

# EXHIBIT 12

- a. Certificate of Accuracy of the Mailing List, dated January 9, 2015  
(1 page)
- b. Certificate of Mailing the Amended Notice of Hearing to the Rulemaking Mailing List, dated January 9, 2015, with attachments  
(12 pages)
- c. Certificate of Mailing the Amended Notice of Hearing under the Additional Notice Plan – U.S. Mail, dated January 9, 2015, with attachments  
(35 pages)
- d. Certificate of Mailing the Amended Notice of Hearing under the Additional Notice Plan – Email, dated January 9, 2015, with attachments  
(23 pages)
- e. Certificate of Mailing the Amended Notice of Hearing under the Additional Notice Plan – Mental Health Division email list, dated January 9, 2015, with attachments  
(7 pages)
- f. Certificate of Mailing the Amended Notice of Hearing under the Additional Notice Plan – Aging and Adult Services Division email list, dated January 9, 2015, with attachments  
(5 pages)
- g. Certificate of Mailing the Amended Notice of Hearing under the Additional Notice Plan – Disability Services Division email lists, dated January 12, 2015, with attachments  
(5 pages)
- h. Certificate of Mailing the Amended Notice of Hearing under the Additional Notice Plan – Minnesota Health Care Programs Division email lists, dated January 9, 2015, with attachments  
(4 pages)
- i. Certificate of Mailing the Amended Notice of Hearing under the Additional Notice Plan – Alcohol and Drug Abuse Division email list, dated January 12, 2015, with attachments  
(5 pages)
- j. MHCP Provider News website, dated January 12, 2015  
(6 pages)
- k. Public Participation website, dated January 13, 2015  
(3 pages)

Minnesota Department of Human Services

CERTIFICATE OF ACCURACY OF THE MAILING LIST

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in Minnesota Rules, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

I certify that the list of persons and associations who have requested that their names be placed on the Department of Human Services rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of January 9, 2015.



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Karen E. Sullivan Hook  
Administrative Law Advisor



Minnesota Department of **Human Services**

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January 9, 2015

RE: Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213

Greetings:

The Minnesota Department of Human Services will publish an AMENDED Notice of Hearing along with a copy of the proposed rules in the State Register on January 12, 2015, under the title Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.

The enclosed AMENDED Notice of Hearing describes how to comment on the rule and attend the public hearing. If you would like to comment or attend the public hearing on the rule, please follow the procedure that is described in the AMENDED Notice of Hearing.

Sincerely,

Karen E. Sullivan Hook  
Administrative Law Advisor  
Management and Policy Division

Encl: AMENDED Notice of Hearing

# Minnesota Department of Human Services

## Disability Services Division

### AMENDED NOTICE OF HEARING

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

**Public Hearing.** The Department of Human Services intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the second floor conference rooms designated 2370 and 2380, Elmer L. Andersen Human Services Building, 540 Cedar Street, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, February 23, 2015, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. Judge Lipman's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0300 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about the use of positive support strategies and person-centered planning techniques, establishing a process to phase out the use of restrictive interventions for the rare situation when such use may be temporarily and briefly authorized, and governing the emergency use of manual restraint. The new rules will apply to all facilities and services, including the home and community-based services licensed under *Minnesota Statutes*, Chapter 245D that are provided to persons with a disability or persons age 65 and older, and to all Department-licensed facilities and licensed services serving persons with a developmental disability or a related condition.

The Department also intends to repeal *Minnesota Rules*, 9525.2700 to 9525.2810, Use Of Aversive And Deprivation Procedures In Licensed Facilities Serving Persons With Developmental Disabilities. These rule parts govern the use of aversive and deprivation procedures now prohibited by *Minnesota Statutes*, Chapter 245D.

The proposed rules are authorized by *Minnesota Statutes*, section 245.8251, subdivisions 1 and 3.

A copy of the proposed rules will be published in the *State Register* on Monday, January 12, 2015, and is available online at [http://www.dhs.state.mn.us/dhs16\\_189734.pdf](http://www.dhs.state.mn.us/dhs16_189734.pdf). A free copy of the rules is available upon request from the agency contact person.

The agency contact person is: Karen E. Sullivan Hook at Minnesota Department of Human Services, Management and Policy Division, P.O. Box 64238, St. Paul, MN 55155-0238, phone: (651) 431-5771, fax: (651) 431-7488, e-mail: [dhsrulecomments@state.mn.us](mailto:dhsrulecomments@state.mn.us). TTY users may call MN Relay at 711 or 1-800-627-3529.

**Amendment of Notice of Hearing.** A Notice of Hearing was published in the *State Register* on December 29, 2014, and it indicated that a copy of the proposed rule would be published in the *State Register* on that same date. The proposed rule did not appear in the *State Register* on that date, but was available on the Department website and the web address and link were provided in the Notice of Hearing. The Notice of Hearing is now amended to indicate that the proposed rule will be published in the *State Register* on Monday, January 12, 2015.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available online at [http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16\\_191552.pdf](http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_191552.pdf) or from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views* either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments *to the administrative law judge at the address above or to* [rulecomments.oah@state.mn.us](mailto:rulecomments.oah@state.mn.us). All evidence that you present should relate to the proposed rules. You may also submit written material *to the administrative law judge* to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should 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.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dec 31, 2014  
Date

  
Lucinda Jesson, Commissioner  
Minnesota Department of Human Services

**Sullivan Hook, Karen E (DHS)**

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**From:** Sullivan Hook, Karen E (DHS)  
**Sent:** Friday, January 09, 2015 12:05 PM  
**To:** \*DHS\_DHSRuleComments  
**Subject:** DHS Amended Notice of Hearing on Proposed rule

January 9, 2015

RE: Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213

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The Amended Notice of Hearing describes how to comment on the rule and attend the public hearing. If you would like to comment or attend the public hearing on the rule, please follow the procedure that is described in the Amended Notice of Hearing.

Please access the [Amended Notice of Hearing](#) by clicking on the highlighted link. A text copy of the amended notice is included within this email as well. Additional information and documents are available by clicking on the highlighted link for our [rulemaking webpage](#).

Sincerely,

Karen E. Sullivan Hook  
Administrative Law Advisor  
Management and Policy Division

**Minnesota Department of Human Services**

**Disability Services Division**

**AMENDED NOTICE OF HEARING**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

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**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. Judge Lipman's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0300 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

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orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or to [rulecomments.oah@state.mn.us](mailto:rulecomments.oah@state.mn.us). All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

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**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should 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.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

December 31, 2014

Date

/s/

Lucinda Jesson, Commissioner

Minnesota Department of Human Services

Caution: This e-mail and attached documents, if any, may contain information that is protected by state or federal law. E-mail containing private or protected information should not be sent over a public (nonsecure) Internet unless it is encrypted pursuant to DHS standards. This e-mail should be forwarded only on a strictly need-to-know basis. If you are not the intended recipient, please: (1) notify the sender immediately, (2) do not forward the message, (3) do not print the message and (4) erase the message from your system.

Our House of Minnesota, Inc.	Dennis Holman	1846 Portland Ave.	St. Paul	MN	55104-
Minnesota Office of Administrative Hearings	Sam Ruhle	PO Box 64620	St. Paul	MN	55164-0620
Becker County DAC (Development Achievement Center)	David J. Peterson	PO Box 852	Detroit Lakes	MN	56502-
Citizens Council for Health Freedom	Twila Brase	161 Saint Anthony Avenue, Suite 923	St. Paul	MN	55103-2308
Minnesota Extended Treatment Options	Shannon Torborg, Psy.D., L.P.	1425 East Rum River Drive South	Cambridge	MN	55008-
Pine Ridge Home, Inc.	Ross Milberger	1509 - 14th Street	Cloquet	MN	55720-
Range Center, Inc.	Shelley Robinson	1001 NW Eighth Avenue PO Box 629	Chisholm	MN	55719-

Hiawatha Manor Inc.	<a href="mailto:h.manor@mchsi.com">h.manor@mchsi.com</a>	
Our House of Minnesota Inc.	<a href="mailto:ourhouse@popp.net">ourhouse@popp.net</a>	
MN Governor's Council on Developmental Disabilities	<a href="mailto:admin.dd@state.mn.us">admin.dd@state.mn.us</a>	
NASW-MN	<a href="mailto:alan@naswmn.org">alan@naswmn.org</a>	
Family & Children's Center	<a href="mailto:amadlom@fccnetwork.org">amadlom@fccnetwork.org</a>	
MCCLs	<a href="mailto:arau@mccl.org">arau@mccl.org</a>	
ARRM	<a href="mailto:bjacobson@arrm.org">bjacobson@arrm.org</a>	
Mid-Minnesota Legal Assistance	<a href="mailto:bjkuhn@midmnlegal.org">bjkuhn@midmnlegal.org</a>	
Itasca Medical Care	<a href="mailto:Brett.Skyles@co.itasca.mn.us">Brett.Skyles@co.itasca.mn.us</a>	
South Country Alliance	<a href="mailto:Bnasi@mnscha.org">Bnasi@mnscha.org</a>	
ARRM	<a href="mailto:bnelson@arrm.org">bnelson@arrm.org</a>	
MT Olive & Rolling Acres	<a href="mailto:BruceT@MTOliveRollingAcres.org">BruceT@MTOliveRollingAcres.org</a>	
Southern MN Regional Legal Services	<a href="mailto:charles.thomas@smrls.org">charles.thomas@smrls.org</a>	
The Family & Children's Center Winona Services	<a href="mailto:cjohnson@fccnetwork.org">cjohnson@fccnetwork.org</a>	
Metropolitan Health Plan	<a href="mailto:Christine.Reiten@co.hennepin.mn.us">Christine.Reiten@co.hennepin.mn.us</a>	
Volunteers of America	<a href="mailto:Cbunting@voa.org">Cbunting@voa.org</a>	
Hiawatha Homes, Inc.	<a href="mailto:costrowski@hiawathahomes.org">costrowski@hiawathahomes.org</a>	
Harry Meyerling Center	<a href="mailto:Clee@harrymeyerlingcenter.org">Clee@harrymeyerlingcenter.org</a>	
Minnesota Veteran's Home Board	<a href="mailto:chcox@hast.mvh.state.mn.us">chcox@hast.mvh.state.mn.us</a>	
CABHS-CS (Child & Adolescent Behavioral Health Services)	<a href="mailto:Cynthia.Packer@state.mn.us">Cynthia.Packer@state.mn.us</a>	
Phoenix Residence Inc.	<a href="mailto:dScott@PhoenixResidence.org">dScott@PhoenixResidence.org</a>	
HealthPartners	<a href="mailto:David.S.Gesko@healthpartners.com">David.S.Gesko@healthpartners.com</a>	
Homeward Bound Inc.	<a href="mailto:dpriebe@hbimn.org">dpriebe@hbimn.org</a>	

Pine River Group Home, Inc.	<a href="mailto:prgh@tds.net">prgh@tds.net</a>	
Minnesota County Attorney Association	<a href="mailto:jkingrey@mcaa-mn.org">jkingrey@mcaa-mn.org</a>	
Prairie View Inc. LRN Associates Mgmt.	<a href="mailto:pvislay@iw.net">pvislay@iw.net</a>	
Addiction Recovery Technologies Inc.	<a href="mailto:cmurphy@artr-rochester.com">cmurphy@artr-rochester.com</a>	
DHS Deaf & Hard of Hearing Services Division	<a href="mailto:jan.radatz@state.mn.us">jan.radatz@state.mn.us</a>	
Legal Services Advocacy Project	<a href="mailto:jlwebster@mnlisap.org">jlwebster@mnlisap.org</a>	
Client Community Services, Inc.	<a href="mailto:jthomas@clientcommunityservices.org">jthomas@clientcommunityservices.org</a>	
Family Alternatives	<a href="mailto:jriebel@familyalternatives.org">jriebel@familyalternatives.org</a>	
Blue Plus	<a href="mailto:Julie_K_Stone@bluecrossmn.com">Julie K Stone@bluecrossmn.com</a>	
Winona County Dept. of Human Services	<a href="mailto:jthompson@co.winona.mn.us">jthompson@co.winona.mn.us</a>	
Cooperating Community Programs	<a href="mailto:kathys@starsvcs.com">kathys@starsvcs.com</a>	
Medica	<a href="mailto:Kenneth.Bence@medica.com">Kenneth.Bence@medica.com</a>	
Minnesota Academy of Pediatric Dentistry	<a href="mailto:Dakotachildrendentistry@frontiernet.net">Dakotachildrendentistry@frontiernet.net</a>	
LadyBug Child Care Center	<a href="mailto:ckraus@ladybugcc.com">ckraus@ladybugcc.com</a>	
Prime West Health Systems	<a href="mailto:leah.anderson@primewest.org">leah.anderson@primewest.org</a>	
Anoka County Human Services	<a href="mailto:linda.ewen@co.anoka.mn.us">linda.ewen@co.anoka.mn.us</a>	
Legal Services Advocacy Project	<a href="mailto:Lmfink@mnlisap.org">Lmfink@mnlisap.org</a>	
Episcopal Group Homes	<a href="mailto:lisa.egh@visi.com">lisa.egh@visi.com</a>	
People Incorporated	<a href="mailto:MaryKay.McJilton@peopleincorporated.org">MaryKay.McJilton@peopleincorporated.org</a>	
MN Governor's Council on Developmental Disabilities	<a href="mailto:mary.jo.nichols@state.mn.us">mary.jo.nichols@state.mn.us</a>	
Legal Services Advocacy Project	<a href="mailto:mthugdahl@mnlisap.org">mthugdahl@mnlisap.org</a>	

