

Official Notices

of Accountancy, 85 East Seventh Place, Suite 125, St. Paul, MN 55101, phone: 651-757-1523, FAX: 651-282-2644, or email: kay.weiss@state.mn.us. TTY users may call the Board at 800-627-3529.

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.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: October 20, 2021

Doreen Johnson, Executive Director

Minnesota State Agricultural Society (Minnesota State Fair) Board of Managers Meeting Notice

The Minnesota State Agricultural Society board of managers will meet at 9 a.m. Wednesday, November 10 on the State Fairgrounds. The session opens with a meeting of the board's sales committee. A general business meeting will follow. The Society is the governing body of the Minnesota State Fair. Please email fairinfo@mnstatefair.org with any questions.

The 2022 Minnesota State Fair runs Aug. 25 - Labor Day, Sept. 5.

Minnesota Department of Health (MDH) Request for Comments Biennial Review of Rulemaking Procedures and Rules Pursuant to Minnesota Statutes, Sections 62J.61, Subd. 5

Oral and written comments invited; deadline. The Minnesota Department of Health (MDH) is accepting oral and written comments as described below regarding: the effectiveness and continuing need for the rulemaking procedures set out in Minnesota Statutes, section 62J.61, subdivision 2; and the quality and effectiveness of rules adopted using these procedures. The rulemaking procedures in *section 62J.61* (<https://www.revisor.mn.gov/statutes/cite/62J.61>) are used for proposing and adopting rules for the standard, electronic exchange of health care administrative transactions pursuant to *section 62J.536* (<https://www.revisor.mn.gov/statutes/cite/62J.536>).

Oral and written comments will be accepted until 4:00 p.m., Thursday, December 16, 2021.

Meeting for receiving oral comments. The Department will conduct a virtual meeting 2:00 p.m. - 4:00 p.m. on Thursday, December 16, 2021, to receive oral comments about the rulemaking procedures in section 62J.61. Information to access the virtual meeting will be posted on the Minnesota Department of Health "*Health Care Administrative Simplification*" website at <https://www.health.state.mn.us/facilities/ehealth/asa/index.html>.

Written comments. You have until 4:00 p.m. on December 16, 2021, to submit written comments about the effectiveness of and continued need for the rulemaking procedures set out in section 62J.61, subdivision 2, and about the quality and effectiveness of rules adopted using these procedures. You must submit all written comments via the *OAHS Rulemaking e-comments website* (<https://minnesotaoah.granicusideas.com/discussions>).

Agency contact person. Questions about this biennial review may be submitted to Susie Blake at the Minnesota Department of Health, via e-mail at susie.blake@state.mn.us, or fax at (651) 201-3830. Email is preferred. Ms. Blake can also be reached for questions or information regarding this announcement via phone at (651) 201-5508.

Background:

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, Minnesota Statutes, sections 62J.50 to 62J.61. 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 and other business (administrative) transactions must be updated frequently because of rapid changes in business practices, as well as changes in national transactions standards and federal regulations. It is important that related state rules governing health care business transactions remain up-to-date and reflect the ongoing changes in the industry. The Legislature recognized that the normal rulemaking procedures in Minnesota Statutes, chapter 14, which take an average of 18 months, would not be timely enough to keep up with an often much more rapid pace of change. In comparison, the rulemaking permitted under section 62J.61 can be completed within three to six months, significantly reducing any possible lags between any needed changes in the rules and their development and implementation. Further, some rules are lengthy, and it would not be practical to publish them in their entirety in the State Register, especially when they are of interest to a relatively small group of end-users. It is much more timely, efficient, and cost effective to publish a notice of the availability of proposed or adopted rules, along with information regarding changes from previous versions, and to provide a free copy of the complete rules to anyone who requests one.

Recent use of the rulemaking process. The Department used the rulemaking process pursuant to Minnesota Statutes, section 62J.61 described above during 2020-2021 for adoption of version 16 (v16) of Minnesota Uniform Companion Guide (MUCG) rules pursuant to section 62J.536 for the implementation of the following electronic health care business (administrative) transactions:

- X12/005010X222A1 Health Care Claim: Professional (837); and
- X12/005010X223A2 Health Care Claim: Institutional (837).

Copies of all MUCG rules, including those above, are available for free viewing or downloading on the *Minnesota Uniform Companion Guides webpage* at <https://www.health.state.mn.us/facilities/ehealth/auc/guides/index.html>. The Department will be using the rulemaking procedure described above in 2022 to develop, update, and modify versions of MUCGs as needed to ensure that they remain as accurate, relevant, and useful as possible.

Biennial review of rulemaking procedures and rules. Minnesota Statutes, section 62J.61, subdivision 5, requires that the Commissioner of Health conduct a biennial review of the rulemaking procedures noted above and resulting 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 also required to prepare a report summarizing the comments and to submit it to the Minnesota Health Data Institute and the *Minnesota Administrative Uniformity Committee* (<https://www.health.state.mn.us/facilities/ehealth/auc/index.html>).

Dated: November 8, 2021

Jan K. Malcolm Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975