Certificate

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

N/A Hearing Examiner's Report

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

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

_____ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

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

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General
no requests rec'd
See Hampes memo.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : ARTHUR E. NOOT
Commissioner, Department of Public Welfare

DATE: January 20, 1982

ATTN : Bob Hamper, Manuals & Bulletins

FROM : JERRY S. ANDERSON
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing Protection of Public Assistance Records, 12 MCAR 2.045, Contract with Nonprofit Medical and Hospital Service Organizations, 12 MCAR 2.046, and Pilot Dental Care Programs for Senior Citizens, 12 MCAR 2.059.

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 to the rules in the approved set.

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

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

JSA:drw

AR0148

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Department of Public Welfare

Rule Numbers: 12 MCAR SS 2.045; 2.046; and 2.059

Rule Title: Adopted Repeal of Rules Governing Protection of Public Assistance Records, Contracts with Non-profit Medical and Hospital Service Organizations and Pilot Dental Care Programs for Senior Citizens

Type of Rules: Permanent X

Temporary _____

Documents Incorporated by Reference: None

The attached Rules are approved as to form.

Steven C. Cross
Revisor of Statutes

APPROVED AS TO LEGALITY
1/20 1982
WARREN SPANNAUS, ATTORNEY GENERAL
BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

Name: Ann L. Bateson
Ann L. Bateson
Title: Deputy Revisor

Phone: 296-1536

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 20 1982
Joan Anderson Growe
Secretary of State

2:10 P.M.

Department of Public Welfare

Support Services Bureau

Adopted Repeal of Rules Governing Protection of Public Assistance Records (12 MCAR S 2.045), Contracts with Nonprofit Medical and Hospital Service Organizations (12 MCAR S 2.046), and Pilot Dental Care Programs for Senior Citizens (12 MCAR S 2.059)

Rules as Adopted

Repealer. Rules 12 MCAR SS 2.045; 2.046; and 2.059 are repealed.

ADOPTED

§ 2.059 Pilot dental care programs for senior citizens.

A. Applicability and purpose.

1. Authority.

This rule is enacted pursuant to the statutory authority vested in the Commissioner of Public Welfare pursuant to Minnesota Laws 1976, ch. 305, requiring the Commissioner to establish two pilot programs to provide dental care to senior citizens.

2. Objectives.

The objectives of the pilot dental programs for senior citizens are:

a. To determine the need for and feasibility of establishing a statewide dental program for eligible senior citizens;

b. To determine the optimal method of providing dental service;

c. To determine whether the provision of dental service causes the general health of the participants to be improved;

d. To determine whether the provision of dental services to the eligible senior citizens provides comparable benefits to society as if provided to others.

B. Definitions.

For the purposes of this rule:

1. "Commissioner" shall mean Commissioner of the Department of Public Welfare.

2. "Pilot Program Area" shall mean that geographic area from which a pilot program shall draw its pool of applicants.

3. "Random selection" shall mean selection of a group of participants from eligible applicants in such a manner that each person has an equal chance of being selected.

C. Service contract.

The Commissioner shall contract for the provision and financing of dental services on the basis of proposals addressing the following items:

1. Cost of premiums or service

2. Provision of data on utilization and types of dental care provided

3. Accessability of dental services

4. Collection and submittal of evaluation questionnaires as prescribed by the Commissioner

5. Random selection of participants from a pool of eligible applicants.

D. Public information.

The Commissioner shall be responsible for providing public information within the pilot program areas and shall receive all applications from residents of the pilot program areas. The Commissioner shall review all applications and determine eligibility. Participants shall then be selected at random from the pool of eligible applicants.

E. Task force.

The Commissioner shall appoint a seven member advisory task force to advise on the operation of the pilot programs. All members shall be 62 years of age or over.