Dorsey & Whitney LLP	<a href="mailto:ahern.michael@dorsey.com">ahern.michael@dorsey.com</a>	
Minnesota Safety Net Coalition	<a href="mailto:mscandrett@hh-lpac.com">mscandrett@hh-lpac.com</a>	
Minnesota Dental Hygienists' Association	<a href="mailto:msensat@msn.com">msensat@msn.com</a>	
Addiction Recovery Technologies Inc.	<a href="mailto:mfmcgins@bevcomm.net">mfmcgins@bevcomm.net</a>	
Dakota County Social Services	<a href="mailto:patrick.coyne@co.dakota.mn.us">patrick.coyne@co.dakota.mn.us</a>	
Care Providers	<a href="mailto:pcullen@careproviders.org">pcullen@careproviders.org</a>	
MN Department of Veterans Affairs	<a href="mailto:patty.ryan@state.mn.us">patty.ryan@state.mn.us</a>	
Dakota Communities Inc.	<a href="mailto:paulah@dakcom.org">paulah@dakcom.org</a>	
OutFront Minnesota	<a href="mailto:phil@outfront.org">phil@outfront.org</a>	
Otter Tail County Human Services	<a href="mailto:blee@co.otter-tail.mn.us">blee@co.otter-tail.mn.us</a>	
Minnesota Dental Association	<a href="mailto:ddiercks@mndental.org">ddiercks@mndental.org</a>	
Dakota Communities Inc.	<a href="mailto:rod@dakcom.org">rod@dakcom.org</a>	
MSSA	<a href="mailto:rod@mnssa.org">rod@mnssa.org</a>	
Southwestern Mental Health Center Inc.	<a href="mailto:scott.johnson@swmhc.org">scott.johnson@swmhc.org</a>	
Delta Dental	<a href="mailto:Sfuchs@deltadentalmn.org">Sfuchs@deltadentalmn.org</a>	
Housing Advocate of the Homeless	<a href="mailto:shellie.rowe@spps.org">shellie.rowe@spps.org</a>	
Salmi Homes, Inc.	<a href="mailto:Shirley61@me.com">Shirley61@me.com</a>	
UCare Minnesota	<a href="mailto:Sschwartz@ucare.org">Sschwartz@ucare.org</a>	
ARC of Minnesota	<a href="mailto:stevel@arcmn.org">stevel@arcmn.org</a>	
NAMI Minnesota	<a href="mailto:sabderholden@namimn.org">sabderholden@namimn.org</a>	
UCare Minnesota	<a href="mailto:swestrich@ucare.org">swestrich@ucare.org</a>	
Catholic Charities	<a href="mailto:tliester@ccstcloud.org">tliester@ccstcloud.org</a>	
Hammer Residence	<a href="mailto:tim@hammer.org">tim@hammer.org</a>	
Stephanie James	<a href="mailto:stephanie.james@senate.mn">stephanie.james@senate.mn</a>	

**Minnesota Department of Human Services**

**CERTIFICATE OF MAILING THE AMENDED NOTICE OF HEARING UNDER THE  
ADDITIONAL NOTICE PLAN**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered  
Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual  
Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in  
Minnesota Rules, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

I certify that on January 9, 2015, at the city of St. Paul, Ramsey County, Minnesota, I gave notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on December 2, 2014, by mailing the Amended Notice of Hearing to:

- provider associations and advocacy organizations that focus on disability services, aging and adult services, child safety and permanency, mental health services, children's mental health services, chemical dependency services, health care programs, and child care;
- managed care organizations and their associations;
- the Minnesota minority councils;
- legal services providers;
- advisory councils and committees on disabilities, aging, child welfare, mental health, children's mental health, chemical dependency, and child care; and
- government agencies, board and offices whose work intersects with the subject of the proposed rule.

I accomplished this mailing by depositing a copy of the Amended Notice of Hearing in the United States mail with postage prepaid to all persons and associations on the attached mailing lists. Copies of the Amended Notice of Hearing and the mailing lists are attached to this Certificate.



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Karen E. Sullivan Hook  
Administrative Law Advisor



Minnesota Department of **Human Services**

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January 9, 2015

RE: Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213

Greetings:

The Minnesota Department of Human Services will publish an AMENDED Notice of Hearing along with a copy of the proposed rules in the State Register on January 12, 2015, under the title Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.

The enclosed AMENDED Notice of Hearing describes how to comment on the rule and attend the public hearing. If you would like to comment or attend the public hearing on the rule, please follow the procedure that is described in the AMENDED Notice of Hearing.

Sincerely,

Karen E. Sullivan Hook  
Administrative Law Advisor  
Management and Policy Division

Encl: AMENDED Notice of Hearing

# Minnesota Department of Human Services

## Disability Services Division

### AMENDED NOTICE OF HEARING

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

**Public Hearing.** The Department of Human Services intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the second floor conference rooms designated 2370 and 2380, Elmer L. Andersen Human Services Building, 540 Cedar Street, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, February 23, 2015, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. Judge Lipman's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0300 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about the use of positive support strategies and person-centered planning techniques, establishing a process to phase out the use of restrictive interventions for the rare situation when such use may be temporarily and briefly authorized, and governing the emergency use of manual restraint. The new rules will apply to all facilities and services, including the home and community-based services licensed under *Minnesota Statutes*, Chapter 245D that are provided to persons with a disability or persons age 65 and older, and to all Department-licensed facilities and licensed services serving persons with a developmental disability or a related condition.

The Department also intends to repeal *Minnesota Rules*, 9525.2700 to 9525.2810, Use Of Aversive And Deprivation Procedures In Licensed Facilities Serving Persons With Developmental Disabilities. These rule parts govern the use of aversive and deprivation procedures now prohibited by *Minnesota Statutes*, Chapter 245D.

The proposed rules are authorized by *Minnesota Statutes*, section 245.8251, subdivisions 1 and 3.

A copy of the proposed rules will be published in the *State Register* on Monday, January 12, 2015, and is available online at [http://www.dhs.state.mn.us/dhs16\\_189734.pdf](http://www.dhs.state.mn.us/dhs16_189734.pdf). A free copy of the rules is available upon request from the agency contact person.

The agency contact person is: Karen E. Sullivan Hook at Minnesota Department of Human Services, Management and Policy Division, P.O. Box 64238, St. Paul, MN 55155-0238, phone: (651) 431-5771, fax: (651) 431-7488, e-mail: [dhsrulecomments@state.mn.us](mailto:dhsrulecomments@state.mn.us). TTY users may call MN Relay at 711 or 1-800-627-3529.

**Amendment of Notice of Hearing.** A Notice of Hearing was published in the *State Register* on December 29, 2014, and it indicated that a copy of the proposed rule would be published in the *State Register* on that same date. The proposed rule did not appear in the *State Register* on that date, but was available on the Department website and the web address and link were provided in the Notice of Hearing. The Notice of Hearing is now amended to indicate that the proposed rule will be published in the *State Register* on Monday, January 12, 2015.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available online at [http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16\\_191552.pdf](http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_191552.pdf) or from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views* either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments *to the administrative law judge at the address above or to* [rulecomments.oah@state.mn.us](mailto:rulecomments.oah@state.mn.us). All evidence that you present should relate to the proposed rules. You may also submit written material *to the administrative law judge* to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should 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.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dec 31, 2014  
Date

  
Lucinda Jesson, Commissioner  
Minnesota Department of Human Services

Provider Associations and Advocacy Organizations, Mental Service Providers, Advisory Councils and Committees

ORGANIZATION	CONTACT NAME/EMAIL	ADDRESS
1 MMLA Disability Law Center	Anne Henry, Staff Attorney <a href="mailto:alhenry@mylegalaid.org">alhenry@mylegalaid.org</a>	430 1st Ave N, Ste 300 Minneapolis, MN 55401-1780
2 Aging Services of Minnesota	Gayle Kvenvold, President/CEO <a href="mailto:gkvenvold@agingservicesmn.org">gkvenvold@agingservicesmn.org</a>	2550 University Ave W, Ste 350 South St. Paul, MN 55114-1900
3 Minnesota Brain Injury Alliance	David King, Executive Director <a href="mailto:info@braininjurymn.org">info@braininjurymn.org</a>	2277 Hwy 36 W, Ste 200 Roseville, MN 55113-3830
4 Care Providers of Minnesota	Patti Cullen, President/CEO <a href="mailto:pcullen@careproviders.org">pcullen@careproviders.org</a>	7851 Metro Parkway, Ste 200 Bloomington, MN 55425
5 Direct Support Professional Association of Minn	Bridget Siljander, Chair  <a href="mailto:dgetsiljander@yahoo.com">dgetsiljander@yahoo.com</a>	800 Transfer Rd, Ste 7 St. Paul, MN 55114
6 Minnesota Organizations for Habilitation and	Tom Weaver, Chair <a href="mailto:tweaver@achieveservices.org">tweaver@achieveservices.org</a>	1201 89th Ave NE Blaine, MN 55434
7 The Arc of Minnesota	Steve Larson, Policy Director <a href="mailto:steveL@arcmn.org">steveL@arcmn.org</a>	800 Transfer Rd, Ste 7A St. Paul, MN 55114
8 ARRM	Barb Turner, COO <a href="mailto:bturner@arrm.org">bturner@arrm.org</a>	1185 N Concord St, Ste 424 So St Paul, MN 55075

ORGANIZATION	CONTACT NAME/EMAIL	ADDRESS
9 Minnesota Adult Day Services Association	<a href="mailto:info@madsa.org">info@madsa.org</a>	2550 University Ave W, Ste 350 South St. Paul, MN 55114-1900
10 Minnesota HomeCare Association	Neil Johnson, Executive Director <a href="mailto:njohnson@mnhomecare.org">njohnson@mnhomecare.org</a>	1711 W County Rd B, Ste 211S St. Paul, MN 55113
11 National Alliance on Mental Illness - MN	Sue Abderholden, Executive Director <a href="mailto:sabderholden@namimn.org">sabderholden@namimn.org</a>	800 Transfer Rd, Ste 31 St. Paul, MN 55114
12 MnDACA (MN Day Activity Center Association)	Jerry Mueller, Executive Director	107 Donna Ave Alexandria, MN 56308-5377
13 Deaf and Hard of Hearing Services Advisory Cc (DHS)		PO Box 64984 St. Paul, MN 55164-0984
14 Minnesota Board on Aging	Jean Wood, Executive Director (DHS) <a href="mailto:jean.wood@state.mn.us">jean.wood@state.mn.us</a>	PO Box 64976 St. Paul, 55164-0976
15 Commission of Deaf, DeafBlind and Hard of H Mary Hartnett, Executive Director	<a href="mailto:mncdhh.info@state.mn.us">mncdhh.info@state.mn.us</a>	444 Lafayette Rd N St. Paul, MN 55155-3814
16 Special Needs BasicCare Advisory Committee (DHS)		PO Box 64984 St. Paul, MN 55164-0984

Provider Associations and Advocacy Organizations, Mental Service Providers, Advisory Councils and Committees

ORGANIZATION	CONTACT NAME/EMAIL	ADDRESS
17 Traumatic Brain Injury State Advisory Commit (DHS)		PO Box 64967 St. Paul, MN 55164-0967
18 Minnesota State Council on Disability	Joan Willshire, Executive Director <a href="mailto:joan.willshire@state.mn.us">joan.willshire@state.mn.us</a>	121 E 7th Pl, Ste 107 St. Paul, MN 55101
19 Ombudsman for Mental Health and Developmental Disabilities	<a href="mailto:ombudsman.mhdd@state.mn.us">ombudsman.mhdd@state.mn.us</a>	121 7th Pl East, Ste 420 St. Paul, MN 55101-2117
20 Minnesota Veterans Homes Board	Stephen Musser, Executive Director	20 West 12th St, Room 122 St. Paul, MN 55155
21 Minnesota Medical Association	Robert K Meiches, CEO <a href="mailto:mma@mnmed.org">mma@mnmed.org</a>	1300 Godward St NE, Ste 2500 Minneapolis, MN 55413
22 Pacer Center	Paula Goldberg, Executive Director	8161 Normandale Blvd Bloomington, MN 55437
23 MN Governor's Council on Developmental Dis	Colleen Wieck, Executive Director <a href="mailto:admin.dd@state.mn.us">admin.dd@state.mn.us</a>	370 Centennial Office Bldg, 658 Cedar St St. Paul, MN 55155
24 Alzheimer's Association of Minnesota-ND	Susan Spalding, CEO <a href="mailto:sspalding@alz.org">sspalding@alz.org</a>	7900 W 78th St, Ste 100 Minneapolis, MN 55439

Provider Associations and Advocacy Organizations, Mutual Service Providers, Advisory Councils and Committees

ORGANIZATION	CONTACT NAME/EMAIL	ADDRESS
25 discapacitados abriendose caminos	<a href="mailto:discapacitados@qwestoffice.net">discapacitados@qwestoffice.net</a>	107 7th Ave S St. Paul, MN 55075
26 American Association of Retired Persons	<a href="mailto:aarpmn@aarpmn.org">aarpmn@aarpmn.org</a>	30 E 7th St, Ste 1200 St. Paul, MN 55101
27 Minnesota Nurses Association	Shannon Cunningham	345 Randolph Ave #200 St. Paul, MN 55102
28 Minnesota Council of Health Plans	Julie Brunner, Executive Director <a href="mailto:info@mnhealthplans.org">info@mnhealthplans.org</a>	2550 University Ave W, Ste 255 South St. Paul, MN 55114-1904
Minnesota Council of Child Caring Agencies	Mary Regan, Executive Director <a href="mailto:mregan@mccca.org">mregan@mccca.org</a>	1000 Westgate Dr, Ste 252 St. Paul, MN 55114
Long-Term Care Advisory Committee	(DHS)	PO Box 64973 St. Paul, MN 55164-0973
Children's Law Center of Minnesota	Lilia Panteleeva, Executive Director	450 N Syndicate St, Ste 315 St. Paul, MN 55104
Legal Aid Society of Minneapolis	Irene Opsahl, Supervising Attorney	430 1st Ave N, Ste 300

Provider Associations and Advocacy Organizations, Mental Service Providers, Advisory Councils and Committees

(MidMN Legal Aid)

Minneapolis, MN 55401-1780

Children's Defense Fund of Minnesota

Peggy Flanagan, Executive Director

555 Park St, Ste 410  
St. Paul, MN 55103

Council on Black Minnesotans

Edward McDonald, Executive Director

332 Minnesota St, Ste E1240  
St. Paul, MN 55101

Minnesota Council of Nonprofits

Jon Pratt, Executive Director  
jpratt@minnesotanonprofits.org

2314 University Ave W, #20  
St. Paul, MN 55114

North American Council on Adoptable Children

Joe Kroll, Executive Director  
[joekroll@aol.com](mailto:joekroll@aol.com)

970 Raymond Ave, Ste 106  
St. Paul, MN 55114

Office of the Ombudsperson for Families

1450 Energy Park Dr, Ste 106  
St. Paul, MN 55108-5227

American Indian Child Welfare Advisory Council (DHS)

PO Box 64962  
St. Paul, MN 55164-0962

Subcommittee on Children's Mental Health (DHS)

PO Box 64981  
St. Paul, MN 55164-0981

Board of Behavioral Health and Therapy

Kari Rechtzigel, Executive Director  
[kari.rechtzigel@state.mn.us](mailto:kari.rechtzigel@state.mn.us)

2829 University Ave SE, Ste 210  
Minneapolis, MN 55414

Ombudsman for Mental Health and Developmental Disabilities

121 7th Pl East, Ste 420

Provider Associations and Advocacy Organizations, Mental Service Providers, Advisory Councils and Committees

