

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1074

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-20-84
DATE FOR REVIEW _____
DATE DUE ~~9-30-84~~ 10-4-84

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

Approved October 4, 1984 (COS) Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 10-5-84 Revisor approved 9/21/84 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR.

✓ Order Adopting 9.10.84 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

✓ Affidavit of Mailing Notice or rulemaking
2.1.84 At least ~~30~~ 20 days prior to ~~hearing~~/adoption
" Additional Mailing 20

✓ Mailing list Certificate

✓ Publication in State Register
2.6.84 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

✓ 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

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

✓ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

DATE: October 5, 1984

TO : Leonard Levine
Commissioner, Department of Human Services

ATTN: Dianne Masters
Special Assistant Attorney General

FROM : Larry D. Starns LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Temporary Rules Governing the Relocation of Nursing Home Residents (12 MCAR § 2.04601-2.04606, Temporary).

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.

LDS:slz

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Human Services
Minnesota Board on Aging

Adopted Temporary Rules Governing the Relocation of Nursing Home Residents

Temporary Rules as Adopted

12 MCAR S 2.04601 [Temporary] Authority and applicability.

A. Authority.

1. Laws of Minnesota 1983, chapter 199, section 5, subdivision 4, authorizes the commissioner of ~~public welfare~~ human services to implement a resident relocation plan that instructs the local social services agency for the county in which a long-term care facility is located of procedures to follow to ensure that the needs of residents are met during a relocation.

2. Laws of Minnesota 1983, chapter 199, section 16, requires that the commissioner of ~~public welfare~~ human services promulgate temporary and permanent rules to implement the provisions of Laws of Minnesota 1983, chapter 199, including a resident relocation plan.

B. Applicability. Rules 12 MCAR SS 2.04601-2.04606 [Temporary] govern the services that local social service agencies are required to provide for the benefit of residents of long-term care facilities when there are relocations. Individuals should consult 7 MCAR S 1.801 [Temporary] for information regarding the responsibilities of long-term care facilities.

12 MCAR S 2.04602 [Temporary] Definitions.

A. Scope of definitions. As used in 12 MCAR SS 2.04601-2.04606 [Temporary] the following terms have the meanings given them.

B. Certified boarding care home. "Certified boarding care home" means a facility licensed under Minnesota Statutes, sections 144.50 to 144.56 and certified as an intermediate care

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facility as defined in United States Code, title 42, section 1396d, as amended through December 31, 1982, but excluding facilities for the mentally retarded as defined in United States Code, section 1396d(d), as amended through December 31, 1982.

C. County relocation committee. "County relocation committee" means those staff persons of the local social service agency designated by the county social service director to serve as the relocation committee in a county.

D. Facility. "Facility" means a long-term care facility.

E. Local social service agency. "Local social service agency" means the local agency under the authority of the human services board or board of county commissioners which is responsible for social services.

F. Long-term care facility. "Long-term care facility" means a nursing home or a certified boarding care home.

G. Nursing home. "Nursing home" means a facility defined under Minnesota Statutes, section 144A.01, subdivision 5.

H. Relocation. "Relocation" means a situation when residents are to be discharged from a nursing home or certified boarding care home as a result of the closing of the facility, loss of or change in certification, ~~termination of receivership,~~ or termination of the facility's medical assistance provider agreement. FF2

I. Resident. "Resident" means a person admitted to a long-term care facility.

J. Responsible county. "Responsible county" means the county where the facility from which the residents will be discharged is located.

12 MCAR S 2.04603 [Temporary] Relocation planning.

A. Relocation committee. The director of the local social service agency in each county shall designate appropriate staff as the county relocation committee. Staff designated as the county relocation committee shall be knowledgeable about the needs of long-term care residents, and the local resources available to meet those needs including medicaid and medicare.

B. Alternative resources. The county relocation committee

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shall develop a procedure to identify and monitor the current availability of alternative resources which may be used if the relocation of residents of a long-term care facility is necessary. These resources shall include at least the following:

1. a list of unoccupied beds in other facilities within the county and in neighboring counties; this list shall contain the following information about each facility:

a. the name, address, and telephone number of the facility;

b. the certification level of the available beds;

c. the type of services available within the facility; and

d. the number of beds that are available;

2. a list of alternative placements which includes swing beds in hospitals and foster care placement;

3. a list of the community and in-home health and social services which may be used on a temporary basis;

4. a list of the possible transportation resources;

5. a list of possible volunteer resources; and

6. the name, address, and telephone number of the appropriate regional ombudsman from the Minnesota Board on Aging Long-Term Care Ombudsman Program.