F. Pilot program area.

The two pilot program areas shall be selected by the Commissioner with the advice of the seven member advisory task force. One pilot program shall be located within the seven county metropolitan area and the other shall be located elsewhere in the state. Criteria for selection of the pilot program areas shall be:

1. Availability of dental services—this means an adequate number of dentists to handle the patient load.

2. Availability of an adequate number of potentially eligible participants so that a random selection can be made.

G. Payment.

The full cost of premiums for participation in each pilot program shall be paid by the Commissioner for the selected participants. The cost of the dental services equal to at least 80 percent of the usual, customary and reasonable fee of the treating dentist, will be paid by the dental carrier with no deductible amount. Participants shall be responsible for the remaining 20 percent of the fee and for any dental services in excess of $500 per participant per year.

H. Evaluation and report.

The Commissioner shall evaluate and report the results of the pilot programs to the Legislature by January 2, 1978. The reports shall include but not be limited to: 1) the optimal methods of providing dental services including the cost effectiveness of each, 2) the effect, if any, upon the general health of the individual receiving the dental services, 3) the extent and quality of dental services provided by the pilot program, 4) the number of participants in each pilot program, and 5) the types of dental care most used or needed by the participants.

Effective Date: Feb. 27, 1977
(1 S. R. 1181, Feb. 7, 1977)

ADOPTED

§ 2.045 Protection of public assistance records.

A. This rule provides for the protection of public assistance records from public disclosure. Protection of this confidential information from public disclosure is a basic responsibility of county welfare boards.

B. Information to be protected against unauthorized disclosure or improper use includes:

1. The names and addresses of all recipients of Old Age Assistance, Aid to Families With Dependent Children, Medical Assistance, Aid to the Blind, and Aid to the Disabled, whether in the form of individual names or addresses or lists of recipients.

2. All information contained in applications, reports of investigations, reports of medical examinations, correspondence on cases, and other records about the conditions or circumstances of any person from whom or about whom information is obtained, whether the recipient or a collateral reference.

3. Records of agency evaluation or such information.

C. All such information must be safeguarded from disclosure or use not directly related to the administration of the program. The administration of public assistance includes the establishment of eligibility, the determination of amount of assistance, and the provision of services for applicants of public assistance. No disclosure of any information obtained by a representative or employee of the agency in the course of carrying out the duties of the agency shall be made directly or indirectly except as required by the proper administration of the public assistance programs. All employees of the agency, public officials, and, whenever suitable, all applicants and recipients, representatives of other agencies, and the inquiring public, must be informed that information obtained in the course of administering public assistance is and will be used only in carrying out the public assistance program and for no other purpose.

D. When the applicant or recipient has asked for services from another agency and when the object of the service is the protection or advancement of the welfare of the applicant or recipient, public assistance information on a specific case may be made available to representatives of other welfare agencies when assurance is given that the confidential nature of the information will be preserved, that the information will be used for only the purposes stated by the other agency, and that the other agency will provide the same type of protection of the information as that given by the county agency.

E. All public assistance information is the property of the agency and is within the exclusive control of the Commissioner of Public Welfare Authority to release information to the proper inquirers is hereby delegated by the Commissioner of Public Welfare to county welfare boards and their county directors and to division heads in the Department of Public Welfare.

F. Information obtained from collateral references and agency evaluations ordinarily shall not be made available to applicants or recipients; however, extracts or excerpts from such information may be made available to the applicant or recipient at the discretion of the county welfare board. When such information is used in a hearing and constitutes the basis of a decision on the case, the information must be open to the examination of the applicant or recipient and his representatives.

G. Each county welfare board shall annually publish a summary financial statement giving total expenditures for each of the several programs of public assistance and shall make all finance records available for such examinations and audits as are required by law. This regulation shall in no way prevent the publication of monthly or quarterly reports in summary form of all expenditures for each program of aid, together with a statement of administrative expenses.

H. Any violation of this regulation by an employee of a county welfare board shall constitute cause for dismissal in accordance with the regulation governing the operation of the County Welfare Merit System. Violation of this regulation by any cooperating agency to whom information is furnished subjects that agency to loss of cooperative rights and future access to public assistance information.

