

**Minnesota Department of Human Services
Health Care Integrity and Accountability Division**

NOTICE OF INTENT TO REPEAL OBSOLETE RULES

Proposed Repeal of Obsolete Rules Governing

- **Recoupment or recovery of medical assistance and MinnesotaCare benefit overpayments that were caused by an enrollee/recipient's error, Minnesota Rules, part 9505.2215, subpart 1(B), and part 9505.2200 subpart 1.**

Revisor's ID Number R-4896

Introduction. The Department of Human Services intends to repeal obsolete rules under the rulemaking process in the Administrative Procedure Act, *Minnesota Statutes*, section 14.3895. You may submit written comments on the proposed repeal of obsolete rules until February 7, 2025.

Agency Contact Person. You may submit written comments or questions on the rules to:

Kevin Slator
Minnesota Department of Human Services
P.O. Box 64254
St. Paul, MN 55164-0254
Phone: 651-431-3101
Email (preferred): dhsrulecomments@state.mn.us

or

You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>.

Subject of the Repeal of Obsolete Rules and Statutory Authority.

- **Monetary Recovery of Overpayments Based on Agency Finding of Recipient/Enrollee Error:** Minnesota Rules, part 9505.2200, subpart 1, and part 9505.2215, subpart 1B. These rules are obsolete based on guidance from the Centers for Medicare & Medicaid Services (CMS) and Minnesota Department of Human Services (the Department) Bulletin #23-19-01 relating to “unwinding” after the end of the COVID-19 public health emergency. Medicaid (also known as medical assistance) agencies were directed to stop assessing and recovering medical assistance and MinnesotaCare overpayments based on an agency finding that the overpayments were the result of a recipient/enrollee's own error. Agencies were also directed to stop seeking voluntary repayments of overpaid benefits.

The Department identified the proposed obsolete rules to be repealed in its annual obsolete rules report December 1, 2023, under Minnesota Statutes section 14.05, subdivision 5. The statutory authority to repeal the obsolete rules is found in Minnesota Statutes, section 14.3895. The initial statutory authority under which these rules were created is found in Minnesota Statutes, section

256B.04, which gives the Commissioner of Human Services the authority to make rules to carry out and enforce the medical assistance program in Minnesota. A copy of the proposed obsolete rules to be repealed is published in the State Register and included with this notice as mailed.

Comments. You have until 4:30 p.m. on Friday, February 7, 2025, to submit written comment in support of or in opposition to the proposed repeal of obsolete rules and any part or subpart of the repeal. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed obsolete rules to be repealed addressed and the reason for the comment. In addition, you are encouraged to object to the repeal of any part or subpart. You must also make any comments on the legality of the proposed rules during this comment period.

Request for Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request in writing and the agency contact person must receive it by 4:30 p.m. on February 7, 2025. Your written request must include your name and address. You must identify the portion of the proposed repealed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Department cannot count it for determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

- **Effect of Requests.** If 25 or more people submit a written request, the Department will have to meet the requirements of Minnesota Statutes, sections 14.131 to 14.20 for rules adopted after a hearing or the requirements of Minnesota Statutes, sections 14.22 to 14.28 for rules adopted without a hearing, including the preparation of a statement of need and reasonableness and the opportunity for a hearing.

Modifications. The Department might modify its choice of these designated rules or parts proposed for repeal (for example, fixing a typo or deciding not to repeal a rule because the rule is discovered not to be obsolete), based on comments and information submitted to the Department. If the final rules are identical to the rules originally published in the State Register, the Department will publish a notice of adopting the repealers in the State Register. If the final rules are different from the rules originally published in the State Register, the Department must publish a copy of the changes in the State Register. If the proposed repeal of obsolete rules affects you in any way, the Department encourages you to participate in the rulemaking process.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Repeal and Review of Obsolete Rules. If no hearing is required, the Department may repeal the obsolete rules at the end of the comment period. The Department will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the Department submits the rules. If you want to be so notified, or want to receive a copy of the repealed obsolete rules, or want to register with the Department to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

November 25, 2024

Kevin Slator

Date

Kevin Slator
Rulemaking Attorney