12 MCAR S 2.04604 [Temporary] Procedure upon notification.

The local social service agency and its county relocation committee shall initiate the procedures provided in 12 MCAR SS 2.04605-2.04606 [Temporary] immediately upon receipt of written notification of the need for relocation from the ~~income maintenance bureau~~ commissioner of the Department of ~~Public Welfare~~ Human Services or a designee. FF 3

12 MCAR S 2.04605 [Temporary] Relocation assistance.

A. Resident information. Upon receiving written notice of the needs to relocate residents, the county relocation committee shall obtain from the facility the name of each resident to be relocated, the name and addresses of either a family member or the individual legally responsible for the resident's care, and

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

the name and telephone number of the individual in the facility to be contacted for further information. This information shall be obtained at least 60 days before the date by which relocation is to be accomplished.

B. Coordination of relocation. The county relocation committee shall designate one of its members to act as a liaison to the individual in the facility responsible for coordinating the relocation of residents. The county designee shall meet with the appropriate facility staff to coordinate the relocation assistance offered by the county relocation committee with the relocation responsibilities of the facility. This coordination shall include participating, as requested, in any group meetings of residents and families to explain the steps being taken in arranging for the relocation of residents.

C. Offer of assistance. The county relocation committee shall provide a written offer of relocation assistance to each resident to be relocated and to their family member, and if applicable, to the person legally responsible for their care. The written offer of assistance shall contain at least the following information:

1. the name and telephone number of the individual to contact to request further information or assistance; and

2. an explanation of the relocation services offered by the county relocation committee.

D. Relocation services. The county relocation committee shall arrange for or provide the following minimum services for residents to be relocated as necessary to ensure placement or other appropriate alternative care:

1. Accurate and up-to-date information about the alternative arrangements for the appropriate care of the resident including all the resources identified in 12 MCAR S 2.04603 [Temporary] B.

2. Assistance in choosing among the available alternatives.

3. Counseling to enable the resident to adjust to the relocation.

Scrambled grammar C

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4. Assistance in preparing the resident for the actual move which includes:

a. providing written information about the new facility to the resident;

b. providing an opportunity for each resident to visit the new facility to learn the physical layout, meet other residents and staff, and learn about the program and activities; and

c. encouraging a visit by staff and residents from the new facility to the resident prior to the actual relocation, if a site visit by the resident is not possible.

5. Assistance in making arrangements for transportation as necessary.

6. Assurance that someone accompanies the resident during the actual move.

7. A follow-up visit to the resident within 30 days of the relocation. The follow-up visit includes interviewing or on-site observation of the resident or both, discussion with appropriate staff, and review of pertinent medical or social records to:

a. assess the adjustment of each resident to the new living environment; and

b. recommend appropriate services or methods to meet any special needs of each resident arising out of relocation.

12 MCAR S 2.04606 [Temporary] Reporting.

A. Initial report. The local social services agency shall submit a written report to the ~~social services division~~ commissioner of the Department of ~~Public Welfare~~ Human Services or a designee within one week from the date of receipt of the written notice of the need to relocate residents. The initial report shall contain the following information: FF3

1. the names and phone numbers of the county relocation committee members;

2. a description of the procedure developed to identify and monitor the availability of the resources which may be used to meet the needs of the residents to be relocated; and

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3. a timetable for the completion of the relocation process.

B. Status reports. During a relocation process the county relocation committee shall provide weekly status reports to the ~~social-services-division~~ commissioner of the Department of ~~Public-Welfare~~ Human Services or a designee. The status reports shall include:

1. the number of individuals who have relocated during the week;

2. the date of each individual discharge;

3. the new placement of each individual relocated; and

4. identification of any specific problems which arise concerning the relocation process.

