

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 887

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 2-7-83
DATE FOR REVIEW 2-16-83
DATE DUE 2-22-83

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

Approved 2/22/83 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 2/22/83 Revisor approved 2/9/83
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed See SR.

✓ Order Adopting 1.31.83 Date

N/A 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 - except for a stupid typo!

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

✓ Mailing list Certificate

✓ Publication in State Register same typo.
12.27.82 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 but no changes

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

See affidavit re no requests

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO LEONARD LEVINE
Commissioner of Public Welfare

DATE: 2/22/83

Attn: DIANNE MASTERS
Special Assistant Attorney General

FROM: TED A. MARTINEZ
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Repeal of Department of Public Welfare Rule 53, Medical Assistance

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;

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.

TAM/ls

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Public Welfare

Income Maintenance Bureau

Adopted Repeal of Rule 53, Medical Assistance

Rule as Adopted

Repealer. Rule 12 MCAR S 2.053 is repealed.

APPROVED AS TO FORM AND LEGALITY

February 22 19 83

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Ted A. Martinez
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 22 1983

Joan Anderson Growe
Secretary of State

12:35 PM

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Department of Public Welfare Rule 53, Medical Assistance

ORDER ADOPTING RULE

Notice of the Commissioner's intent to repeal the above-entitled rule without a public hearing was published in the State Register on December 27, 1982, 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 December 22, 1982. 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 rule,

NOW, THEREFORE, IT IS ORDERED that this rule identified as 12 MCAR 2.053 is repealed this 31 day of January, 1983, pursuant to authority vested in me by Minnesota Statutes §256.01.

STATE OF MINNESOTA

Commissioner of Public Welfare

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED REPEAL OF DEPARTMENT OF PUBLIC WELFARE RULE 53, MEDICAL ASSISTANCE

NOTICE OF INTENT TO REPEAL A RULE WITHOUT A PUBLIC HEARING

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

Persons interested in this rule shall have 30 days to submit comment on the repeal of this rule. The repeal of this rule may not take place if the continued effectiveness of this rule is supported by the data and views submitted to the agency. The comment period ends 1/27/83.

Unless seven or more persons submit written requests for a public hearing on the repeal of this rule 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.-4.f.

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

Authority for the repeal of this rule 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 this rule has been prepared and is available from Robert Hamper, DPW 4th Floor, Centennial Office Building, St. Paul, Minnesota 55155, 612/296-2794 upon request.

Before the final repeal of this rule without a public hearing, the rule proposed for repeal, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final rule 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 rule as proposed for repeal, should submit a written statement of such request to Robert Hamper.

The repeal of this rule will not result in any additional spending for local public bodies.

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

The current Medical Assistance Rule 47 (12 MCAR 2.047) was adopted on August 15, 1972. Rule 47 with subsequent amendments on May 28, 1976 and September 18, 1978, has governed the Medical Assistance Program since August 15, 1972.

Prior to August 15, 1972, Rule 53 governed the Medical Assistance Program. The Revisor of Statutes is presently compiling all state agency rules to issue a new rule book. The Revisor of Statutes was not able to locate the official documentation filed with the Secretary of State to indicate that Rule 53, Medical Assistance, was repealed on August 15, 1972 when the new Medical Assistance Rule 47 was adopted. Therefore, official action is not being taken to repeal Rule 53, Medical Assistance.

Rule 47, Medical Assistance, which presently governs the Medical Assistance Program is not affected by this repeal.

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

STATE OF MINNESOTA

Dated: 12-7-82

ARTHUR E. NOOT
Commissioner of Public Welfare

KW/82

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED REPEAL OF DEPARTMENT OF PUBLIC WELFARE RULE 53, GOVERNING MEDICAL ASSISTANCE

ORDER FOR NOTICE OF INTENT TO REPEAL RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 7 day of December, 1982 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 Ehrmann

COMMISSIONER OF PUBLIC WELFARE

v

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED
REPEAL OF DEPARTMENT OF PUBLIC
WELFARE RULE 53, MEDICAL ASSISTANCE

AFFIDAVIT OF MAILING

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

That on the 22nd day of December, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Repeal a Rule 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 repeal of rules by this Department.

Wendy Johnson

Subscribed and sworn to before me

this 23 day of December, 1982.

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 DEPARTMENT OF PUBLIC
WELFARE RULE 53, MEDICAL ASSISTANCE

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 repeal of rules by this Department is accurate and complete as of 4:00, P.M., this 22nd day of December, 1982.



insufficient space for the installation of the recommended "R" value, then the ~~recommendation by the evaluator~~ standard shall be based on installing insulation to fill the available space, providing for appropriate ventilation.

7. install insulation in all ~~accessible~~ rim joist areas to achieve minimum total "R" value of the insulation of R-11. If there is insufficient space for the installation of the recommended "R" value, then the ~~recommendation by the evaluator~~ standard shall be based on installing insulation to fill the available space.

8. install insulation in ~~accessible~~ walls and floors enclosing conditioned spaces to achieve a minimum total "R" value of the insulation of R-11, when there is no insulation in a substantial portion of the exterior walls or floors over an unconditioned space. ~~Accessible~~ Walls shall include above grade foundation walls of basements, cellars, or crawl spaces. If there is insufficient space for the installation of the recommended "R" value, then the ~~recommendation by the evaluator~~ standard shall be based on installing insulation to fill the available space.