	<a href="mailto:ombudsman.mhdd@state.mn.us">ombudsman.mhdd@state.mn.us</a>	St. Paul, MN 55101-2117
Minnesota Association for Children's Mental Health	Deborah Saxhaug, Executive Director <a href="mailto:info@macmh.org">info@macmh.org</a>	165 Western Ave N, Ste 2 St. Paul, MN 55102
Council on Asian-Pacific Minnesotans	Sia Her, Executive Director <a href="mailto:sia.her@state.mn.us">sia.her@state.mn.us</a>	658 Cedar St, Ste 160 St. Paul, MN 55155
Chicano Latino Affairs Council	Hector Garcia, Executive Director <a href="mailto:hector.garcia@state.mn.us">hector.garcia@state.mn.us</a>	60 Empire Dr, Ste 203 St. Paul, MN 55103
Minnesota Indian Affairs Council	Annamarie Hill, Executive Director <a href="mailto:annamarie.hill@state.mn.us">annamarie.hill@state.mn.us</a>	161 St. Anthony Ave, Ste 919 St. Paul, MN 55103
Minnesota Society of Child and Adolescent Psychiatry	Dave Einzig, M.D., President	4707 Hwy 61 St. Paul, MN 55110
MMLA Disability Law Center	Patricia Siebert, Staff Attorney <a href="mailto:psiebert@mylegalaid.org">psiebert@mylegalaid.org</a>	430 1st Ave N, Ste 300 Minneapolis, MN 55401-1780
Minnesota Association of Treatment Directors	John Henderlite, Chair <a href="mailto:jhenderlite@havenchemicalhealth.com">jhenderlite@havenchemicalhealth.com</a>	c/o Haven Chemical Health 2042 Wooddale Dr, Ste 220 Woodbury, MN 55125
Minnesota Association of Resources for Recovery	Scott Franzmeier, Executive Director <a href="mailto:scottf@marrch.org">scottf@marrch.org</a>	1000 Westgate Dr, Ste 252 St. Paul, MN 55114

Provider Associations and Advocacy Organizations, Mental Service Providers, Advisory Councils and Committees

Minnesota Detox Association	Bob Rohret, Chair <a href="mailto:robert.rohret@CO.RAMSEY.MN.US">robert.rohret@CO.RAMSEY.MN.US</a>	c/o Ramsey County Detox Center 402 University Ave E St. Paul, MN 55130
Mental Health Consumer/Survivor Network	Robert Reedy, President	540 Fairview Ave N, Ste 301 St. Paul, MN 55104
Mental Health Providers Association of Minnesota	Jeff Bradley, President	3181 Fernbrook Lane N Plymouth, MN 55447
Minnesota Association of Community Mental Health	Dara Rudick, Interim Executive Director <a href="mailto:Dara.rudick@macmhp.org">Dara.rudick@macmhp.org</a>	400 South 4th St, Ste 401-245 Minneapolis, MN 55415
Minnesota State Advisory Council on Mental Health	Bruce Weinstock <a href="mailto:Bruce.Weinstock@state.mn.us">Bruce.Weinstock@state.mn.us</a>	PO Box 64981 St. Paul, MN 55164-0981
Minnesota Sex Offender RE-Entry Project	<a href="mailto:mnsorp5@gmail.com">mnsorp5@gmail.com</a>	2712 Fremont Ave S Minneapolis, MN 55408
Minnesota Association for the Treatment of Substance Abuse	Michael Thompson, President <a href="mailto:info@MnATSA.org">info@MnATSA.org</a>	PO Box 221 Lake Elmo, MN 55042
Alcoholics Anonymous Greater Minneapolis Intergroup		7204 West 27th St, Ste 113 St. Louis Park, MN 55426-3112
Minnesota Medical Association	Robert K Meiches, CEO	1300 Godward St NE, Ste 2500

Provider Associations and Advocacy Organizations, Mental Service Providers, Advisory Councils and Committees

[mma@mnmed.org](mailto:mma@mnmed.org)

Minneapolis, MN 55413

Minnesota Psychological Association

Steve Vincent, President

[info@mnpsych.org](mailto:info@mnpsych.org)

5353 Wayzata Blvd, Ste 350

Minneapolis, MN 55416

Minnesota Association of Mental Health Residential Facilities

1000 Westgate Dr

St. Paul, MN 55114

Alcoholics Anonymous St. Paul and Suburban Area Intergroup

1600 University Ave W, Ste 214

St. Paul, MN 55104-3898

Mental Health Association of Minnesota

Ed Eide, Executive Director

[info@mentalhealthmn.org](mailto:info@mentalhealthmn.org)

475 Cleveland Ave N, Ste 222

St. Paul, MN 55104

Minnesota Psychiatric Society

Linda Vukelich, Executive Director

[l.kelich@comcast.net](mailto:l.kelich@comcast.net)

4707 Hwy 61 #232

St. Paul, MN 55110

Minnesota Counseling Association

Peg Truax, President

[president@mnca.org](mailto:president@mnca.org)

c/o 5878 Blackshire Path

Inver Grove Heights, MN 55076

Minnesota Department of Veterans Affairs - V Deputy Commissioner Veterans Health Care

20 W 12th St, Room 206

St. Paul, MN 55155

Minnesota Certification Board

4817 Viking Blvd NE, Ste 101

Wyoming, MN 55092

Provider Associations and Advocacy Organizations, Social Service Providers, Advisory Councils and Committees

American Indian Mental Health Advisory Council DHS

PO Box 64981  
St. Paul, MN 55164-0981

American Indian Advisory Council on Chemicals DHS

PO Box 64977  
St. Paul, MN 55164-0977

Citizens Advisory Council DHS  
aka Alcohol and Other Drug Abuse Advisory Council

PO Box 64977  
St. Paul, MN 55164-0977

Sex Offender Civil Commitment Advisory Task Force Eric J Magnuson, Chair  
DHS.SOCCTaskForce@state.mn.us

Robins Kaplan Miller & Ciresi  
800 LaSalle Ave, 2800 LaSalle Plaza  
Minneapolis, MN 55402-2015

State Advisory Council on Mental Health DHS

PO Box 64981  
St. Paul, MN 55164-0981

Board of Behavioral Health and Therapy Kari Rehtzigel, Executive Director  
[kari.rehtzigel@state.mn.us](mailto:kari.rehtzigel@state.mn.us)

2829 University Ave SE, Ste 210  
Minneapolis, MN 55414

Child Care Resource & Referral Patrick Gannon, Executive Director

126 Woodlake Dr SE  
Rochester, MN 55904

Minnesota Licensed Family Child Care Association Sandy Pursley, Interim Executive Director

1821 University Ave W, Ste 324 South  
St. Paul, MN 55104

Jackie Harrington  
[harrington.jackie.ffy@gmail.com](mailto:harrington.jackie.ffy@gmail.com)

Provider Associations and Advocacy Organizations, Social Service Providers, Advisory Councils and Committees

Minnesota Child Care Association	Darrin Hubbard, Executive Director <a href="mailto:darrinh@ewald.com">darrinh@ewald.com</a>	1000 Westgate Dr, Ste 252 St. Paul, MN 55114
	Cisa Keller <a href="mailto:ckeller@nhacademy.net">ckeller@nhacademy.net</a>	
Minnesota Association for the Education of Youth	Sharon Bergen, Executive Director	2610 University Ave W, Ste 425 St. Paul, MN 55114
Child Care Aware of Minnesota	Ann McCully, Executive Director <a href="mailto:annm@childcareawaremn.org">annm@childcareawaremn.org</a>	380 Lafayette Frontage Road, Ste 103 St. Paul, MN 55107
AFSCME	Eliot Seide, Executive Director	300 Hardman Ave S South St. Paul, MN 55075
Minnesota Association of County Social Services	Eric Ratzmann, Director <a href="mailto:ratzmann@mncounties.org">ratzmann@mncounties.org</a>	125 Charles Ave St. Paul, MN 55103-2108
Minnesota County Attorney Association	John Kingrey, Executive Director	100 Empire Dr, Ste 200 St. Paul, MN 55103
Minnesota Department of Education	Erik Kloos, Research Practice & Implementation Ross Oden, Compliance Monitoring	1500 Hwy 36 West Roseville, MN 55113
Minnesota Department of Health	Susan Winkelmann Michelle Ness	85 E 7th Place, 3rd Floor St. Paul, MN 55164-0882

Provider Associations and Advocacy Organizations, Mental Health Service Providers, Advisory Councils and Committees

Minnesota Department of Corrections	Tom Roy, Commissioner	1450 Energy Park Drive, Ste 200 St. Paul, MN 55108
Minnesota Attorney Generals Office	Lori Swanson	1400 Bremer Tower, 445 Minnesota Street St. Paul, MN 55101-2131
Minnesota Department of Human Rights	Kevin Lindsey, Commissioner <a href="mailto:Info.MDHR@state.mn.us">Info.MDHR@state.mn.us</a>	625 Robert St N St. Paul, MN 55155
Minnesota Board of Social Work	Kate Zacher-Pate, Executive Director	2829 University Ave SE, Ste 340 Minneapolis, MN 55414-3239
Health Professionals Services Program		1380 Energy Lane, Ste 202 St. Paul, MN 55108
Minnesota Board of Examiners for Nursing Home	Randy Snyder, Executive Director	2829 University Ave SE, Ste 404 Minneapolis, MN 55414-4202
Minnesota Board of Behavioral Health and Therapy	Kari Rechtzigel, Executive Director <a href="mailto:kari.rechtzigel@state.mn.us">kari.rechtzigel@state.mn.us</a>	2829 University Ave SE, Ste 210 Minneapolis, MN 55414
Minnesota Board of Medical Practice	Robert Leach, Executive Director <a href="mailto:Rob.Leach@state.mn.us">Rob.Leach@state.mn.us</a>	2829 University Ave SE, Ste 500 Minneapolis, MN 55414-3246
Minnesota Board of Nursing	Shirley Brekken, Executive Director	2829 University Ave SE, Ste 200

Provider Associations and Advocacy Organizations, Mental Service Providers, Advisory Councils and Committees

[Shirley.Brekken@state.mn.us](mailto:Shirley.Brekken@state.mn.us)

Minneapolis, MN 55414-3253

Minnesota Board of Psychology

Angelina M. Barnes, Executive Director

2829 University Ave SE, Ste 320  
Minneapolis, MN 55414

MAPE

3460 Lexington Ave, Ste 300  
Shoreview, MN 55126

Minnesota Social Services Association

Christina Zeise, Executive Director

125 Charles Ave  
St. Paul, MN 55103

Minnesota Coalition of Licensed Social Workers Pam Luinenberg, Coordinator  
[swcoalition@visi.com](mailto:swcoalition@visi.com)

1885 University Ave W, Ste 340  
St. Paul, MN 55104

Minnesota Society for Clinical Social Work

PO Box 80594  
Minneapolis, MN 55408

National Association of Social Workers - Minnesota Alan Ingram, Executive Director  
[alan@naswmn.org](mailto:alan@naswmn.org)

1885 University Ave W, Ste 340  
St. Paul, MN 55104

James P. Ratz	Aitkin County Attorney		217 2nd St NW, Rm 231	Aitkin	MN	56431
Tony Palumbo	Anoka County Attorney	Government Center	2100 3rd Ave, Suite 720	Anoka	MN	55303-2265
Gretchen Thilomony	Becker County Attorney	Courthouse	913 Lake Avenue	Detroit Lakes	MN	56502
Annie Claesson-Huseby	Beltrami County Attorney	Judicial Center	600 Minnesota Ave, Suite 400	Bemidji	MN	56601
Philip Miller	Benton County Attorney	Courts Facility Building	615 Highway 23, PO Box 189	Foley	MN	56329
William J. Watson	Big Stone County Attorney		233 NW 2nd St	Ortonville	MN	56278
Pat McDermott	Blue Earth County Attorney	Justice Center	401 Carver Rd, PO Box 3129	Mankato	MN	56002-3129
Chuck Hanson	Brown County Attorney	519 Center St	PO Box 428	New Ulm	MN	56073
Thomas H. Pertler	Carlton County Attorney	Carlton County Court	301 Walnut, Rm 202	Carlton	MN	55718
Mark Metz	Carver County Attorney	Government Ctr, Justice	604 E 4th St	Chaska	MN	55318-2102
Christopher J. Strandlie	Cass County Attorney	Courthouse	303 Minnesota Ave, PO Box 3000	Walker	MN	56484
David M. Gilbertson	Chippewa County Attorney	221 North 1st Street	PO Box 219	Montevideo	MN	56265
Janet Reiter	Chisago County Attorney	313 N. Main St	Room 373	Center City	MN	55012
Brian J. Melton	Clay County Attorney	Clay County Courthouse	807 11th St N, PO Box 280	Moorhead	MN	56561-0280
Richard Mollin	Clearwater County Attorney	Courthouse	213 Main Ave N, Dept 301	Bagley	MN	56621
Molly Hicken	Cook County Attorney	Cook Co Courthouse	411 W 2nd St	Grand Marais	MN	55604-1150
Nicholas Anderson	Cottonwood County Attorney		1044 3rd Ave	Windom	MN	56101
Donald F. Ryan	Crow Wing County Attorney	Judicial Center	213 Laurel St, Ste 31	Brainerd	MN	56401
James C. Backstrom	Dakota County Attorney	Judicial Center	1560 Highway 55	Hastings	MN	55033-2392
Paul Kiltinen	Dodge County Attorney	Courthouse, Dept 91	22 6th St E	Mantorville	MN	55955
Chad Larson	Douglas County Attorney	Courthouse	305 8th Ave W	Alexandria	MN	56308
Troy Timmerman	Faribault County Attorney		412 N Nicollet Ave, PO Box 5	Blue Earth	MN	56013
Brett Corson	Fillmore County Attorney	Courthouse	101 West Fillmore St	Preston	MN	55965
Craig S. Nelson	Freeborn County Attorney	courthouse	411 S Broadway, PO Box 1147	Albert Lea	MN	56007
Stephen N. Betcher	Goodhue County Attorney	Goodhue Co Justice Center	454 W 6th St	Red Wing	MN	55066-2475
Justin Anderson	Grant County Attorney	18 E Division St	PO Box 1014	Elbow Lake	MN	56531
Michael Freeman	Hennepin County Attorney	2000 Courts Tower	Government Center	Minneapolis	MN	55487
Samuel Jandt	Houston County Attorney	304 S Marshall St	Suite 201	Caledonia	MN	55921-1324
Donovan D. Dearstyne	Hubbard County Attorney	Courthouse, 2nd Fl	301 Court Ave	Park Rapids	MN	56470
Jeffrey R. Edblad	Isanti County Attorney		555 18th Ave SW	Cambridge	MN	55008
John (Jack) J. Muhar	Itasca County Attorney	Courthouse	123 4th St NE	Grand Rapids	MN	55744
Sherry Haley	Jackson County Attorney	405 4th St	Suite 2D	Jackson	MN	56143-1588
Barbara McFadden	Kanabec County Attorney	18 N. Vine	Suite 202	Mora	MN	55051
Shane Baker	Kandiyohi County Attorney	PO Box 1126	415 SW 6th Street	Willmar	MN	56201