C. Summary report. The county relocation committee shall provide a summary report to the ~~social-services-division~~ commissioner of the Department of ~~Public-Welfare~~ Human Services or a designee within 60 days of the completion of each facility relocation process. The report shall include:

1. the number of residents relocated;

2. the medical assistance identification number of each medical assistance recipient relocated;

3. the date of each resident's discharge;

4. the new placement of each resident;

5. the status of each resident at the time of the follow-up visit; and

6. the identification of problems encountered during the relocation process.

~~D.--Submission-of-summary-report.--One-copy-of-the-summary report-shall-be-submitted-to-the-social-service-division-of-the Department-of-Public-Welfare.--A-second-copy-of-this-report shall-be-submitted-to-the-income-maintenance-bureau-of-the Department-of-Public-Welfare.~~

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT - 5 1984
Joan Anderson Growe
Secretary of State
11:05AM

APPROVED AS TO LEGALITY
October 4, 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Jerry D. Jones
SPECIAL ASSISTANT ATTORNEY GENERAL

employer shall, in addition to retaining a right to continued employment, receive pay for the tasks which would have been performed if:

a. the employee requests, within 24 hours of the refusal, the commissioner to inspect and determine if a hazardous condition exists; and

b. the commissioner determines that the employer has failed to provide the training required under 8 MCAR § 1.7206 prior to the employee's initial assignment to a workplace if the employee may be routinely exposed to a hazardous substance, harmful physical agent, or infectious agent and the employer has failed to provide the information required under 8 MCAR §§ 1.7206 and 1.7207 after a request within a reasonable period of time, but not to exceed 24 hours, of the request.

C.-F. [Unchanged.]

8 MCAR § 1.7245 Claim procedures.

A. Who may file. A complaint alleging discrimination under ~~Minn. Stat. §~~ Minnesota Statutes, sections 182.654, subdivisions 9 and 11, and 182.669 may be filed by an employee or an authorized employee representative.

B.-D. [Unchanged.]

Department of Public Welfare
Minnesota Board on Aging

Proposed Temporary Rule Governing the Relocation of Nursing Home Residents (12 MCAR §§ 2.04601-2.04606, Temporary)

Notice of Intent to Adopt Temporary Rules

The State Department of Public Welfare proposes to adopt the above-entitled temporary rules to implement Laws of Minnesota 1983, chapter 199, section 16.

Persons interested in these rules have until February 27, 1984 to submit written comments. The proposed temporary rules 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. Written comments should be sent to:

Sharon Zoesch
Minnesota Board on Aging
Department of Public Welfare
Suite 204, Metro Square Building
St. Paul, MN 55155
612/296-7465

Upon adoption of the temporary rules, this notice, all written comments received, and the adopted temporary rules will be delivered to the Attorney General and to the Revisor of Statutes for review as to form and legality.

The adopted temporary rules will not become effective without the Attorney General's approval and the Revisor of Statute's certification of the rule's form.

As required by the Administrative Procedures Act, Minnesota Statutes, chapter 14, these temporary rules shall be in effect for up to 180 days following their adoption and may be continued in effect for an additional 180 days if the Commissioner gives notice of continuation by publishing notice in the *State Register* and mailing the same notice to all persons registered with the Commissioner to receive notice of rulemaking proceedings. The temporary rules shall not be effective 360 days after their effective date without following the procedures in Minnesota Statutes, sections 14.13 to 14.20.

12 MCAR §§ 2.04601-2.04606 (Temporary) govern the responsibilities of local social service agencies in the relocation of nursing home residents or certified boarding care home residents as a result of the closing of a facility, loss of or change in

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.

certification, termination of receivership, or termination of the facility's Medical Assistance provider agreement. Provisions in these rules include definition of terms, establishment of a relocation committee, identification of alternative resources, provision of relocation assistance to residents, and county status reports on relocation activities.

These temporary rules will not result in additional state or county expenditures. If a relocation becomes necessary, existing staff will carry out the activities in this rule.

Copies of this notice and the proposed temporary rules may be obtained by contacting Lois Cosgrove (612/296-2543).

Leonard W. Levine
Commissioner

Temporary Rules as Proposed (all new material)

12 MCAR § 2.04601 [Temporary] Authority and applicability.

A. Authority.

1. Laws of Minnesota 1983, chapter 199, section 5, subdivision 4, authorizes the commissioner of public welfare to implement a resident relocation plan that instructs the local social services agency for the county in which a long-term care facility is located of procedures to follow to ensure that the needs of residents are met during a relocation.