Effective Date—January 1, 1966.

ADOPTED

12 MCAR 2.046 - CONTRACTS WITH NON-PROFIT MEDICAL AND HOSPITAL SERVICE ORGANIZATIONS

I. This rule governs contracts between county welfare boards and non-profit medical and hospital service organizations.

II. A county welfare board may, by contract with a non-profit medical and hospital service organization, establish a prepayment system to obtain medical service and supplies.

The county welfare board and the non-profit medical and hospital service organization shall jointly determine the monthly cost for such service to each recipient to be included in the contract. The monthly payment for each recipient shall be fixed from time to time to reflect the changing costs in providing these services and supplies.

Nothing in this rule and regulation shall be construed as limiting the scope of medical care to be provided recipients to only those services and supplies that can be included in the contract, and the recipient shall retain the right of free choice of vendor.

No proposed contract between the county welfare board and the non-profit hospital and service organization shall become effective until approved by the Commissioner of Public Welfare.

Effective Date - July 4, 1956.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing Protection of Public Assistance Records, 12 MCAR 2.045, Contract with Nonprofit Medical and Hospital Service Organizations, 12 MCAR 2.046, and Pilot Dental Care Programs for Senior Citizens, 12 MCAR 2.059.

ORDER REPEALING RULES

Notice of the Commissioner's intent to repeal the above-entitled rules without a public hearing was published in the State Register on November 30, 1981, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on November 25th, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as 12 MCAR 2.045, 12 MCAR 2.046, and 12 MCAR 2.059 are repealed this 4th day of January, 1982, pursuant to authority vested in me by Minnesota Statutes section 15.0412, subdivision 4.

STATE OF MINNESOTA

Arthur E. Noot
Commissioner of Public Welfare

and Industry, Occupational Safety and Health Division, 444 Lafayette Road, St. Paul, Minnesota 55101. Copies will be available at the door on the date of the hearing.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1980) as an individual:

(A) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(B) who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

Questions concerning lobbyists or their required registration should be directed to the State Ethical Practices Board, Room 41, State Office Building, St. Paul, Minnesota 55155, or telephone (612) 296-5616.

Russell B. Swanson
Commissioner of Labor & Industry

Department of Public Welfare
Support Services Bureau

Proposed Repeal of Rules Governing Protection of Public Assistance Records (12 MCAR § 2.045), Contract with Nonprofit Medical and Hospital Service Organizations (12 MCAR § 2.046), and Pilot Dental Care Programs for Senior Citizens (12 MCAR § 2.059)

Notice of Intent to Repeal Rules without a Public Hearing

Notice is hereby given that the State Department of Public Welfare proposes to repeal the above-entitled rules without a public hearing. The commissioner has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comment on the repeal of these rules. The repeal of these rules may not take place if the continued effectiveness of these rules is supported by the data and views submitted to the agency.

Unless seven or more persons submit written requests for a public hearing on the repeal of these rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Robert Hamper
DPW—4th Floor
Centennial Office Building
St. Paul, MN 55155
(612) 296-2794

Any request for a public hearing should specifically indicate which rule a hearing is desired on.

Authority for the repeal of these rules is contained in Minn. Stat. § 15.0412, subd. 1, and Minn. Stat. § 256.01, subd. 2. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of the repeal of these rules has been prepared and is available from Robert Hamper, DPW 4th Floor, Centennial Office Building, St. Paul, MN 55155, 612/296-2794 upon request.

Before the final repeal of these rules without a public hearing, the rules proposed for repeal, this notice, the statement of need and reasonableness, all written comments received, and the final rules as repealed will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for repeal, should submit a written statement of such request to Robert Hamper.