Roger C. Malm	Kittson County Attorney	217 Birch Ave S	PO Box 790	Hallock	MN	56728
Jeffrey Naglosky	Koochiching County Attorne	Courthouse	715 Fourth Street	International Fal	MN	56649
Richard G. Stulz	Lac Qui Parle County Attorn	214 6th Ave.	214 6th Avenue	Madison	MN	56256
Laura Auron	Lake County Attorney	Lake County Courtho	601 - 3rd Ave	Two Harbors	MN	55616
James C. Austad	Lake of the Woods County /	206 8th Ave SE	Suite 240	Baudette	MN	56623
Brent Christian	Le Sueur County Attorney	65 South Park Avenu	PO Box 156	Le Center	MN	56057
Glen A. Petersen	Lincoln County Attorney	P.O. Box 671	225 N. Tyler	Tyler	MN	56178
Richard R. Maes	Lyon County Attorney	Lyon County Governi	607 W. Main Street	Marshall	MN	56258
Darlene Rivera Spalla	Mahnomen County Attorne	PO Box 439	112 NW 1st Street	Mahnomen	MN	56557
Donald Aandal	Marshall County Attorney	P.O.Box 159	423 N. Main	Warren	MN	56762
Terry W. Viesselman	Martin County Attorney		123 Downtown Plaza	Fairmont	MN	56031-1726
Michael Junge	McLeod County Attorney	830 E. 11th Street	Suite #112	Glencoe	MN	55336
Brandi Schiefelbein	Meeker County Attorney	Meeker County Cour	325 N. Sibley Avenue	Litchfield	MN	55355
Joe Walsh	Mille Lacs County Attorney	Courthouse Square	525 2nd Street S.E.	Milaca	MN	56353
Brian Middendorf	Morrison County Attorney	Morrison County Gov	213 SE 1st Ave	Little Falls	MN	56345
Kristen Nelsen	Mower County Attorney	Courthouse	201 1st Street NE	Austin	MN	55912
Travis Smith	Murray County Attorney	2605 Broadway Ave	PO Box 256	Slayton	MN	56172
Michelle Zehnder Fisch	Nicollet County Attorney	326 S. Minnesota Av	501 S Minnesota Ave	St. Peter	MN	56082
Kathleen Kusz	Nobles County Attorney	Prairie Justice Center	1530 Airport Road, #400	Worthington	MN	56187
James Brue	Norman County Attorney	402 East 3rd Street	Suite 4	Ada	MN	56510
Mark A. Ostrem	Olmsted County Attorney	Government Center	151 4th St SE	Rochester	MN	55904
David J. Hauser	Otter Tail County Attorney	Courthouse	121 W. Junius, Suite 320	Fergus Falls	MN	56537
Alan G. Rogalla	Pennington County Attorne	Pennington County C	101 Main Ave N	Thief River Falls	MN	56701
Reese Frederickson	Pine County Attorney	Courthouse	635 Northridge Dr NW, Ste 310	Pine City	MN	55063
Damain Sandy	Pipestone County Attorney	114 N. Hiawatha	PO Box 128	Pipestone	MN	56164
Gregory A. Widseth	Polk County Attorney	Polk County Justice C	816 Marin Ave, Ste 125	Crookston	MN	56716-2148
Neil Nelson	Pope County Attorney	605 S Lakeshore Driv	Suite 1000	Glenwood	MN	56334
John Choi	Ramsey County Attorney	50 W. Kellogg Blvd.	Suite 315	St. Paul	MN	55102
Mike LaCoursiere	Red Lake County Attorney	Lower Level Courtho	PO Box 416	Red Lake Falls	MN	56750
Steven Collins	Redwood County Attorney	Redwood County Coi	PO Box 130	Redwood Falls	MN	56283-0130
David Torgelson	Renville County Attorney	Renville County Offic	105 S 5th St, Suite 320	Olivia	MN	56277
John Fossum	Rice County Attorney	Courthouse	218 NW Third Street	Faribault	MN	55021
Donald R. Klosterbuer	Rock County Attorney	120 N McKenzie	PO Box 538	Luverne	MN	56156
Karen M. Foss	Roseau County Attorney	606 - 5th Ave SW	Room 10	Roseau	MN	56751

Mark Rubin	St. Louis County Attorney	Duluth Courthouse	100 N 5th Ave W, #501	Duluth	MN 55802-1298
Ron Hocevar	Scott County Attorney	Scott County Govern	200 Fourth Avenue W. JC 340	Shakopee	MN 55379-1220
Kathleen A. Heaney	Sherburne County Attorney	Courthouse	13880 Business Center Drive	Elk River	MN 55330-4601
David E. Schauer	Sibley County Attorney	307 N Pleasant Ave	PO Box H	Winthrop	MN 55396
Janelle P. Kendall	Stearns County Attorney	Administration Cente	705 Courthouse Square	St. Cloud	MN 56303-4701
Daniel McIntosh	Steele County Attorney		303 South Cedar	Owatonna	MN 55060
Aaron Jordan	Stevens County Attorney	400 Colorado Avenue	Suite 308	Morris	MN 56267
Danielle Olson	Swift County Attorney		211 - 11th St N	Benson	MN 56215
Chuck Rasmussen	Todd County Attorney	Courthouse	221 1st Ave S, Ste 400	Long Prairie	MN 56347
Matthew Franzese	Traverse County Attorney	218 - 3rd Avenue E.	Suite 102	Alexandria	MN 56308
Karrie Kelly	Wabasha County Attorney	Criminal Justice Cent	848 17th St E, Suite 6	Wabasha	MN 55981
Kyra L. Ladd	Wadena County Attorney	Courthouse	415 S. Jefferson	Wadena	MN 56482
Brenda Miller	Waseca County Attorney	Courthouse	307 N State St	Waseca	MN 56093
Peter Orput	Washington County Attorne	14949 62nd Street	PO Box 6	Stillwater	MN 55082-0006
Stephen Lindee	Watonwan County Attorney	Watonwan County C	710 Second Ave S, PO Box 518	St. James	MN 56081
Timothy E.J. Fox	Wilkin County Attorney	420 Nebraska Ave	PO Box 214	Breckenridge	MN 56520
Karin Sonneman	Winona County Attorney		171 W. 3rd Street	Winona	MN 55987
Thomas N. Kelly	Wright County Attorney	10 - 2nd Street N.W.,	Government Center	Buffalo	MN 55313
Keith R. Helgeson	Yellow Medicine County Attorney		415 9th Ave, Ste 101	Granite Falls	MN 56241

Minnesota Occupational Therapy Association	President	1000 Westgate Drive	Suite 252	St. Paul, MN 55114
The Minnesota Speech-Language Hearing Association	President	1000 Westgate Drive,	Suite 252	St. Paul, MN 55114
The Minnesota Chapter of American Physical Therapists	Executive Director	970 Raymond Avenue	Suite 205	Saint Paul, MN 55114
The Minnesota Academy of Audiology	President	P.O. Box 20103		Bloomington, MN 55420
Advocacy for Care Providers of Minnesota	Vice President	7851 Metro Parkway,	Suite 200	Bloomington, MN 55425
Minnesota Disability Law Center	Executive Director	430 1st Avenue N.,	Suite 300	Minneapolis, MN 55401-1780
Minnesota State Bar Association's Health Law Section Chair		600 Nicollet Mall,	#380	Minneapolis, MN 55402

Blue Plus/Blue Shield of Minn	Stacia Cohen, Direc Program Management,	PO Box 64560, RT R3-37	St. Paul, MN 55164-0560
HealthPartners	Jennifer Clelland, Director of Government P	PO Box 1309, Mail RTE 2110	Minneapolis, MN 55440-13
Itasca Medical Care	Brett Skyles, Progra	Itasca Resource Center 1209 SE 2 <sup>nd</sup> Avenue	Grand Rapids, MN 55744-3
Hennepin Health/Metropolitan	Karen Sturm, CEO	Minneapolis Grain Exchange B	Minneapolis, MN 55415
Medica Health Plan	Glenn Andis, Senior Government Programs	401 Carlson Parkway – CP340	Minnetonka, MN 55305
Metropolitan Health Plan	Karen Sturm, Interim CEO	Minneapolis Grain Exchange B	Minneapolis, MN 55415
PrimeWest Health	Jim Przybilla, CEO	3905 Dakota St	Alexandria, MN 56308
South Country Health Alliance	Leota Lind, CEO	2300 Park Drive, Suite 100	Owatonna, MN 55060
UCare	Ghita Worcester, Se Public Affairs & Marke	PO Box 52	Minneapolis, MN 55440-00

<b><u>Council on Asian Pacific Minnesot</u></b>	Centennial Office Building	658 Cedar Street, Suite 160	Saint Paul, MN 55155
<b><u>Council on Black Minnesotans</u></b>	1 <sup>st</sup> National Bank Building	332 Minnesota Street, Suite E124C	Saint Paul, MN 55101
<b><u>Chicano Latino Affairs Council</u></b>		60 Empire Drive, Suite 203	Saint Paul, MN 55103
<b><u>Indian Affairs Council</u></b>	<b><u>Saint Paul Office</u></b>	161 Saint Anthony Ave, Suite 919	Saint Paul, MN 55103
<b><u>Indian Affairs Council</u></b>	<b><u>Bemidji Office</u></b>	113 2 <sup>nd</sup> Street NW, Suite 110A	Bemidji, MN 56601

<b>*Jeneal Gogleye, Commissioner of Health</b>	Bois Forte Band - MN Chippewa Tribe	13071 Nett Lake Road	Nett Lake, MN 55772
<b>*Phil Norrgard, Health &amp; Human Services Director</b>	Fond du Lac Social Services Department	927 Trettel Lane	Cloquet, MN 55720
<b>Bunny Jaakola, Behavioral Health Coordinator</b>	FDL Behavioral Health Dept.	927 Trettel Lane	Cloquet Mn. 55720
<b>*Paula Schaeftbauer, Health Director</b>	Grand Portage Band Tribal Council	P.O. Box 428	Grand Portage, MN 55605
<b>Sheryl Konig, Social Services Director</b>	Grand Portage Health Service	PO Box 428 (62 Upper Road)	Grand Portage, MN 55605
<b>*Joel Bebeau, Tribal Health Director</b>	Leech Lake Band of Ojibwe	6530 Highway 2 NW Route 3, Box 100	Cass Lake, MN 56633
<b>Lee Turney, Human Services Director</b>	Leech Lake Band of Ojibwe	Route 3, Box 100	Cass Lake, MN 56633
<b>*Teri Schemmel, Health Director (Ms.)</b>	Lower Sioux Community	PO Box 308, Route 1	Morton, MN 56270
<b>*Don Eubanks, Health and Human Services Director</b>	Mille Lacs Band of Ojibwe	43500 Migizi Drive	Onamia, MN 56359
<b>Dr. Salina Rizvi, Health Director</b>	Mille Lacs Band of Ojibwe	43500 Migizi Drive	Onamia, MN 56359
<b>*Nancy Anderson, Family Services Director</b>	Prairie Island Indian Community	5636 Sturgeon Lake Road	Welch, MN 55089
<b>*Oran Beaulieu, Tribal Health Director</b>	Red Lake Chippewa	PO Box 249	Red Lake, MN 56671
<b>Paula Woods, Red Lake Family and Child Care Director</b>	Red Lake Chippewa	PO Box 249	Red Lake, MN 56671
<b>*James Lien, Tribal Health Administrator</b>	Shakopee Mdewakanton Dakota Community	2330 Sioux Trail NW	Prior Lake, MN 55372
<b>*Jim Hiedeman, Social Services Director</b>	Upper Sioux Community	PO Box 147	Granite Falls, MN 56241
<b>*Monte Fox, Health Director</b>	White Earth Band of Ojibwe	PO Box 418	White Earth, MN 56591
<b>Joe Plumer, Human Services Director</b>	White Earth Band of Ojibwe	PO Box 418	White Earth, MN 56591

<b>*Jenny Jenkins, Executive Director</b>	Bemidji Area Indian Health Service	522 Minnesota Ave. NW, Room 119	Bemidji, MN 56601
<b>*Dr. Pat Rock, M.D. Executive Director</b>	Minneapolis Indian Health Board, Inc.	315 East 24 <sup>TH</sup> Street	Minneapolis, MN 55404
<b>*Dr. Lydia Caros</b>	Native American Community Clinic	1213 East Franklin Avenue	Minneapolis, MN 55404

Aitkin County Health & Human Services		204 – 1st Street NW	Aitkin, MN 56431-1291
Anoka County Human Services	Anoka County Governme	2100 Third Avenue	Anoka, MN 55303-2264
Becker Count Human Services	P.O. Box 1637	712 Minnesota Avenue	Detroit Lakes, MN 56502-1637
Beltrami County Human Services		701 Minnesota Avenue NW, Suite	Bemidji, MN 56601
Benton County Human Services	P.O. Box 740	531 Dewey Street	Foley, MN 56329-0740
Big Stone County Family Services		PO Box 338	Ortonville, MN 56278-1413
Blue Earth County Human Services	Government Center	410 South 5th	Mankato, MN 56001
Brown County Family Services	P.O. Box 788	1117 Center Street	New Ulm, MN 56073-0788
Carlton County Public Health & Human Services		14 N 11th St	Cloquet, MN 55720-1634
Carver County Community Social Services		602 East 4th Street	Chaska, MN 55318-2102
Cass County Health & Human Services	P.O. Box 519	400 Michigan Avenue West	Walker, MN 56484-0519
Chippewa County Family Services	Community Service Build	719 North 7th Street, Suite 200	Montevideo, MN 56265-1397
Chisago County Health & Human Services		313 North Main Street, Room 239	Center City, MN 55012-9665
Clay County Administration & Social Services		715 North 11th Street, Suite 502	Moorhead, MN 56560-2095
Clearwater County Department of Human Services		216 Park Avenue North	Bagley, MN 56621-0682
Cook County Social Services		411 West 2nd Street	Grand Marais, MN 55604-2307
Cottonwood County Family Service Agency	P.O. Box 9	11 Fourth Street	Windom, MN 56101-0009