2. Laws of Minnesota 1983, chapter 199, section 16, requires that the commissioner of public welfare promulgate temporary and permanent rules to implement the provisions of Laws of Minnesota 1983, chapter 199, including a resident relocation plan.

B. Applicability. Rules 12 MCAR §§ 2.04601-2.04606 [Temporary] govern the services that local social service agencies are required to provide for the benefit of residents of long-term care facilities when there are relocations. Individuals should consult 7 MCAR § 1.801 [Temporary] for information regarding the responsibilities of long-term care facilities.

12 MCAR § 2.04602 [Temporary] Definitions.

A. Scope of definitions. As used in 12 MCAR §§ 2.04601-2.04606 [Temporary] the following terms have the meanings given them.

B. Certified boarding care home. "Certified boarding care home" means a facility licensed under Minnesota Statutes, sections 144.50 to 144.56 and certified as an intermediate care facility as defined in United States Code, title 42, section 1396d, as amended through December 31, 1982, but excluding facilities for the mentally retarded as defined in United States Code, section 1396(d), as amended through December 31, 1982.

C. County relocation committee. "County relocation committee" means those staff persons of the local social service agency designated by the county social service director to serve as the relocation committee in a county.

D. Facility. "Facility" means a long-term care facility.

E. Local social service agency. "Local social service agency" means the local agency under the authority of the human services board or board of county commissioners which is responsible for social services.

F. Long-term care facility. "Long-term care facility" means a nursing home or a certified boarding care home.

G. Nursing home. "Nursing home" means a facility defined under Minnesota Statutes, section 144A.01, subdivision 5.

H. Relocation. "Relocation" means a situation when residents are to be discharged from a nursing home or certified boarding care home as a result of the closing of the facility, loss of or change in certification, termination of receivership, or termination of the facility's medical assistance provider agreement.

I. Resident. "Resident" means a person admitted to a long-term care facility.

J. Responsible county. "Responsible county" means the county where the facility from which the residents will be discharged is located.

12 MCAR § 2.04603 [Temporary] Relocation planning.

A. Relocation committee. The director of the local social service agency in each county shall designate appropriate staff as the county relocation committee. Staff designated as the county relocation committee shall be knowledgeable about the needs of long-term care residents, and the local resources available to meet those needs including medicaid and medicare.

B. Alternative resources. The county relocation committee shall develop a procedure to identify and monitor the current availability of alternative resources which may be used if the relocation of residents of a long-term care facility is necessary. These resources shall include at least the following:

1. a list of unoccupied beds in other facilities within the county and in neighboring counties; this list shall contain the following information about each facility:

a. the name, address, and telephone number of the facility;

b. the certification level of the available beds;

c. the type of services available within the facility; and

d. the number of beds that are available;

2. a list of alternative placements which includes swing beds in hospitals and foster care placement;

3. a list of the community and in-home health and social services which may be used on a temporary basis;

4. a list of the possible transportation resources;

5. a list of possible volunteer resources; and

6. the name, address, and telephone number of the appropriate regional ombudsman from the Minnesota Board on Aging Long-Term Care Ombudsman Program.

12 MCAR § 2.04604 [Temporary] Procedure upon notification.

The local social service agency and its county relocation committee shall initiate the procedures provided in 12 MCAR §§ 2.04605-2.04606 [Temporary] immediately upon receipt of written notification of the need for relocation from the income maintenance bureau of the Department of Public Welfare.

12 MCAR § 2.04605 [Temporary] Relocation assistance.

A. Resident information. Upon receiving written notice of the needs to relocate residents, the county relocation committee shall obtain from the facility the name of each resident to be relocated, the name and addresses of either a family member or the individual legally responsible for the resident's care, and the name and telephone number of the individual in the facility to be contacted for further information. This information shall be obtained at least 60 days before the date by which relocation is to be accomplished.

B. Coordination of relocation. The county relocation committee shall designate one of its members to act as a liaison to the individual in the facility responsible for coordinating the relocation of residents. The county designee shall meet with the appropriate facility staff to coordinate the relocation assistance offered by the county relocation committee with the relocation responsibilities of the facility. This coordination shall include participating, as requested, in any group meetings of residents and families to explain the steps being taken in arranging for the relocation of residents.