The need to repeal the above-entitled rules is as follows:

1. 12 MCAR § 2.045—The substance of this rule, the privacy protection of public assistance records, has been incorporated into statutes by Minn. Stat. § 15.1691. The safeguards against disclosure of information concerning recipients of welfare and procedures relating to the administration of government records have been incorporated into Minn. Stat. §§ 15.1611 to 15.17. Therefore, this rule is no longer needed and should be repealed.

2. 12 MCAR § 2.046—The need for the guidelines contained in Rule 46 has been eliminated by the institution of the Medical Assistance and General Assistance Medical Care programs. Regulations governing provider and county participation in medical care are contained in Rules 47 and 58 and are governed by Minn. Stat. §§ 256B and 256D.03.

3. 12 MCAR § 2.059—The enabling legislation for this rule, Minnesota Laws of 1976, chapter 305, expired effective June 30, 1980. Rule 59 was established to implement the Pilot Dental Health Program. All requirements of the law have been met and a final report concerning the program has been sent to the Legislature.

Copies of this notice and the repeal of proposed rules are available and may be obtained by contacting Robert Hamper.

October 30, 1981

Arthur E. Noot
Commissioner of Public Welfare

Rules as Proposed

Repealer. Rules 12 MCAR §§ 2.045; 2.046; and 2.059 are repealed.

SUPREME COURT

Decisions Filed Friday, November 20, 1981

Compiled by John McCarthy, Clerk

51626/Sp. Gregory McGrath, *et al.*, Appellants, v. State of Minnesota, *et al.* Ramsey County.

Minnesota adopts the restrictive view that only allegations of constitutional violations which are clear and unambiguous shall be a basis for interrupting the arbitration process. In Minnesota, arbitrators are without authority to decide constitutional issues irrespective of contractual language.

A finding of immunity under 42 U.S.C. § 1983 (1976) actions requires a determination of the issue of good faith. The officer claiming good faith shall have the burden of proof. Determinations of an arbitrator, while not binding, may be considered by the court.

Affirmed in part, reversed in part, and remanded to the district court for further proceedings consistent with this opinion. Todd, J.

81-106/Sp. State of Minnesota v. Raymond A. Case, Appellant. St. Louis County.

Evidence was sufficient to sustain defendant's convictions of assault in the second degree.

Sentencing Guidelines provide that in sentencing a defendant convicted of an offense for which there is a mandatory minimum term of 1 year and 1 day, the trial court should impose prison terms of either 18 months or the length provided in the appropriate cell of the grid, whichever is longer.

Affirmed. Wahl, J.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Department of Public Welfare
Support Services Bureau

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing Protection of Public Assistance Records, 12 MCAR 2.045, Contract with Nonprofit Medical and Hospital Service Organizations, 12 MCAR 2.046, and Pilot Dental Care Programs for Senior Citizens, 12 MCAR 2.059.

Notice of Intent to Repeal Rules Without a Public Hearing

Notice is hereby given that the State Department of Public Welfare proposes to repeal the above-entitled rules without a public hearing. The Commissioner has determined that the proposed repeal of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §15.0412, subd. 4h (1980).

Persons interested in these rules shall have 30 days to submit comment on the repeal of these rules. The repeal of these rules may not take place if the continued effectiveness of these rules is supported by the data and views submitted to the agency.

Unless seven or more persons submit written requests for a public hearing on the repeal of these rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. §15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Robert Hamper
DPW - 4th Floor
Centennial Office Building
St. Paul, MN 55155
612/296-2794

Any request for a public hearing should specifically indicate which rule a hearing is desired on.

Authority for the repeal of these rules is contained in Minn. Stat. §15.0412, subd. 1, and Minn. Stat. §256.01, subd. 2. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the repeal of these rules has been prepared and is available from Robert Hamper, DPW 4th Floor, Centennial Office Building, St. Paul, MN 55155, 612/296-2794 upon request.

Before the final repeal of these rules without a public hearing, the rules proposed for repeal, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as repealed will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for repeal, should submit a written statement of such request to Robert Hamper.