Crow Wing County Social Services	P.O. Box 686	204 Laurel Street	Brainerd, MN 56401-0686
Dakota County Community Services	Northern Service Center	1 Mendota Road West, Suite 100	West St. Paul, MN 55118-4776
Dodge County Department of Human Services		22 – 6th Street East, . Department	Mantorville, MN 55955
Douglas County Social Services		809 Elm Street, Suite 1186	Alexandria, MN 56308
Faribault County Human Service Center	P.O. Box 217	412 Nicollet Street North	Blue Earth, MN 56013
Fillmore County Social Services		902 Houston Street NW, Suite 1	Preston, MN 55965-1080
Freeborn County Department of Human Service	P.O. Box 1246	203 West Clark Street	Albert Lea, MN 5607-1246
Goodhue County Social Service Center		426 West Avenue	Red Wing, MN 55066
Grant County Social Service Department	P.O. Box 1006	28 Central Street	Elbow Lake, MN 56531-1006
Hennepin County Human Services	HC Government Center A-2	300 South Sixth Street	Minneapolis, MN 55487-0233
Houston County Department of Human Services		304 South Marshall Street #104	Caledonia, MN 55921-0310
Hubbard County Social Service Center		301 Court Avenue	Park Rapids, MN 56470-1483
Isanti County Family Services	Oakview Office Complex	1700 East Rum River Drive South	Cambridge, MN 55008-2547
Itasca County Health & Human Services	Itasca Resource Center	1209 SE 2nd Avenue	Grand Rapids, MN 55744-3983
Jackson County Human Services	P.O. Box 67	310 Sherman Street	Jackson, MN 56143-0067
Kanabec County Family Service Department		905 Forrest Avenue East, Suite 150	Mora, MN 55051-1316
Kandiyohi County Social Services		2200 – 23rd Street NE, Suite 102C	Willmar, MN 56201-9423

Kittson County Social Services		410 South 5th Street, Suite 100	Hallock, MN 56728
Koochiching County Community Services		1000 – 5th Street	International Falls, MN 56649-248
Lac qui Parle County Family Service Center	P.O. Box 7	930 – 1st Avenue	Madison, MN 56256-0007
Lake County Human Services Department		616 Third Avenue	Two Harbors, MN 55616-1560
Lake of the Woods County Social Services		206 – 8th Avenue SE, Suite 200	Baudette, MN 56623
LeSueur County Department of Human Services		88 South Park Avenue	LeCenter, MN 56057-1646
Lincoln County	P.O. Box 44	319 North Rebecca	Ivanhoe, MN 56142
Lyon County		607 West Main	Marshall, MN 56258
McLeod County Social Service Center	Health & Human Services	1805 Ford Avenue North, Suite 10	Glencoe, MN 55336
Mahnomen County Human Services	PO Box 460	311 N. Main Street	Mahnomen, MN 56557-0460
Marshall County Social Services		208 E Colvin Ave., Ste. 14	Warren, MN 56762-1695
Martin County Human Services Center		115 West 1 <sup>st</sup> Street	Fairmont, MN 56031
Meeker County Social Services		114 N Holcombe Ave, Ste 180	Litchfield, MN 55355-2273
Morrison County Social Services	Government Center	213 SE 1 <sup>st</sup> Avenue	Little Falls, MN 56345-3196
Mower County Health & Human Services		PO Box 537	Austin, MN 55912

Murray County		3001 Maple Road Ste 100	Slayton, MN 56172
Nicollet County Social Services		108 S. Minnesota Ave, Ste 200	St. Peter, MN 56082-2516
Nobles County Family Service Agency	PO Box 189	318 Ninth Street	Worthington, MN 56187-0189
Norman County Social Services		15- 2 <sup>nd</sup> Ave E	Ada, MN 56510-1389
Olmsted County Community Services		2100 Campus DR SE, Ste. 200	Rochester, MN 55904
Otter Tail County Department of Human Svcs	Government Service Center	535 W Fir Ave W	Fergus Falls, MN 56537
Pennington County Human Services	PO Box 340	318 N Knight Ave	Thief River Falls, MN 56701-0340
Pine County Health & Human Services		130 Oriole St E., Ste 1	Sandstone, MN 55072-5134
Pipestone County Family Service Agency	PO Box 15	1091 North Hiawatha Ave	Pipestone, MN 56164
Polk County Social Service Center		612 N. Broadway, Suite 110	Crookston, MN 56716-1452
Pope County Social Service Center		211 Minnesota Ave # 200	Glenwood, MN 56334-1629
Ramsey County Human Service Department		160 E Kellogg Boulevard	St. Paul, MN 55101-1494

Red Lake County Social Service Center	PO Box 356	125 Edward Ave	Red Lake Falls, MN 56750-0356
Redwood County Human Services	PO Box 510	302 East Third Street	Redwood Falls, MN 56283
Renville County Human Services		105 South 5 <sup>th</sup> St. Ste. 203H	Olivia, MN 56277
Rice County Social Services	PO Box 718	320 NW Third Street, #2	Faribault, MN 55021-0718
Rock County Family Service Agency	PO Box 715	2 Roundwind Rd	Luverne, MN 56156-0715
Roseau County Human Services		208 - 6 <sup>th</sup> Street SW	Roseau, MN 56751-1451
St.Louis Co Public Health & Human Svc	GOVERNMENT SERVICES Center	320 W 2 <sup>nd</sup> Street	Duluth, MN 55802-1495
Scott County Human Services	GOVERNMENT CENTER, Room 200	200 - 4 <sup>th</sup> Avenue West	Shakopee, MN 55379-1375
Sherburne County Social Services		13880 Business Center Drive	Elk River, MN 55330-4600
Sibley County Human Services	PO Box 237	111- 8 <sup>th</sup> Street	Gaylord, MN 55334-0237
Stearns County Human Services	ADMINISTRATION CTR, 700 Court House Sq	PO Box 1107	St.Cloud, MN 56302-1107
Steele County Human Services	PO Box 890	630 Florence Ave	Owatonna, MN 55060-0890
Stevens County Human Services Dept.		10 E Hwy 28	Morris, MN 56267
Swift County Human Services	PO Box 208	410 - 21 <sup>st</sup> South	Benson, MN 56215-0208
Todd County Social Services	Courthouse Annex	212- 2 <sup>nd</sup> Ave S	Long Prairie, MN 56347-1640
Traverse County Social Services Department	PO Box 46	202 - 8 <sup>th</sup> Street North	Wheaton, MN 56296
Wabasha County Dept. of Social Services		411 Hiawatha Drive East	Wabasha, MN 55981-1589

Wadena County Human Services		124 – 1 <sup>st</sup> St SE	Wadena, MN 56482-1553
Waseca County Dept. of Human Services		299 Johnson Ave SW, Suite 160	Waseca, MN 56093-2498
Washington County Community Services	PO Box 30	14900 -62 <sup>nd</sup> Street North	Stillwater, MN 55082-0030
Watsonwan Cty Human Services Center	PO Box 31	715 -2 <sup>nd</sup> Avenue South	St. James, MN 56081-1741
Wilkin County Family Services Agency	PO Box 369	300 - 5 <sup>th</sup> Street South	Breckenridge, MN 56520-0369
Winona County Dept. of Human Services	County Office Building	202 West 3 <sup>rd</sup> Street	Winona, MN 55987-3146
Wright County Human Services		1004 Commercial Drive	Buffalo, MN 55313-1736
Yellow Medicine Cty Family Service Center		930 – 4 <sup>th</sup> Street, Ste 4	Granite Falls, MN 56241-1463
Human Svcs of Faribault & Martin Counties		115 West 1 <sup>st</sup> Street	Fairmont, MN 56031
Lincoln, Lyon & Murray Human Services		3001 Maple Road, Ste 100	Slayton, MN 56172

MINNESOTA COUNCIL OF CHILD CARING AGENCIES	1000 Westgate Drive, Ste. 252	St. Paul, MN 55114
MINNESOTA MEDICAL ASSOCIATION	1300 Godward St. NE, Suite 2500	Minneapolis, MN 55413
MINNESOTA PSYCHOLOGICAL ASSOCIATION	1000 Westgate Drive, Ste. 252	St. Paul, MN 55114
MINNESOTA ASSOCIATION OF COUNTY SOCIAL SERVICE ADMINISTRATORS	125 Charles Avenue	St. Paul, MN 55103-2104
MINNESOTA ASSOCIATION OF MENTAL HEALTH RESIDENTIAL FACILITIES	1000 Westgate Drive, Suite 252	St. Paul, MN 55114
MINNESOTA ASSOCIATION OF COMMUNITY MENTAL HEALTH PROGRAMS	400 South 4th St, Ste 401-245	Minneapolis, MN 55415
PACER CENTER	8161 Normandale Blvd.	Bloomington, MN 55437
MINNESOTA ASSOCIATION FOR CHILDREN'S MENTAL HEALTH	165 Western Avenue N, Suite 2	St. Paul, MN 55102
MINNESOTA COUNCIL-HEALTH MINNESOTA COUNCIL OF HEALTH PLANNERS	2550 University Avenue W #255S	St Paul, MN 55114-1904
MENTAL HEALTH CONSUMER/SURVIVOR NETWORK OF MINNESOTA	540 Fairview Ave N, Suite 301	St. Paul, MN 55104
MENTAL HEALTH ASSOCIATION OF MINNESOTA	475 Cleveland Avenue North #222	St. Paul, MN 55104
Mark Anderson	Barbara Schneider Foundation 2419 Nicollet Ave S.	Minneapolis, MN 55404
Renee Jensen	Barbara Schneider Foundation 2419 Nicollet Ave S.	Minneapolis, MN 55404
Gail Lorenz	Barbara Schneider Foundation 2419 Nicollet Ave S.	Minneapolis, MN 55404
Sue McGuigan	Brain Injury Association of Minnesota 2277 Hwy 36 W, Ste 200	St. Paul, MN 55113-3830
Sharon Mack	Brain Injury Association 2277 Hwy 36 W, Ste 200	St. Paul, MN 55113-3830
Joe Fuemmeler	Chrestomathy, Inc. 310 E 38 <sup>th</sup> St #311	Minneapolis, MN 55409

Kelly Ryan	Chrestomathy, Inc.	310 E 38 <sup>th</sup> St #311	Minneapolis, MN 55409
Brad Hansen	The ARC Greater Twin C	2446 University Ave W. Suite 110	St Paul, MN 55114-1740
Matt Burdick	NAMI (National Alliance on	800 Transfer Rd #31	St Paul, MN 55114
Chris Michel	Office of Ombudsman for	121 7 <sup>th</sup> Place East, Suite 420 Metro Square	St Paul, MN 55101-2117
Roberta Opheim	Office of Ombudsman for	121 7 <sup>th</sup> Place East, Suite 420 Metro Square	St Paul, MN 55101-2117
Cheryl Turcotte	Office of Ombudsman for M	121 7 <sup>th</sup> Place East, Suite 420 Metro Square	St Paul, MN 55101-2117
Jane Brink	Long-term Care Ombuds	11630 State Ave. Suite 27	St Paul, MN 55101-2117
Sandra Newbauer	Long-term Care Ombuds	PO Box 3733	Mankato, MN 56002
Michelle Ness	Minnesota Department of H	85 E 7 <sup>th</sup> Place	St Paul, MN 55101
Barb Case	Minnesota Department of	1500 Highway 36 West	Roseville, MN 55113
Alzheimer's Association of Minnesota-North Dakota		7900 West 78th Street, Suite 100	Minneapolis, MN 55439
Minnesota Board on Aging		P.O. Box 64976	St. Paul, MN 55164-0976
Minnesota Disability Law Center (MDLC)		430 1st Ave N Ste 300	Minneapolis, MN, 55401
discapitados abriéndose caminos		107 7th Ave S	South St. Paul, MN, 55075
Southeastern Minnesota Center For Independent Living (SEMCIL)		2200 2nd St SW	Rochester, MN, 55902
American Association of Retired Persons (AARP)		30 7th St E Ste 1200	St. Paul, MN, 55101

AEOA	702 S 3rd Ave	Virginia, MN, 55792
Central Minnesota Senior Federation	22 Wilson Ave NE Suite 101	St. Cloud, MN, 56304
ElderCircle	1105 NW 4th St	Grand Rapids, MN, 55744
Greater Minnesota Health Care Coalition (GMHCC)	47 N Park St Ste 7	Mora, MN, 55051
Horizon Health, Inc.	26814 143rd St	Pierz, MN, 56364
Lao Advancement Organization of America (LAOA)	2648 W Broadway Ave	Minneapolis, MN, 55411
Mature Voices Minnesota (MVMN)	2550 University Ave W Ste 350 S	St. Paul, MN, 55114
Minnesota Board on Aging (MBA)	540 Cedar St	St. Paul, MN, 55164
Minnesota Citizens Federation - Northeast	2110 W 1st St # 102	Duluth, MN, 55806
Minnesota Health Literacy Partnership	700 Raymond Ave Ste 180	St. Paul, MN, 55114
Older Womens League (OWL) of Minnesota	550 Rice St	St. Paul, MN, 55103
Pillsbury United Communities - Brian Coyle Center	420 15th Ave S	Minneapolis, MN, 55454
Pillsbury United Communities - Waite House	2323 11th Ave S	MINNEAPOLIS, MN, 55404
SAGE - Services and Advocacy for GLBT Elders	305 7th Ave Fl 15	New York, NY, 10001

Seven County Senior Federation	47 Park St N Ste 7	Mora, MN, 55051
Southeast Senior Federation	PO Box 376	West Concord, MN, 55985
Training to Serve	2365 McKnight Rd N	North St. Paul, MN, 55109
Tubman Family Alliance	3111 1st Ave S	Minneapolis, MN, 55408
Park ElderCenter	1505 Park Avenue	Minneapolis, MN, 55404
Winona Friendship Center	251 Main St	Winona, MN, 55987
Lutheran Social Service - Foster Grandparent and Senior Companion Program	2485 Como Ave	St. Paul, MN, 55108

Minnesota Department of Human Services

**CERTIFICATE OF MAILING THE AMENDED NOTICE OF HEARING UNDER THE  
ADDITIONAL NOTICE PLAN**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered  
Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual  
Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in  
Minnesota Rules, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

I certify that on January 9, 2015, at the city of St. Paul, Ramsey County, Minnesota, I gave notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on December 2, 2014, by emailing the Amended Notice of Hearing to:

- the Positive Supports Community of Practice group;
- the Rule 40 Advisory Committee members;
- individuals who registered for the informal public input sessions conducted by the agency in September and October 2014;
- individuals who submitted a comment related to this rulemaking;
- provider associations and advocacy organizations that focus on disability services, aging and adult services, child safety and permanency, mental health services, children's mental health services, chemical dependency services, health care programs, and child care;
- managed care organizations and their associations;
- the Minnesota minority councils;
- legal services providers;
- advisory councils and committees on disabilities, aging, child welfare, mental health, children's mental health, chemical dependency, and child care; and
- government agencies, board and offices whose work intersects with the subject of the proposed rule.