C. Offer of assistance. The county relocation committee shall provide a written offer of relocation assistance to each resident to be relocated and to their family member, and if applicable, to the person legally responsible for their care. The written offer of assistance shall contain at least the following information:

1. the name and telephone number of the individual to contact to request further information or assistance; and

2. an explanation of the relocation services offered by the county relocation committee.

D. Relocation services. The county relocation committee shall arrange for or provide the following minimum services for residents to be relocated as necessary to ensure placement or other appropriate alternative care:

1. Accurate and up-to-date information about the alternative arrangements for the appropriate care of the resident including all the resources identified in 12 MCAR § 2.04603 [Temporary] B.

2. Assistance in choosing among the available alternatives.

3. Counseling to enable the resident to adjust to the relocation.

4. Assistance in preparing the resident for the actual move which includes:

a. providing written information about the new facility to the resident;

b. providing an opportunity for each resident to visit the new facility to learn the physical layout, meet other residents and staff, and learn about the program and activities; and

c. encouraging a visit by staff and residents from the new facility to the resident prior to the actual relocation, if a site visit by the resident is not possible.

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.

5. Assistance in making arrangements for transportation as necessary.

6. Assurance that someone accompanies the resident during the actual move.

7. A follow-up visit to the resident within 30 days of the relocation. The follow-up visit includes interviewing or on-site observation of the resident or both, discussion with appropriate staff, and review of pertinent medical or social records to:

a. assess the adjustment of each resident to the new living environment; and

b. recommend appropriate services or methods to meet any special needs of each resident arising out of relocation.

12 MCAR § 2.04606 [Temporary] Reporting.

A. Initial report. The local social services agency shall submit a written report to the social services division of the Department of Public Welfare within one week from the date of receipt of the written notice of the need to relocate residents. The initial report shall contain the following information:

1. the names and phone numbers of the county relocation committee members;

2. a description of the procedure developed to identify and monitor the availability of the resources which may be used to meet the needs of the residents to be relocated; and

3. a timetable for the completion of the relocation process.

B. Status reports. During a relocation process the county relocation committee shall provide weekly status reports to the social services division of the Department of Public Welfare. The status reports shall include:

1. the number of individuals who have relocated during the week;

2. the date of each individual discharge;

3. the new placement of each individual relocated; and

4. identification of any specific problems which arise concerning the relocation process.

C. Summary report. The county relocation committee shall provide a summary report to the social services division of the Department of Public Welfare within 60 days of the completion of each facility relocation process. The report shall include:

1. the number of residents relocated;

2. the medical assistance identification number of each medical assistance recipient relocated;

3. the date of each resident's discharge;

4. the new placement of each resident;

5. the status of each resident at the time of the follow-up visit; and

6. the identification of problems encountered during the relocation process.

D. Submission of summary report. One copy of the summary report shall be submitted to the social service division of the Department of Public Welfare. A second copy of this report shall be submitted to the income maintenance bureau of the Department of Public Welfare.

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Temporary Rules Governing the Relocation of Nursing Home Residents (12 MCAR § 2.04601-2.04606, Temporary)

ORDER ADOPTING TEMPORARY RULES

The above entitled matter was published in the State Register on February 6, 1984 as a proposed temporary rule pursuant to Minnesota Statutes, sections 14.29-14.36.

After affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable,

NOW, THEREFORE, IT IS ORDERED that these rules identified as temporary rules Governing the Relocation of Nursing Home Residents (12 MCAR § 2.04601-2.04606) are adopted this 10th day of September, 1984, pursuant to authority vested in me by Laws of Minnesota 1983, Chapter 199.

STATE OF MINNESOTA



Commissioner of Human Services

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

PROPOSED TEMPORARY RULES GOVERNING
RELOCATION OF NURSING HOME RESIDENTS
(12 MCAR §§ 2.04601 - 2.04606
Temporary)

ORDER FOR PUBLICATION
OF A TEMPORARY RULE

IT IS ORDERED this 9th day of January, 1984, that the proposed temporary rule in the above-entitled matter be published in the State Register.