The need is repeal the above-entitled rules is as follows:

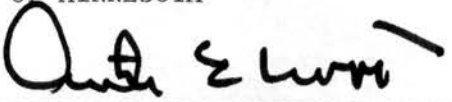
1. 12 MCAR 2.045 - The substance of this rule, the privacy protection of public assistance records, has been incorporated into statutes by Minnesota Statutes §15.1691. The safeguards against disclosure of information concerning recipients of welfare and procedures relating to the administration of government records have been incorporated into Minnesota Statutes §§15.1611 to 15.17. Therefore, this rule is no longer needed and should be repealed.

2. 12 MCAR 2.046 - The need for the guidelines contained in Rule 46 has been eliminated by the institution of the Medical Assistance and General Assistance Medical Care programs. Regulations governing provider and county participation in medical care are contained in Rules 47 and 58 and are governed by Minnesota Statute §§256B and 256D.03.

3. 12 MCAR 2.059 - The enabling legislation for this rule, Minnesota Laws of 1976, Chapter 305, expired effective June 30, 1980. Rule 59 was established to implement the Pilot Dental Health Program. All requirements of the law have been met and a final report concerning the program has been sent to the Legislature.

Copies of this Notice and the rules to be repealed are available and may be obtained by contacting Robert Hamper.

STATE OF MINNESOTA



COMMISSIONER OF PUBLIC WELFARE

10-29-81
Date

GF/boa

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing Protection of Public Assistance Records, 12 MCAR 2.045, Contract with Nonprofit Medical and Hospital Service organizations, 12 MCAR 2.046, and Pilot Dental Care Programs for Senior Citizens, 12 MCAR 2.059.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 17th day of November 1981 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Welfare for that purpose and be published in the State Register.

STATE OF MINNESOTA

Orth Ekvall

Commissioner of Public Welfare

BM/aah

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing Protection of Public Assistance Records, 12 MCAR 2.045, Contract with Nonprofit Medical and Hospital Service Organizations, 12 MCAR 2.046, and Pilot Dental Care Programs for Senior Citizens, 12 MCAR 2.059.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, (Special Assistant Attorney General) Kenneth Kohnstamm, do hereby declare that I have examined the rules to be repealed and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Kenneth Kohnstamm
(Special Assistant Attorney General)

Dated: January 11, 1981

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing Protection of Public Assistance Records, 12 MCAR 2.045, Contract with Nonprofit Medical and Hospital Service Organizations, 12 MCAR 2.046, and Pilot Dental Care Programs for Senior Citizens, 12 MCAR 2.059.

AFFIDAVIT OF MAILING

Wendy Johnson, being first duly sworn, deposes and says:

That on the 25th day of November, 1981, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Repeal Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department of Public Welfare for the purpose of receiving notice of the proposed adoption of rules by this Department.

Wendy Johnson

Subscribed and sworn to before me

this 2 day of December, 1981.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984

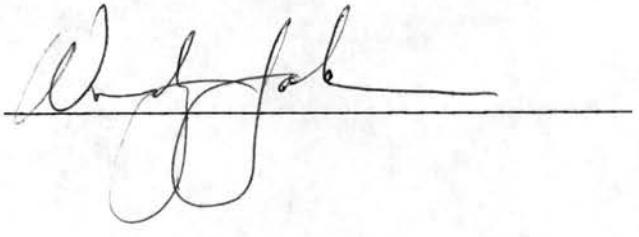
STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing Protection of Public Assistance Records, 12 MCAR 2.045, Contract with Nonprofit Medical and Hospital Service Organizations, 12 MCAR 2.046, and Pilot Dental Care Programs for Senior Citizens, 12 MCAR 2.059.

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. §15.0412, subd. 4, that their names be placed on file with and maintained by the Department of Public Welfare for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 12:00, P.M., this 25th day of November, 1981.



STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing Protection of Public Assistance Records, 12 MCAR 2.045, Contract with Nonprofit Medical and Hospital Service Organizations, 12 MCAR 2.046, and Pilot Dental Care Programs for Senior Citizens, 12 MCAR 2.059.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the above-entitled matter was published in the State Register on November 30, 1981, indicating the Department of Public Welfare's intent to repeal the above-entitled rules without a public hearing. The Notice was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on November 25th, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the repeal of the above-captioned rules, I find the following:

The above rules shall be repealed as proposed.

STATE OF MINNESOTA

Arthur E. Noot
Commissioner of Public Welfare

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE DEPARTMENT OF PUBLIC WELFARE'S REPEAL OF 12 MCAR 2.059 GOVERNING THE PILOT DENTAL CARE PROGRAM FOR SENIOR CITIZENS

STATEMENT OF NEED AND REASONABLENESS

The need to repeal this rule arises because Laws 1976 - Chapter 305, as amended, authorizing appropriations for the Pilot Dental Health Program, expired effective June 30, 1980. All requirements of the law, as amended have been met as evidenced by the report to the Legislature entitled Final Report to the 1980 Minnesota State Legislature on the Pilot Dental Care Program for Senior Citizens. Rule 59 was initially established to implement the above law.

Rule 59 will be repealed five (5) working days after publication of the final notice in the State Register.

October 30 1981
Date

Arthur E. Noot
ARTHUR E. NOOT
COMMISSIONER

GF/boc

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE DEPARTMENT OF PUBLIC WELFARE'S REPEAL OF RULE 12 MCAR 2.046 (DPW Rule 46), CONTRACT WITH NON-PROFIT MEDICAL AND HOSPITAL SERVICE ORGANIZATIONS

STATEMENT OF NEED AND REASONABLENESS

The need for this rule has been eliminated by the institution of the Medical Assistance and General Assistance Medical Care programs. Regulations governing provider and county participation in Medical Care are contained in Rules 47 and 58 and are governed in Minnesota Statutes §256B and 256D.03.

Rule 46 will be repealed five (5) working days after publication of the final notice in the State Register.

October 30 1981
Date

ARTHUR E. NOOT
COMMISSIONER

GF/boe

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE DEPARTMENT OF PUBLIC WELFARE'S REPEAL OF RULE 12 MCAR 2.045 (DPW RULE 45), PROTECTION OF PUBLIC ASSISTANCE RECORDS

STATEMENT OF NEED AND REASONABLENESS

The need to repeal this rule is the result of the enactment into law of the substance of the rule. The privacy protection of public assistance records has been incorporated into statute by Minnesota Statutes §15.1691. The safeguards against disclosure of information concerning recipients of welfare and procedures relating to the administration of government records have been incorporated into Minnesota Statutes §§15.1611 to 15.17.

Rule 45 will be repealed five (5) working days after publication of the final notice in the State Register.

October 30 1981
Date

ARTHUR E. NOOT
COMMISSIONER

GF/bod

OFFICE OF THE REVISOR OF STATUTES
Disapproval of Form of Rules

RD148
1/12/82

X The form of the attached rules is not approved. The revisor requests the changes described below before the rules will be approved.

Prepare the adopted rules by showing the repealer in sentence form after the heading "Rules as Adopted." Since the rules are adopted without change from the rules as proposed, the repealer should be written without any underlining or strike marks.

Steven C. Cross
Revisor of Statutes

Name: Ann L. Bateson
Ann L. Bateson

Title: Deputy Revisor

Phone: 296-1536

- -

_____ The changes requested by the revisor are approved by the agency.

_____ The changes requested by the revisor are not approved by the agency

_____
Agency's Representative

- -

_____ The attorney general agrees that the changes requested by the revisor are form changes, not substantive changes.

_____
Assistant Attorney General

§ 2.045 Protection of public assistance records.

A. This rule provides for the protection of public assistance records from public disclosure. Protection of this confidential information from public disclosure is a basic responsibility of county welfare boards.