I accomplished this emailing by sending the attached email message, including the text of the Amended Notice of Hearing, to all persons and associations on the attached mailing lists. Copies of the email message and the mailing lists are attached to this Certificate.



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Karen E. Sullivan Hook  
Administrative Law Advisor

**Sullivan Hook, Karen E (DHS)**

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**From:** Sullivan Hook, Karen E (DHS)  
**Int:** Friday, January 09, 2015 12:05 PM  
**To:** \*DHS\_DHSRuleComments  
**Subject:** DHS Amended Notice of Hearing on Proposed rule

January 9, 2015

RE: Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213

Greetings:

The Minnesota Department of Human Services will publish an AMENDED Notice of Hearing along with a copy of the proposed rules in the State Register on January 12, 2015, under the title Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.

The Amended Notice of Hearing describes how to comment on the rule and attend the public hearing. If you would like to comment or attend the public hearing on the rule, please follow the procedure that is described in the Amended Notice of Hearing.

Please access the Amended Notice of Hearing by clicking on the highlighted link. A text copy of the amended notice is included within this email as well. Additional information and documents are available by clicking on the highlighted link for our rulemaking webpage.

Sincerely,

Karen E. Sullivan Hook  
Administrative Law Advisor  
Management and Policy Division

**Minnesota Department of Human Services**

**Disability Services Division**

**AMENDED NOTICE OF HEARING**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

**Public Hearing.** The Department of Human Services intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the second floor conference rooms designated 2370 and 2380, Elmer L. Andersen Human Services Building, 540 Cedar Street, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, February 23, 2015, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. Judge Lipman's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0300 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about the use of positive support strategies and person-centered planning techniques, establishing a process to phase out the use of restrictive interventions for the rare situation when such use may be temporarily and briefly authorized, and governing the emergency use of manual restraint. The new rules will apply to all facilities and services, including the home and community-based services licensed under *Minnesota Statutes*, Chapter 245D that are provided to persons with a disability or persons age 65 and older, and to all Department-licensed facilities and licensed services serving persons with a developmental disability or a related condition.

The Department also intends to repeal *Minnesota Rules*, 9525.2700 to 9525.2810, Use Of Aversive And Deprivation Procedures In Licensed Facilities Serving Persons With Developmental Disabilities. These rule parts govern the use of aversive and deprivation procedures now prohibited by *Minnesota Statutes*, Chapter 245D.

The proposed rules are authorized by *Minnesota Statutes*, section 245.8251, subdivisions 1 and 3.

A copy of the proposed rules will be published in the *State Register* on Monday, January 12, 2015, and is available online at [http://www.dhs.state.mn.us/dhs16\\_189734.pdf](http://www.dhs.state.mn.us/dhs16_189734.pdf) : A free copy of the rules is available upon request from the agency contact person.

The agency contact person is: Karen E. Sullivan Hook at Minnesota Department of Human Services, Management and Policy Division, P.O. Box 64238, St. Paul, MN 55155-0238, phone: (651) 431-5771, fax: (651) 431-7488, e-mail: [dhsrulecomments@state.mn.us](mailto:dhsrulecomments@state.mn.us). TTY users may call MN Relay at 711 or 1-800-627-3529

**Amendment of Notice of Hearing.** A Notice of Hearing was published in the *State Register* on December 29, 2014, and it indicated that a copy of the proposed rule would be published in the *State Register* on that same date. The proposed rule did not appear in the *State Register* on that date, but was available on the Department website and the web address and link were provided in the Notice of Hearing. The Notice of Hearing is now amended to indicate that the proposed rule will be published in the *State Register* on Monday, January 12, 2015.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available online at [http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16\\_191552.pdf](http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_191552.pdf) or from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views either*



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Andrew Pietsch, provider (Resigned in fall 2012, but attended meetings)	<a href="mailto:apietsch@lifeworks.org">apietsch@lifeworks.org</a>
Sheryl Grassie, (Resigned in summer 2012; no email address, but on list)	n/a
Rebecca Walsh	n/a

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Minnesota Department of Human Services

**CERTIFICATE OF MAILING THE AMENDED NOTICE OF HEARING UNDER THE  
ADDITIONAL NOTICE PLAN**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered  
Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual  
Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in  
Minnesota Rules, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

I certify that on January 9, 2015, at the city of St. Paul, Ramsey County, Minnesota, I gave notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on December 2, 2014, by emailing the Amended Notice of Hearing to:

- Individuals and entities signed up for the voluntary email list maintained by the Mental Health Division of the Department.

I accomplished this emailing by sending the attached email message, including the text of the Amended Notice of Hearing, to all persons and associations on the attached mailing lists. Copies of the email message and the mailing lists are attached to this Certificate.



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Karen E. Sullivan Hook  
Administrative Law Advisor

## Sullivan Hook, Karen E (DHS)

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**From:** Sullivan Hook, Karen E (DHS)  
**Content:** Friday, January 09, 2015 12:05 PM  
**Info:** \*DHS\_DHSRuleComments  
**Subject:** DHS Amended Notice of Hearing on Proposed rule

January 9, 2015

RE: Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213

Greetings:

The Minnesota Department of Human Services will publish an AMENDED Notice of Hearing along with a copy of the proposed rules in the State Register on January 12, 2015, under the title Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.

The Amended Notice of Hearing describes how to comment on the rule and attend the public hearing. If you would like to comment or attend the public hearing on the rule, please follow the procedure that is described in the Amended Notice of Hearing.

Please access the [Amended Notice of Hearing](#) by clicking on the highlighted link. A text copy of the amended notice is included within this email as well. Additional information and documents are available by clicking on the highlighted link for our [rulemaking webpage](#).

Sincerely,

Karen E. Sullivan Hook  
Administrative Law Advisor  
Management and Policy Division

## Minnesota Department of Human Services

Disability Services Division

### AMENDED NOTICE OF HEARING

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

**Public Hearing.** The Department of Human Services intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the second floor conference rooms designated 2370 and 2380, Elmer L. Andersen Human Services Building, 540 Cedar Street, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, February 23, 2015, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. Judge Lipman's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0300 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about the use of positive support strategies and person-centered planning techniques, establishing a process to phase out the use of restrictive interventions for the rare situation when such use may be temporarily and briefly authorized, and governing the emergency use of manual restraint. The new rules will apply to all facilities and services, including the home and community-based services licensed under *Minnesota Statutes*, Chapter 245D that are provided to persons with a disability or persons age 65 and older, and to all Department-licensed facilities and licensed services serving persons with a developmental disability or a related condition.

The Department also intends to repeal *Minnesota Rules*, 9525.2700 to 9525.2810, Use Of Aversive And Deprivation Procedures In Licensed Facilities Serving Persons With Developmental Disabilities. These rule parts govern the use of aversive and deprivation procedures now prohibited by *Minnesota Statutes*, Chapter 245D.

The proposed rules are authorized by *Minnesota Statutes*, section 245.8251, subdivisions 1 and 3.

A copy of the proposed rules will be published in the *State Register* on Monday, January 12, 2015, and is available online at [http://www.dhs.state.mn.us/dhs16\\_189734.pdf](http://www.dhs.state.mn.us/dhs16_189734.pdf). A free copy of the rules is available upon request from the agency contact person.

The agency contact person is: Karen E. Sullivan Hook at Minnesota Department of Human Services, Management and Policy Division, P.O. Box 64238, St. Paul, MN 55155-0238, phone: (651) 431-5771, fax: (651) 431-7488, e-mail: [dhsrulecomments@state.mn.us](mailto:dhsrulecomments@state.mn.us). TTY users may call MN Relay at 711 or 1-800-627-3529

**Amendment of Notice of Hearing.** A Notice of Hearing was published in the *State Register* on December 29, 2014, and it indicated that a copy of the proposed rule would be published in the *State Register* on that same date. The proposed rule did not appear in the *State Register* on that date, but was available on the Department website and the web address and link were provided in the Notice of Hearing. The Notice of Hearing is now amended to indicate that the proposed rule will be published in the *State Register* on Monday, January 12, 2015.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available online at [http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16\\_191552.pdf](http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_191552.pdf) or from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views either*

orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or to [rulecomments.oah@state.mn.us](mailto:rulecomments.oah@state.mn.us). All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should 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.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

December 31, 2014

Date

/s/

Lucinda Jesson, Commissioner

Minnesota Department of Human Services

Caution: This e-mail and attached documents, if any, may contain information that is protected by state or federal law. E-mail containing private or protected information should not be sent over a public (nonsecure) Internet unless it is encrypted pursuant to DHS standards. This e-mail should be forwarded only on a strictly need-to-know basis. If you are not the intended recipient, please: (1) notify the sender immediately, (2) do not forward the message, (3) do not print the message and (4) erase the message from your system.

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'patti.bitneystarke@mhcsn.org';  
'Stratig, Angela H (DHS) <angela.stratig@state.mn.us>;  
Arleth, Janet X (DHS) <janet.arleth@state.mn.us>;  
'advancement@aafs.net';  
'pahoua.yang@wilder.org';  
'cary.zahrbock@optum.com';  
'mburdick@namimn.org';  
'dsaxhaug@macmh.org';  
'denise.kirmis@co.anoka.mn.us';  
Opheim, Roberta (OMHDD) <roberta.opheim@state.mn.us>;  
'psibert@mylegalaid.org';  
'lisa.harrisonHadler@state.mn.us';  
'Conniev@southmetro.org';  
'jenniferb@whiteearth.com';  
'AnnKathrynMiller@gmail.com';  
Seurer, Richard F (DHS) <richard.seurer@state.mn.us>;  
'susan.mcgeehan@medica.com';  
'ratzmann@mncounties.org';  
'Stacy.Hennen@co.grant.mn.us';  
Brad Vold <bradv@co.morrison.mn.us>;  
'Susan.Arnston@co.scott.mn.us';  
'mcevoy.patrick@co.olmsted.mn.us';  
'Arleth, Janet X (DHS) <janet.arleth@state.mn.us>;  
'Backstrom, Carol S (DHS)' <Carol.Backstrom.dhs@state.mn.us>;

Denise.P.Lasker@HealthPartners.Com;  
sarahj@whiteearth.com;  
Susan.Dannen@Headway.org;  
Linda.Hall@CO.RAMSEY.MN.US;  
stacy.iorgensen@swmhhs.com;  
mwilliams@co.ottertail.mn.us;  
gtangjersdchmitt@guildincorporated.org;  
jennifer@advancingparents.com;  
tara.m.regis@healthpartners.com;  
karen.frees@couragecenter.org;  
bsigrist@tasksunlimited.org;  
mncertificationbd@earthlink.net;  
lrichardson@stkate.edu;  
Pam Luinenburg (swcoalition@visi.com);  
annat@whiteearth.com;  
Leslie Houghtaling <Leslie.Houghtaling@hennepin.us>;  
Karen K Gibson <Karen.Gibson@hennepin.us>;  
Paul Lennander <Paul.Lennander@hennepin.us>;  
Jessica L Soltis <Jessica.Soltis@hennepin.us>;  
Cynthia A Slowiak <Cynthia.Slowiak@hennepin.us>;  
Nancy Hurley <Nancy.Hurley@hennepin.us>;  
Patricia E Gilbertson <Patricia.Gilbertson@hennepin.us>;  
'Andrea.Flaherty@Headway.org';  
'alicia.bauers@cctwincities.org';  
'brigittek@fraser.org';  
chughes@voamn.org;  
'Clundsgaard@Stdavidscenter.org';  
'Doug.Thole@headway.org';  
'ESallander@Reachforresources.org';  
golson@voamn.org;  
'GKeifenheim@TheFamilyPartnership.org';  
'Hannah.Retzinger@Headway.org';  
'JGinsberg@thefamilypartnership.org';  
jbritton@washburn.org;  
Jessica Trom <Jessica.Trom@hennepin.us>;  
'JimKeenan.por@gmail.com';  
'oslun041@umn.edu';  
Joshua D Stillwell <Joshua.Stillwell@hennepin.us>;  
'julie.boroque@peopleincorporated.org';  
'JulieC@fraser.org';  
'AGamage@ReachforResources.org';  
'Linda.Stokes@peopleincorporated.org';  
'LDumond@washburn.org';  
'Irrivers@reachforresources.org';  
'Lynn.Starr@cctwincities.org';  
'Mark.Kane@cctwincities.org';  
mperkins@reachforresources.org;

'Msimpson.por@gmail.com';

'Michael.Thompson@Peopleincorporated.org';

'pdale@headway.org';

'robert.morneau@peopleincorporated.org';

'scombey@stdavidscenter.org';

slepinski@washburn.org;

'Sam.Tumberg@Headway.org';

'SHOlson@VOAmn.org';

'Stephanie.McCarty@cctwincities.org';

'Susan.dannen@headway.org';

'SDragswiek@Washburn.org';

'tsteinmetz@Washburn.org';

'TBozic@Washburn.org';

Debra L Donner <Debra.Donner@hennepin.us>;

Denise Fahl <Denise.Fahl@hennepin.us>;

Karen Goedken <Karen.Goedken@hennepin.us>;

Kristin Inman-Koval <Kristin.Inman-Koval@hennepin.us>;

Lori Stewart <Lori.Stewart@hennepin.us>;

Lynn Malfeld <Lynn.Malfeld@hennepin.us>;

Margaret Thunder-Solorzano <Margaret.Thunder-Solorzano@hennepin.us>;

Michelle Finstad <Michelle.Finstad@hennepin.us>;

Nancy Schaefer <Nancy.Schaefer@hennepin.us>;

Debra Feltis <Debra.Feltis@courts.state.mn.us>;

Kris Bauer <Kris.Bauer@hennepin.us>;

Debra S Peterson <Debra.Peterson@hennepin.us>

Minnesota Department of Human Services

**CERTIFICATE OF MAILING THE AMENDED NOTICE OF HEARING UNDER THE  
ADDITIONAL NOTICE PLAN**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered  
Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual  
Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in  
Minnesota Rules, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

I certify that on January 9, 2015, at the city of St. Paul, Ramsey County, Minnesota, notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on December 2, 2014, was given by emailing the Amended Notice of Hearing to:

- Individuals and entities signed up for the voluntary email list maintained by the Aging and Adult Services Division of the Department. This email list consists of approximately 500 county, tribal and managed care organization staff.

