

**Published in the Minnesota State Register, Monday 9 November 2009 (34 SR 649)**

**Minnesota Department of Health**

**Request for Comments**

**Biennial Review of Rulemaking Procedures and Rules Related to the Minnesota Health Care Administrative Simplification Act, *Minnesota Statutes*, Sections 62J.50 to 62J.61**

**Rulemaking authority and procedure.** *Minnesota Statutes*, section 62J.61, establishes a rulemaking procedure for adopting rules to implement the Minnesota Health Care Administrative Simplification Act. The procedure provides that:

- the Commissioner of Health must publish proposed rules in the *State Register*;
- the Commissioner may publish a notice describing the rules and offering a free copy instead of publishing the text of the rules, if the rules would be so lengthy as to be unduly cumbersome to publish;
- interested parties have 30 days to comment; and
- after considering all comments, the Commissioner may adopt the rules by publishing a notice of adoption in the *State Register*.

**Reason for rulemaking authority.** Health care industry billing procedures change frequently. It is important that rules keep current with these frequently changing procedures. The Legislature recognized that the normal rulemaking procedures in *Minnesota Statutes*, chapter 14, which take an average of 18 months, would not be adequate to keep pace with the changes in the health care industry. Further, some of the billing manuals and implementation guides are hundreds of pages long. It would not be practical to publish these in the *State Register*, especially when these are of interest to a very small group of interested parties. It would be more cost effective to publish a notice and to give a free copy to anyone who requests one.

**Biennial review of rulemaking procedures and rules.** Section 62J.61, subdivision 5, requires that the Commissioner of Health conduct a biennial review of the rulemaking procedures and rules by seeking “comments from affected parties about the effectiveness of and continued need for the rulemaking procedures . . . and about the quality and effectiveness of rules adopted using these procedures.” The Commissioner is required to invite oral or written comments by holding a meeting and by publishing a notice in the *State Register* at least 30 days before the meeting. The Commissioner is also required to write a report summarizing the comments and to submit the report to the Minnesota Health Data Institute and the Minnesota Administrative Uniformity Committee by January 15 of every even-numbered year.

**Oral and written comments invited; deadline.** Oral and written comments are invited about the effectiveness and continuing need for the rulemaking procedures and about the quality

and effectiveness of rules adopted using these procedures. Comments may be submitted until 4:00 p.m. on January 8, 2010. Comments may be submitted at the meeting described below or by sending them to the agency contact person, as set out later in this Request. Following the conclusion of the comment period on Friday, January 8, 2010, the Department will compile the comments and prepare the biennial report.

**Meeting for receiving oral and written comments.** The Department will hold a meeting to receive oral and written comments about the rulemaking procedures in section 62J.61. The meeting will be held in Room 365, Golden Rule Building, 85 East Seventh Place, St. Paul, Minnesota 55101, 9:00 a.m.- 11:00 a.m. on Wednesday, December 9, 2010. Anyone attending the meeting must first obtain a visitor badge at the Department's reception area in Suite 220 of the Golden Rule building to receive access to the meeting.

**Agency contact person for receiving written comments.** Written comments on the rulemaking procedures and questions about this biennial review may be submitted to the agency contact person. The agency contact person is: Mayumi Reuvers at the Minnesota Department of Health, 85 East Seventh Place, PO Box 64882, St. Paul, MN 55164-0882, e-mail [mayumi.reuvers@health.state.mn.us](mailto:mayumi.reuvers@health.state.mn.us) or phone (651) 651-5508, fax (651) 201-5186. TTY users may call the Minnesota Relay Service at 1-800-627-3529.

**Background.** The requirement to conduct a biennial review became effective on June 30, 1997. The Department used the rulemaking process pursuant to Minnesota Statutes, section 62J.61 most recently during 2007-2009 in rulemaking for Minnesota Uniform Companion Guides for the Implementation of the: Eligibility Inquiry and Response Electronic Transaction; Health Care Claim Electronic Transactions (Professional, Institutional, Dental and Pharmacy); and Health Care Claim Payment and Remittance Advice Electronic Transaction, as required by *Minnesota Statutes*, section 62J.536. The Department will be using the rulemaking procedure in 2010 for similar rulemaking to update and modify versions of Minnesota uniform companion guides as needed to be compliant with new versions of federal health care transactions standards.

**Dated:** November 9, 2009

---

Sanne Magnan, M.D., Ph.D.  
Commissioner  
P.O. Box 64975  
St. Paul, MN 55164-0975