B. Information to be protected against unauthorized disclosure or improper use includes:

1. The names and addresses of all recipients of Old Age Assistance, Aid to Families With Dependent Children, Medical Assistance, Aid to the Blind, and Aid to the Disabled, whether in the form of individual names or addresses or lists of recipients.

2. All information contained in applications, reports of investigations, reports of medical examinations, correspondence on cases, and other records about the conditions or circumstances of any person from whom or about whom information is obtained, whether the recipient or a collateral reference.

3. Records of agency evaluation or such information.

C. All such information must be safeguarded from disclosure or use not directly related to the administration of the program. The administration of public assistance includes the establishment of eligibility, the determination of amount of assistance, and the provision of services for applicants of public assistance. No disclosure of any information obtained by a representative or employee of the agency in the course of carrying out the duties of the agency shall be made directly or indirectly except as required by the proper administration of the public assistance programs. All employees of the agency, public officials, and, whenever suitable, all applicants and recipients, representatives of other agencies, and the inquiring public, must be informed that information obtained in the course of administering public assistance is and will be used only in carrying out the public assistance program and for no other purpose.

D. When the applicant or recipient has asked for services from another agency and when the object of the service is the protection or advancement of the welfare of the applicant or recipient, public assistance information on a specific case may be made available to representatives of other welfare agencies when assurance is given that the confidential nature of the information will be preserved, that the information will be used for only the purposes stated by the other agency, and that the other agency will provide the same type of protection of the information as that given by the county agency.

E. All public assistance information is the property of the agency and is within the exclusive control of the Commissioner of Public Welfare Authority to release information to the proper inquirers is hereby delegated by the Commissioner of Public Welfare to county welfare boards and their county directors and to division heads in the Department of Public Welfare.

F. Information obtained from collateral references and agency evaluations ordinarily shall not be made available to applicants or recipients; however, extracts or excerpts from such information may be made available to the applicant or recipient at the discretion of the county welfare board. When such information is used in a hearing and constitutes the basis of a decision on the case, the information must be open to the examination of the applicant or recipient and his representatives.

G. Each county welfare board shall annually publish a summary financial statement giving total expenditures for each of the several programs of public assistance and shall make all finance records available for such examinations and audits as are required by law. This regulation shall in no way prevent the publication of monthly or quarterly reports in summary form of all expenditures for each program of aid, together with a statement of administrative expenses.

H. Any violation of this regulation by an employee of a county welfare board shall constitute cause for dismissal in accordance with the regulation governing the operation of the County Welfare Merit System. Violation of this regulation by any cooperating agency to whom information is furnished subjects that agency to loss of cooperative rights and future access to public assistance information.

Effective Date—January 1, 1966.

12 MCAR 2.046 - CONTRACTS WITH NON-PROFIT MEDICAL AND HOSPITAL SERVICE ORGANIZATIONS

I. This rule governs contracts between county welfare boards and non-profit medical and hospital service organizations.

II. A county welfare board may, by contract with a non-profit medical and hospital service organization, establish a prepayment system to obtain medical service and supplies.

The county welfare board and the non-profit medical and hospital service organization shall jointly determine the monthly cost for such service to each recipient to be included in the contract. The monthly payment for each recipient shall be fixed from time to time to reflect the changing costs in providing these services and supplies.

Nothing in this rule and regulation shall be construed as limiting the scope of medical care to be provided recipients to only those services and supplies that can be included in the contract, and the recipient shall retain the right of free choice of vendor.

No proposed contract between the county welfare board and the non-profit hospital and service organization shall become effective until approved by the Commissioner of Public Welfare.

Effective Date - July 4, 1956.

§ 2.059 Pilot dental care programs for senior citizens.

A. Applicability and purpose.

1. Authority.

This rule is enacted pursuant to the statutory authority vested in the Commissioner of Public Welfare pursuant to Minnesota Laws 1976, ch. 305, requiring the Commissioner to establish two pilot programs to provide dental care to senior citizens.