Notice was accomplished by emailing the attached message, including the text of the Amended Notice of Hearing, to all persons and associations on the mailing list.



---

Karen E. Sullivan Hook  
Administrative Law Advisor

**Sullivan Hook, Karen E (DHS)**

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**From:** \*DHS\_AASD HCBS  
**Sent:** Friday, January 09, 2015 1:17 PM  
**To:** MN-DHS-AAS-LEAD-AGENCY@MLS.DHS.STATE.MN.US  
**Subject:** DHS Notice of Hearing on Proposed Rule  
**Follow-Up Flag:** Follow up  
**Flag Status:** Flagged

January 9, 2015

RE: Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213

Greetings:

The Minnesota Department of Human Services will publish an AMENDED Notice of Hearing along with a copy of the proposed rules in the State Register on January 12, 2015, under the title Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.

The Amended Notice of Hearing describes how to comment on the rule and attend the public hearing. If you would like to comment or attend the public hearing on the rule, please follow the procedure that is described in the Amended Notice of Hearing.

Please access the [Amended Notice of Hearing](#) by clicking on the highlighted link. A text copy of the amended notice is included within this email as well. Additional information and documents are available by clicking on the highlighted link for our [rulemaking webpage](#).

Sincerely,

Karen E. Sullivan Hook  
Administrative Law Advisor  
Management and Policy Division

**Minnesota Department of Human Services**

**Disability Services Division**

**AMENDED NOTICE OF HEARING**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

**Public Hearing.** The Department of Human Services intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the second floor conference rooms designated 2370 and 2380, Elmer L. Andersen Human Services Building, 540 Cedar Street, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, February 23, 2015, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. Judge Lipman's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0300 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about the use of positive support strategies and person-centered planning techniques, establishing a process to phase out the use of restrictive interventions for the rare situation when such use may be temporarily and briefly authorized, and governing the emergency use of manual restraint. The new rules will apply to all facilities and services, including the home and community-based services licensed under *Minnesota Statutes*, Chapter 245D that are provided to persons with a disability or persons age 65 and older, and to all Department-licensed facilities and licensed services serving persons with a developmental disability or a related condition.

The Department also intends to repeal *Minnesota Rules*, 9525.2700 to 9525.2810, Use Of Aversive And Deprivation Procedures In Licensed Facilities Serving Persons With Developmental Disabilities. These rule parts govern the use of aversive and deprivation procedures now prohibited by *Minnesota Statutes*, Chapter 245D.

The proposed rules are authorized by *Minnesota Statutes*, section 245.8251, subdivisions 1 and 3.

A copy of the proposed rules will be published in the *State Register* on Monday, January 12, 2015, and is available online at [http://www.dhs.state.mn.us/dhs16\\_189734.pdf](http://www.dhs.state.mn.us/dhs16_189734.pdf). A free copy of the rules is available upon request from the agency contact person.

The agency contact person is: Karen E. Sullivan Hook at Minnesota Department of Human Services, Management and Policy Division, P.O. Box 64238, St. Paul, MN 55155-0238, phone: (651) 431-5771, fax: (651) 431-7488, e-mail: [dhsrulecomments@state.mn.us](mailto:dhsrulecomments@state.mn.us). TTY users may call MN Relay at 711 or 1-800-627-3529

**Amendment of Notice of Hearing.** A Notice of Hearing was published in the *State Register* on December 29, 2014, and it indicated that a copy of the proposed rule would be published in the *State Register* on that same date. The proposed rule did not appear in the *State Register* on that date, but was available on the Department website and the web address and link were provided in the Notice of Hearing. The Notice of Hearing is now amended to indicate that the proposed rule will be published in the *State Register* on Monday, January 12, 2015.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available online at



Caution: This e-mail and attached documents, if any, may contain information that is protected by state or federal law. E-mail containing private or protected information should not be sent over a public (nonsecure) Internet unless it is encrypted pursuant to DHS standards. This e-mail should be forwarded only on a strictly need-to-know basis. If you are not the intended recipient, please: (1) notify the sender immediately, (2) do not forward the message, (3) do not print the message and (4) erase the message from your system.

Minnesota Department of Human Services

**CERTIFICATE OF MAILING THE AMENDED NOTICE OF HEARING UNDER THE  
ADDITIONAL NOTICE PLAN**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered  
Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual  
Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in  
Minnesota Rules, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

I certify that on January 12, 2015, at the city of St. Paul, Ramsey County, Minnesota, notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on December 2, 2014, was given by emailing the Amended Notice of Hearing to:

- Individuals and entities signed up for the voluntary email lists maintained by the Disability Services Division of the Department. These email lists consist of approximately 2,000 state or lead agency workers, and members of the public, providers, advocates, and government.

Notice was accomplished by emailing the attached message, including the text of the Amended Notice of Hearing, to all persons and associations on the mailing list.



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Karen E. Sullivan Hook  
Administrative Law Advisor

## Sullivan Hook, Karen E (DHS)

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**From:** Hauschild, Judith H (DHS)  
**Sent:** Tuesday, January 13, 2015 10:00 AM  
**Subject:** FW: Amended notice of hearing for Positive Supports Rule

Here you go. Take care

*Judy Hauschild*, Digital content coordinator  
Disability Services Division, Minnesota Department of Human Services  
651-431-2401 or [judy.hauschild@state.mn.us](mailto:judy.hauschild@state.mn.us)

---

**From:** Hauschild, Judith H (DHS)  
**Sent:** Monday, January 12, 2015 8:44 AM  
**To:** [dsd-county-e-list@lists.state.mn.us](mailto:dsd-county-e-list@lists.state.mn.us); [dsd-stakeholder@lists.state.mn.us](mailto:dsd-stakeholder@lists.state.mn.us)  
**Subject:** FW: Amended notice of hearing for Positive Supports Rule

To: All interested parties  
From: Office of Chief Compliance Officer  
Purpose: Provide information how to provide comments or attend the public hearing on the rule - AMENDED  
Effective: Immediately  
Contact information: Karen E. Sullivan Hook, call 651-431-5771 or email [dhsrulecomments@state.mn.us](mailto:dhsrulecomments@state.mn.us). TTY users may call MN Relay at 711 or 800-627-3529.

**Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

DHS published an [Amended Notice of Hearing \(PDF\)](#) along with a copy of this proposed rule in the [Jan. 12, 2015, issue of the Minnesota State Register pages 1031 - 1046 \(PDF\)](#).

If you would like to **comment** or **attend the Feb. 23 public hearing** on the rule, please follow the procedure described in the notice. A text copy of the notice is included within this email.

Additional information, documents and a copy of the proposed rules are available on the [DHS rulemaking Web page](#).

Please contact me if you have questions.

Sincerely,  
Karen E. Sullivan Hook  
Administrative Law Advisor  
Management and Policy Division

**Minnesota Department of Human Services**

**Disability Services Division**

**AMENDED NOTICE OF HEARING**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

**Public Hearing.** The Department of Human Services intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the second floor conference rooms designated 2370 and 2380, Elmer L. Andersen Human Services Building, 540 Cedar Street, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, February 23, 2015, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. Judge Lipman's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0300 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about the use of positive support strategies and person-centered planning techniques, establishing a process to phase out the use of restrictive interventions for the rare situation when such use may be temporarily and briefly authorized, and governing the emergency use of manual restraint. The new rules will apply to all facilities and services, including the home and community-based services licensed under *Minnesota Statutes*, Chapter 245D that are provided to persons with a disability or persons age 65 and older, and to all Department-licensed facilities and licensed services serving persons with a developmental disability or a related condition.

The Department also intends to repeal *Minnesota Rules*, 9525.2700 to 9525.2810, Use Of Aversive And Deprivation Procedures In Licensed Facilities Serving Persons With Developmental Disabilities. These rule parts govern the use of aversive and deprivation procedures now prohibited by *Minnesota Statutes*, Chapter 245D.

The proposed rules are authorized by *Minnesota Statutes*, section 245.8251, subdivisions 1 and 3.

A copy of the proposed rules will be published in the *State Register* on Monday, January 12, 2015, and is available online at [http://www.dhs.state.mn.us/dhs16\\_189734.pdf](http://www.dhs.state.mn.us/dhs16_189734.pdf). A free copy of the rules is available upon request from the agency contact person.

The agency contact person is: Karen E. Sullivan Hook at Minnesota Department of Human Services, Management and Policy Division, P.O. Box 64238, St. Paul, MN 55155-0238, phone: (651) 431-5771, fax: (651) 431-7488, e-mail: [dhsrulecomments@state.mn.us](mailto:dhsrulecomments@state.mn.us). TTY users may call MN Relay at 711 or 1-800-627-3529

**Amendment of Notice of Hearing.** A Notice of Hearing was published in the *State Register* on December 29, 2014, and it indicated that a copy of the proposed rule would be published in the *State Register* on that same date. The proposed rule did not appear in the *State Register* on that date, but was available on the Department website and the web address and link were provided in the Notice of Hearing. The Notice of Hearing is now amended to indicate that the proposed rule will be published in the *State Register* on Monday, January 12, 2015.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available online at



pursuant to DHS standards. This e-mail should be forwarded only on a strictly need-to-know basis. If you are not the intended recipient, please: (1) notify the sender immediately, (2) do not forward the message, (3) do not print the message and (4) erase the message from your system.

**Minnesota Department of Human Services**

**CERTIFICATE OF MAILING THE AMENDED NOTICE OF HEARING UNDER THE  
ADDITIONAL NOTICE PLAN**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered  
Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual  
Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in  
Minnesota Rules, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

I certify that on January 9, 2015, at the city of St. Paul, Ramsey County, Minnesota, notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on December 2, 2014, was given by emailing the Amended Notice of Hearing to:

- Individuals and entities signed up for the voluntary email lists maintained by the Minnesota Health Care Programs Division of the Department. These email lists consist of approximately 110,000 health care providers, health care associations, health plans, department staff, students, and members of the general public.

Notice was accomplished by emailing the attached message, including the text of the Amended Notice of Hearing, to all persons and associations on the mailing list.



---

Karen E. Sullivan Hook  
Administrative Law Advisor

**Sullivan Hook, Karen E (DHS)**

---

**From:** \*DHS\_DHS MHCP ProviderRelations  
**Sent:** Friday, January 09, 2015 2:51 PM  
**To:** MHCP@MLS.DHS.STATE.MN.US  
**Subject:** DHS Amended Notice of Hearing on Proposed Rule  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

January 9, 2015

RE: Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in Minnesota Rules, 9525.2700 to 9525.2810; Revisor's ID No. R-04213

Greetings:

The Minnesota Department of Human Services will publish an Amended Notice of Hearing along with a copy of the proposed rules in the State Register on January 12, 2015, under the title Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in Minnesota Rules, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.

The Amended Notice of Hearing describes how to comment on the rule and attend the public hearing. If you would like to comment or attend the public hearing on the rule, please follow the procedure that is described in the Amended Notice of Hearing.

The Amended Notice of Hearing is reprinted below, and is also accessible by clicking on the highlighted internet link.

Additional information and documents, including a copy of the proposed rules, are available by clicking on the highlighted link for our rulemaking webpage.

Sincerely,

Karen E. Sullivan Hook  
Administrative Law Advisor  
Management and Policy Division

**Minnesota Department of Human Services**

**Disability Services Division**

**AMENDED NOTICE OF HEARING**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

**Public Hearing.** The Department of Human Services intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the second floor conference rooms designated 2370 and 2380, Elmer L. Andersen Human Services Building, 540 Cedar Street, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, February 23, 2015, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. Judge Lipman's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0300 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about the use of positive support strategies and person-centered planning techniques, establishing a process to phase out the use of restrictive interventions for the rare situation when such use may be temporarily and briefly authorized, and governing the emergency use of manual restraint. The new rules will apply to all facilities and services, including the home and community-based services licensed under *Minnesota Statutes*, Chapter 245D that are provided to persons with a disability or persons age 65 and older, and to all Department-licensed facilities and licensed services serving persons with a developmental disability or a related condition.

The Department also intends to repeal *Minnesota Rules*, 9525.2700 to 9525.2810, Use Of Aversive And Deprivation Procedures In Licensed Facilities Serving Persons With Developmental Disabilities. These rule parts govern the use of aversive and deprivation procedures now prohibited by *Minnesota Statutes*, Chapter 245D.

The proposed rules are authorized by *Minnesota Statutes*, section 245.8251, subdivisions 1 and 3.

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The agency contact person is: Karen E. Sullivan Hook at Minnesota Department of Human Services, Management and Policy Division, P.O. Box 64238, St. Paul, MN 55155-0238, phone: (651) 431-5771, fax: (651) 431-7488, e-mail: [dhsrulecomments@state.mn.us](mailto:dhsrulecomments@state.mn.us). TTY users may call MN Relay at 711 or 1-800-627-3529

**Amendment of Notice of Hearing.** A Notice of Hearing was published in the *State Register* on December 29, 2014, and it indicated that a copy of the proposed rule would be published in the *State Register* on that same date. The proposed rule did not appear in the *State Register* on that date, but was available on the Department website and the web address and link were provided in the Notice of Hearing. The Notice of Hearing is now amended to indicate that the proposed rule will be published in the *State Register* on Monday, January 12, 2015.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available online at [http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16\\_191552.pdf](http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_191552.pdf) or from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or to rulecomments.oah@state.mn.us.* All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should 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.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

December 31, 2014  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Lucinda Jesson, Commissioner  
Minnesota Department of Human Services

**Caution:** This e-mail and attached documents, if any, may contain information that is protected by state or federal law. E-mail containing private or protected information should not be sent over a public (nonsecure) Internet unless it is encrypted pursuant to DHS standards. This e-mail should be forwarded only on a strictly need-to-know basis. If you are not the intended recipient, please: (1) notify the sender immediately, (2) do not forward the message, (3) do not print the message and (4) erase the message from your system.

**Minnesota Department of Human Services**

**CERTIFICATE OF MAILING THE AMENDED NOTICE OF HEARING UNDER THE  
ADDITIONAL NOTICE PLAN**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered  
Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual  
Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in  
Minnesota Rules, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

I certify that on January 12, 2015, at the city of St. Paul, Ramsey County, Minnesota, notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on December 2, 2014, was given by emailing the Amended Notice of Hearing to:

- Individuals and entities signed up for the voluntary email list maintained by the Alcohol and Drug Abuse Division of the Department. This email list consists of approximately 900 providers, stakeholders, tribes, interested parties and program directors.

