

# Minnesota Statewide Quality Reporting and Measurement System Minnesota Rules Chapter 4654

## VARIANCE PROCEDURE

Minnesota Rules 4654 establishes the Minnesota Statewide Quality Reporting and Measurement System and identifies the entities that must submit data, the data to be submitted, and the submission procedures. Minnesota Rule 4654.0700 provides discretionary authority for the Commissioner of Health (Commissioner) to grant variances to a data submitter for a reported quality measure collection or submission specification if the data submitter demonstrates good cause.

To request a variance, the data submitter must submit to the Minnesota Department of Health (MDH) a petition containing the following information:

1. The name and address of the person or entity for whom a variance is being requested;
2. A description of and citation to the specific rule for which a variance is requested;
3. The variance requested, including the scope and duration of the variance;
4. The reasons that the petitioner believes justify a variance, including a signed statement attesting to the accuracy of the facts asserted in the petition; and
5. A history of the agency's action relative to the petitioner, as relates to the variance request.

The Commissioner will consider the following criteria in determining whether to grant a variance:

1. Failure to grant the variance would result in hardship or injustice to the data submitter;
2. The variance would be consistent with the public interest; and
3. The variance would not prejudice the substantial legal or economic rights of any person or entity.

MDH strictly applies these criteria in determining whether to grant a variance. A showing that compliance with the rules requires expenditure of resources does not, by itself, constitute a demonstration of hardship or injustice. The public interest is presumed to be served by obtaining data that is as complete as possible.

Petitions for variance for submission of a specific data element or submission specification should be submitted to:

James I. Golden, PhD  
Director, Health Policy Division  
Minnesota Department of Health  
P.O. Box 64882  
St. Paul, MN 55164-0882

The Commissioner will issue an order granting or denying a variance petition within 60 days of receipt of a completed petition, unless the petitioner agrees to a later date.