9. install insulation in ~~accessible~~ floors over unconditioned spaces and in rim joists to achieve a minimum total "R" value of the insulation of R-19. For slab on grade construction, insulation shall be installed to achieve a minimum total "R" value of the insulation of R-11. If there is insufficient space for the installation of the recommended "R" value, then the recommendation by the evaluator shall be based on installing insulation to fill the available space.

10.-27. [Unchanged.]

Relettering. Reletter 6 MCAR § 2.2502 C.-U. as B.-T.

Department of Public Welfare
Income Maintenance Bureau

Proposed Repeal of Rule 53, Medical Assistance

Notice of Intent to Repeal a Rule without a Public Hearing

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

Persons interested in this rule shall have 30 days to submit comment on the repeal of this rule. The repeal of this rule may not take place if the continued effectiveness of this rule 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 this rule 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.-4.f.

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

Authority for the repeal of this rule 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 this rule has been prepared and is available from Robert Hamper, DPW 4th Floor, Centennial Office Building, St. Paul, Minnesota 55155, 612/296-2794 upon request.

Before the final repeal of this rule without a public hearing, the rule proposed for repeal, this notice, the statement of need and reasonableness, all written comments received, and the final rule 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 rule as proposed for repeal, should submit a written statement of such request to Robert Hamper.

The repeal of this rule will not result in any additional spending for local public bodies.

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

The current Medical Assistance Rule 47 (12 MCAR § 2.047) was adopted on August 15, 1972. Rule 47 with subsequent amendments on May 28, 1976 and September 18, 1978, has governed the Medical Assistance Program since August 15, 1972.

Prior to August 15, 1972, Rule 53 governed the Medical Assistance Program. The Revisor of Statutes is presently compiling all state agency rules to issue a new rule book. The Revisor of Statutes was not able to locate the official documentation filed with the Secretary of State to indicate that Rule 53, Medical Assistance, was repealed on August 15, 1972 when the new Medical Assistance Rule 47 was adopted. Therefore, official action is not being taken to repeal Rule 53, Medical Assistance.

Rule 47, Medical Assistance, which presently governs the Medical Assistance Program is not affected by this repeal.

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

December 7, 1982

Arthur E. Noot
Commissioner of Public Welfare

Rule as Proposed

Repealer. Rule 12 MCAR § 2.053 is repealed.

Department of Public Welfare
Social Services Division

Proposed Rule Governing a State Goal for the Number of Children in Foster Care (12 MCAR § 2.2045)

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Department of Public Welfare proposes to adopt the above-entitled rule without a public hearing. The commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 15.0412, subdivision 4h (1980).

Persons interested in this rule shall have 30 days to submit comment on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule 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 Minnesota Statutes section 15.0412, subdivisions 4-4f.

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

Sandra Erickson
Department of Public Welfare
Social Services Division
4th Floor, Centennial Building
St. Paul, MN 55155
Telephone: 612/296-3250

Authority for the adoption of this rule is contained in Minnesota Statutes § 257.071, subd. 5, Laws of Minnesota 1982, Chapter 553 and Public Law Number 96-272, sections 427 and 471 (14). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Sandra Erickson upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted 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 rule as proposed for adoption, should submit a written statement of such request to Sandra Erickson.

The complete text of proposed rule 12 MCAR § 2.2045 is:

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.

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Department of Public Welfare Rule 53, Medical Assistance

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Commissioner's intent to repeal the above-entitled rule without a public hearing was published in the State Register on December 27, 1982, 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 December 22, 1982. 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, I find the following:

The above-entitled rule shall be repealed as proposed.

Note: There were no written comments received on the rule and there were no requests for a public hearing.

STATE OF MINNESOTA

1-31-83
Date

Commissioner of Public Welfare

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED REPEAL OF DEPARTMENT OF PUBLIC WELFARE RULE 53, GOVERNING MEDICAL ASSISTANCE

STATEMENT OF NEED AND REASONABLENESS

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

The current Medical Assistance Rule 47 (12 MCAR 2.047) was adopted on August 15, 1972. Rule 47 with subsequent amendments on May 28, 1976 and September 18, 1978, has governed the Medical Assistance Program since August 15, 1972.

Prior to August 15, 1972, Rule 53 governed the Medical Assistance Program. The Revisor of Statutes is presently compiling all state agency rules to issue a new rule book. The Revisor of Statutes was not able to locate the official documentation filed with the Secretary of State to indicate that Rule 53, Medical Assistance, was repealed on August 15, 1972 when the new Medical Assistance Rule 47 was adopted. Therefore, official action is not being taken to repeal Rule 53, Medical Assistance.

Rule 47, Medical Assistance, which presently governs the Medical Assistance Program is not affected by this repeal.

Rule 53 will be repealed five (5) working days after publication of the final notice in the State Register.

12-7-82
Date

Arthur E. Noot
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Department of Public Welfare Rule 53, Medical Assistance

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Diane Masters, do hereby declare that I have examined the rules 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.

Diane Masters
Special Assistant Attorney General

Dated: 2/7/83

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Repeal of Department of Public Welfare Rule 53, Medical Assistance

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Robert J. Hamper, being first duly sworn, deposes and says:

That no requests were received to notify any persons or organizations when the above-entitled matter is submitted to the Attorney General.

Robert J. Hamper

Subscribed and sworn to before me
this 31 day of January, 1983.

Margaret Holt

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