2. Objectives.

The objectives of the pilot dental programs for senior citizens are:

a. To determine the need for and feasibility of establishing a statewide dental program for eligible senior citizens;

b. To determine the optimal method of providing dental service;

c. To determine whether the provision of dental service causes the general health of the participants to be improved;

d. To determine whether the provision of dental services to the eligible senior citizens provides comparable benefits to society as if provided to others.

B. Definitions.

For the purposes of this rule:

1. "Commissioner" shall mean Commissioner of the Department of Public Welfare.

2. "Pilot Program Area" shall mean that geographic area from which a pilot program shall draw its pool of applicants.

3. "Random selection" shall mean selection of a group of participants from eligible applicants in such a manner that each person has an equal chance of being selected.

C. Service contract.

The Commissioner shall contract for the provision and financing of dental services on the basis of proposals addressing the following items:

1. Cost of premiums or service

2. Provision of data on utilization and types of dental care provided

3. Accessability of dental services

4. Collection and submittal of evaluation questionnaires as prescribed by the Commissioner

5. Random selection of participants from a pool of eligible applicants.

D. Public information.

The Commissioner shall be responsible for providing public information within the pilot program areas and shall receive all applications from residents of the pilot program areas. The Commissioner shall review all applications and determine eligibility. Participants shall then be selected at random from the pool of eligible applicants.

E. Task force.

The Commissioner shall appoint a seven member advisory task force to advise on the operation of the pilot programs. All members shall be 62 years of age or over.

F. Pilot program area.

The two pilot program areas shall be selected by the Commissioner with the advice of the seven member advisory task force. One pilot program shall be located within the seven county metropolitan area and the other shall be located elsewhere in the state. Criteria for selection of the pilot program areas shall be:

1. Availability of dental services—this means an adequate number of dentists to handle the patient load.

2. Availability of an adequate number of potentially eligible participants so that a random selection can be made.

G. Payment.

The full cost of premiums for participation in each pilot program shall be paid by the Commissioner for the selected participants. The cost of the dental services equal to at least 80 percent of the usual, customary and reasonable fee of the treating dentist, will be paid by the dental carrier with no deductible amount. Participants shall be responsible for the remaining 20 percent of the fee and for any dental services in excess of $500 per participant per year.

H. Evaluation and report.

The Commissioner shall evaluate and report the results of the pilot programs to the Legislature by January 2, 1978. The reports shall include but not be limited to: 1) the optimal methods of providing dental services including the cost effectiveness of each, 2) the effect, if any, upon the general health of the individual receiving the dental services, 3) the extent and quality of dental services provided by the pilot program, 4) the number of participants in each pilot program, and 5) the types of dental care most used or needed by the participants.

Effective Date: Feb. 27, 1977
(1 S. R. 1181, Feb. 7, 1977)

ADMIN. 1000
3

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT of Public Welfare

TO : Attorney General's Office

DATE:

FROM : Bob Hamper, Manuals & Bulletins

SUBJECT: In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing Protection of Public Assistance Records, 12 MCAR 2.045, Contract with Nonprofit Medical and Hospital Service Organizations, 12 MCAR 2.046, and Pilot Dental Care Programs for Senior Citizens, 12 MCAR 2.059.

NOTE: We did not have any requests to be notified of submission to the Attorney General.

In the Matter of the Proposed Repeal of Rules of the State Department of Public Welfare Governing Protection of Public Assistance Records, 12 MCAR 2.045, Contract with Nonprofit Medical and Hospital Service Organizations, 12 MCAR 2.046, and Pilot Dental Care Programs for Senior Citizens, 12 MCAR 2.059

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Wendy Johnson, being first duly sworn, deposes and says:

That on the 11 day of January, 1982, in the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Wendy Johnson

Subscribed and sworn to before me
this 11 day of January, 1982.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984