LEONARD W. LEVINE
Commissioner of Public Welfare

FM-52

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED TEMPORARY RULE GOVERNING THE RELOCATION OF NURSING HOME RESIDENTS (12 MCAR §§ 2.04601 - 2.04606, Temporary)

AFFIDAVIT OF MAILING

Wendy Johnson, being first sworn, deposes and says:

That on the 1st day of February, 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Temporary Rules 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 1 day of February, 1984.

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 TEMPORARY RULE GOVERNING THE RELOCATION OF NURSING HOME RESIDENTS (12 MCAR §§ 2.04601 - 2.04606, Temporary)

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 1st day of February, 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, in addition to serving the attached Notice of Intent to Adopt Temporary Rules to all persons and associations who have requested that their names be placed on file for the purpose of receiving notice of the proposed adoption of rules by this Department, she also served the attached Notice by depositing in the State of Minnesota, Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following agencies:

MN Agencies on Aging - Long Term Care Ombudsman - MN Assoc. of Homes for the Aging
MN Assoc. of Health Care Facilities - MN Senior Federation

Wendy Johnson

Subscribed and sworn to before me

this 1 day of February, 1984.

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 TEMPORARY RULE GOVERNING THE RELOCATION OF NURSING HOME RESIDENTS (12 MCAR §§ 2.04601 - 2.04606, Temporary)

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. §14.14 subd. 1, 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 1st day of February, 1984.



STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE
PROPOSED ADOPTION OF
TEMPORARY RULES GOVERNING
THE RELOCATION OF NURSING
HOME RESIDENTS (12 MCAR §§ 2.04601-
2.04606)

FINDINGS OF FACT
AND CONCLUSIONS

The Commissioner published a notice of intent to adopt temporary rules on the above entitled matter in the State Register on February 6, 1984. Notice was also sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, section 14.30 on February 1, 1984. After affording all interested and affected persons an opportunity to submit comments for 20 days after the notice and reviewing and considering the comments, I find the following:

1. In 12 MCAR § 2.04602 F. (Temporary) of the proposed rule (page 2, line 7-8) the Department defined a "long-term care facility" as a nursing home or a certified boarding care home. Commentator Benno W. Salewski of the Minnesota Association of Health Care Facilities suggested that this definition was too limiting and recommended that the Commissioner change the wording of the definition to "a licensed boarding care home." The Commissioner disagrees with the commentator's interpretation of the applicability of Laws of Minnesota 1983, Chpater 199, section 5, subdivision 4, to clarify that county responsibilities for the relocation of nursing home residents apply to a nursing home or certified boarding care home. Therefore, no change in the general applicability of the rule has been made.

2. In 12 MCAR § 2.04602 H. (Temporary) of teh proposed rule (page 2, lines 11-16) the Department defined "relocation" to include "termination of receivership." The Interagency Board for Quality Assurance reviewed the proposed temporary rule at its January 24, 1984, meeting and made a recommendation to delete the phrase "termination of receivership" from the definition. The Commissioner agrees that the phrase is unnecessary because the definition already applies to relocations as a result of the closing of a facility and has deleted "termination of receivership" from line 14.

3. As a result of Laws of Minnesota 1984, Chapter 654, the name of the Department of Public Welfare has been changed to the Department of Human Services. All references to the Department of Public Welfare have been changed to the Department of Human Services. In addition, the Department has clarified that all reports shall be submitted to the Commissioner of Human Services or his designee. These changes are as follows:

12 MCAR §§ 2.04601 A.1. (line 11, page 1)
12 MCAR §§ 2.04601 A.2. (line 17, page 1)
12 MCAR §§ 2.04604 (line 26-27, page 3)
12 MCAR §§ 2.04606 A. (line 25-26, page 5)
12 MCAR §§ 2.04606 B. (line 3, page 6)
12 MCAR §§ 2.04606 C. (line 12-13, page 6)
12 MCAR §§ 2.04606 D. (line 24-28, page 6)

4. All comments concerning the proposed temporary rule received within the period allowed by law were considered by the Department.

5. The changes made to the proposed temporary rule are not substantial changes.

LEONARD W. LEVINE
Commissioner of Human Services

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE OF MINNESOTA DEPARTMENT OF HUMAN SERVICES GOVERNING

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.

Dianne Masters

Special Assistant Attorney General

Dated: 9/20/84