Notice was accomplished by emailing the attached message, including the text of the Amended Notice of Hearing, to all persons and associations on the mailing list.



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Karen E. Sullivan Hook  
Administrative Law Advisor

## Sullivan Hook, Karen E (DHS)

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**From:** \*DHS\_DHS CCDTF  
**Sent:** Monday, January 12, 2015 12:02 PM  
**To:** #DHS\_@ADAD  
**Cc:** Sullivan Hook, Karen E (DHS)  
**Subject:** Proposed Rules Governing Positive Support Strategies

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

January 12, 2015

RE: Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213

Greetings:

The Minnesota Department of Human Services will publish an AMENDED Notice of Hearing along with a copy of the proposed rules in the State Register on January 12, 2015, under the title Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.

The Amended Notice of Hearing describes how to comment on the rule and attend the public hearing. If you would like to comment or attend the public hearing on the rule, please follow the procedure that is described in the Amended Notice of Hearing.

Please access the [Amended Notice of Hearing](#) by clicking on the highlighted link. A text copy of the amended notice is included within this email as well. Additional information and documents are available by clicking on the highlighted link for our [rulemaking webpage](#).

Sincerely,

Karen E. Sullivan Hook  
Administrative Law Advisor  
Management and Policy Division

**Minnesota Department of Human Services**

**Disability Services Division**

**AMENDED NOTICE OF HEARING**

**Proposed Adoption of Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in *Minnesota Rules*, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.**

**Public Hearing.** The Department of Human Services intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the second floor conference rooms designated 2370 and 2380, Elmer L. Andersen Human Services Building, 540 Cedar Street, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, February 23, 2015, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Eric L. Lipman will conduct the hearing. Judge Lipman's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0300 or [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about the use of positive support strategies and person-centered planning techniques, establishing a process to phase out the use of restrictive interventions for the rare situation when such use may be temporarily and briefly authorized, and governing the emergency use of manual restraint. The new rules will apply to all facilities and services, including the home and community-based services licensed under *Minnesota Statutes*, Chapter 245D that are provided to persons with a disability or persons age 65 and older, and to all Department-licensed facilities and licensed services serving persons with a developmental disability or a related condition.

The Department also intends to repeal *Minnesota Rules*, 9525.2700 to 9525.2810, Use Of Aversive And Deprivation Procedures In Licensed Facilities Serving Persons With Developmental Disabilities. These rule parts govern the use of aversive and deprivation procedures now prohibited by *Minnesota Statutes*, Chapter 245D.

The proposed rules are authorized by *Minnesota Statutes*, section 245.8251, subdivisions 1 and 3.

A copy of the proposed rules will be published in the *State Register* on Monday, January 12, 2015, and is available online at [http://www.dhs.state.mn.us/dhs16\\_189734.pdf](http://www.dhs.state.mn.us/dhs16_189734.pdf). A free copy of the rules is available upon request from the agency contact person.

The agency contact person is: Karen E. Sullivan Hook at Minnesota Department of Human Services, Management and Policy Division, P.O. Box 64238, St. Paul, MN 55155-0238, phone: (651) 431-5771, fax: (651) 431-7488, e-mail: [dhsrulecomments@state.mn.us](mailto:dhsrulecomments@state.mn.us). TTY users may call MN Relay at 711 or 1-800-627-3529

**Amendment of Notice of Hearing.** A Notice of Hearing was published in the *State Register* on December 29, 2014, and it indicated that a copy of the proposed rule would be published in the *State Register* on that same date. The proposed rule did not appear in the *State Register* on that date, but was available on the Department website and the web address and link were provided in the Notice of Hearing. The Notice of Hearing is now amended to indicate that the proposed rule will be published in the *State Register* on Monday, January 12, 2015.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available online at





# MHCP Provider News

## Jan. 12, 2015 News

- **New funding mechanism will help continue MinnesotaCare:** The groundbreaking MinnesotaCare health care program will become the first state program funded under the federal Basic Health Plan (BHP) on Jan. 1, 2015, after Minnesota became the first state to win approval for this option under the Affordable Care Act. The Centers for Medicare and Medicaid Services approved Minnesota's BHP Blueprint on Dec. 15, allowing the Department of Human Services to receive funding under a new federal authority to help pay for MinnesotaCare. MinnesotaCare enrollees shouldn't see any changes to their coverage as a result of the funding change. MinnesotaCare was revamped on Jan. 1, 2014, as Gov. Mark Dayton and the Legislature brought the program into line with the federal requirements for the BHP. Changes included eliminating a 4-month waiting period and an inpatient hospital coverage limit.
- As part of its commitment to more person-centered supports, DHS contracted with the Institute on Community Integration at the University of Minnesota to offer a year-long training and technical assistance program. The intent of this program is to help agencies implement organizational changes for more person-centered supports. Review the [Summary of Opportunity](#) for details. The anticipated start date is April 2015. [Applications](#) are open to lead agencies (counties and tribes) and provider agencies. The application deadline is Jan. 30, 2015. For questions email Anne Roehl at [vand0202@umn.edu](mailto:vand0202@umn.edu).

## Review recent Provider Updates:

- [Minnesota Electronic Health Record Technology Requirement \(MHP-14-06\)](#)
- [2014 Legislative Update \(LEG-14-04\)](#)
- [MHCP Pays Reference and Outside Laboratory Providers Directly \(MHP-14-08\)](#)
- [Medical Assistance \(MA\) Covers Inpatient Hospital Care for Incarcerated Individuals \(HOS-14-03\)](#)
- [Federally Qualified Health Center \(FQHC\) and Rural Health Clinic \(RHC\) Alternative Payment Methodology Election \(MHP-14-07\)](#)

## State Register Notices

- **Positive support strategies and person-centered planning techniques**

The Department of Human Services will publish an [Amended Notice of Hearing](#) along with a copy of the proposed rules in the State Register on Jan. 12, 2015. The title of the notice is Proposed Rules Governing Positive Support Strategies, Person-Centered Planning, Limits on Use of Restrictive Interventions and Emergency Use of Manual Restraint, and Repeal of Rules Governing Aversive and Deprivation Procedures in Minnesota Rules, 9525.2700 to 9525.2810; Revisor's ID No. R-04213.

The [Amended Notice of Hearing](#) describes how to comment on the rule and attend the public hearing. Follow the procedure described in the Notice of Hearing if you would like to comment or attend the public hearing on the rule.

Refer to the [rulemaking web page](#) for more information and documents, including a copy of the proposed rules.

- **Autism Respite services**

The Minnesota Department of Human Services (DHS) is gathering information and ideas for the development of respite services for individuals with autism. Responses submitted from this request for information must be received no later than 4 p.m. Central time on Friday, Feb. 20, 2015. Late proposals will not be considered. Please view the [State Register \(PDF\)](#) for Monday, Jan. 5, 2015, page 1012. The request for information is also posted on the [DHS Grants and RFPs web page](#).

## Claims

- Batch Claims Submitter ID Field (L1000A/NM109) Change

Claims submitted through X12 batch transactions are required to have a valid ten character NPI or UMPI number in the submitter ID field (Loop 1000A/NM109). Effective Jan. 9, 2015, MHCP is implementing system programming for recent legislative changes. Claims submitted on or after this date without a valid NPI or UMPI in this field will deny. If your claim denies with remittance advice remark code (RARC) N282, indicating invalid pay-to provider secondary identifier, submit a new claim with a valid submitter ID. If you use a clearinghouse or billing intermediary to submit batch claim files, work with them to make sure they submit valid information in this field.

- New modifiers

Effective for dates of service on and after Jan. 1, 2015, MHCP accepts four new modifiers to report distinct services. Use the new modifiers in place of modifier 59 in the following situations **only** when the Centers for Medicare & Medicaid Services (CMS) specifically instructs you to:

- **XE: Separate encounter** – The service is distinct because it occurred during a separate encounter
- **XP: Separate practitioner** – The service is distinct because it was performed by a different practitioner
- **XS: Separate structure** – The service is distinct because it was performed on a separate organ or structure
- **XU: Unusual non-overlapping service** – The use of the service is distinct because it does not overlap usual components of the main service

Continue to use modifier 59, when appropriate, if CMS has not instructed you to use the new modifiers. Refer to [MLN Matters \(MM8863\)](#) for more information.

## Training and VideoPresence Opportunities

Refer to the session for registration and session details.

- [College of Direct Support: Upcoming Information Sessions](#) –Tuesday, Jan. 27, 2015, 10 a.m. – 11 a.m.
- [Positive Support Community of Practice: Managing and Treating Anxiety and Compulsive Behavior](#) – Tuesday, Jan. 13, 2015, 10 a.m. to noon

## Systems Upgrade – Forms Issues

If you are not able to open MHCP forms and documents, it may be because eDocs (our forms management system) recently underwent a system upgrade. As a result, the browser requirements have changed. If your browser does not meet these requirements, you will not be able to open PDFs in eDocs and need to update your browser.

As of Nov. 18, 2014, to access forms in eDocs, you must have one of the following supported browsers:

- Microsoft Internet Explorer 9.x-11.x (We recommend that Compatibility View settings be disabled. To disable Compatibility View, go to Tools > Compatibility View Settings. Then uncheck **Display intranet sites** in Compatibility View. In Internet Explorer 9.x, also uncheck Display all websites in Compatibility View.)
- Mozilla Firefox 4.x or later
- Apple Safari 5.x or later
- Google Chrome 9.x or later

If you have more questions, refer to [eDocs Frequently asked questions](#). We understand that changing or upgrading browsers can be difficult. Our IT area is actively looking for solutions

that will allow older browsers to continue to work. Please contact the eDocs helpdesk ([dhs.edocs.helpdesk@state.mn.us](mailto:dhs.edocs.helpdesk@state.mn.us)) if you have questions or problems with this change. We hope to minimize the impact in any way we can.

If you have more questions, please call the MHCP Provider Call Center at 651-431-2700 or 800-366-5411.

## MN-ITS

Refer to the [5010/D.0 Announcements](#) page for information about MN-ITS functionality, technical information, scheduled downtimes and other notifications.

## Industry Initiatives

This Industry Initiatives section gives you quick, easy access to current federal and state industry initiatives that potentially impact your business. Please review these pages on a regular basis. We will note changes to the right of the initiative as we update the pages.

<a href="#">5010/D.0</a>	Watch the <a href="#">5010/D.0</a> page for announcements about both direct data entry (DDE) and batch transactions. We also add messages about MN-ITS availability on this page.
<a href="#">Electronic health records</a>	Review the revised Provider Update, <a href="#">Minnesota Electronic Health Record Technology Requirement (MHP-14-06)</a>
<a href="#">ICD-10</a>	The Protecting Access to Medicare Act of 2014 ( <a href="#">HR 4302</a> ) delayed implementation of ICD-10 until Oct. 1, 2015. Watch this page for updated information soon.

## Durable medical equipment (DME), prosthetics and orthotics

### Capped rentals

MHCP will reprocess and pay all capped rentals (CR) with a prior authorization (PA) and modifiers RR KJ that were overpaid due to bypass of a PA. They will be paid correctly at 75% of the actual rental rate. A mass adjustment that was scheduled to be done in October will now be done sometime in 2015. This was delayed due to systems problems with replacement claims that were not able to price correctly. We will update this message when the mass adjustment is scheduled. Refer to [CMS MLN Matters](#) for more information.

### Dually eligible recipients

When Medicare is primary payer on Medicare paid lines, dually eligible recipients are subject to the round 2 competitive bidding single payment amount (SPA) under the Centers for Medicare and Medicaid Services (CMS) durable medical equipment, prosthetics, orthotics and supplies (DMEPOS) competitive bidding program. MHCP will do a mass adjustment back to July 1, 2013. We will post a notice when the mass adjustment is scheduled. Refer to the [CMS DMEPOS Competitive Bidding Program](#) and [Laws of Minnesota, chapter 312, article 24, sec. 40, Reimbursement for basic care services](#), for more information.

## FQHC and RHC

### Payment Methodology Election

Review Provider Update, Federally Qualified Health Centers (FQHC) and Rural health Centers (RHC) Alternative Payment Methodology Election (MHP-14-07). FQHC and RHC providers must choose the appropriate payment method.

### Legislative Change

Federally Qualified Health Centers (FQHC) and Rural Health Clinics (RHC) changes to implement the new 2014 Minnesota law affecting FQHC and RHC payments for MHCP services is in effect as of Jan. 1, 2015. Providers are asked to monitor MCO and MHCP remittance advice information closely. Direct MCO remit questions to the MCO. Call the Provider Call Center for questions about MHCP remit items.

## Mental Health Services

### Training Available

The following online training is available on the Adult Mental Health Training page:

- MA Documentation
- Functional Assessment
- Diagnostic Assessment

### Children's Mental Health New Services

The Centers for Medicare and Medicaid Services (CMS) approved intensive treatment services in foster care (ITSFC), family psychoeducation and clinical care consultation as MHCP children's mental health services. We will provide more guidance about these covered services when benefit criteria and implementation dates have been determined.

## MnCHOICES

MnCHOICES is a single, comprehensive assessment and support planning web-based application for long-term services and supports in Minnesota. It replaces the following assessment tools:

- Developmental Disability Screening
- Long-Term Care Consultation
- Personal Care Assistance Assessment and Service Plan.

Rollout of MnCHOICES to counties and tribes began Nov. 4, 2013. Statewide implementation was completed in 2014. The roll-out of MnCHOICES to managed care organizations will occur in late 2015.

Refer to the following for more information:

- The PCA Process Guidelines with MnCHOICES provides guidelines to counties and tribes about authorizing and documenting PCA service needs in MnCHOICES
- County and tribal assessors will use the MnCHOICES Community Support Plan with Coordinated Services and Supports (DHS-6791B) to develop the support plan and approve and authorize services.
- MnCHOICES web pages

If you have more questions, please call the MHCP Provider Call Center.

## **Nursing Facility**

Effective Jan. 1, 2015, nursing facilities will be required to submit a request for a refund of the spenddown amount withheld by DHS for clients in a managed care plan. Providers have no later than one year from the date of service or six months from the warrant date to request the refund.

## **Outpatient Hospital**

### **Non-patient Laboratory Specimen**

Since July 9, 2014, outpatient claims billed with type of bill 14X and dates of service on or after Jan. 1, 2014, followed APC pricing. MHCP has completed programming to allow these outpatient claims to be priced using the Clinical Laboratory Fee Schedule (CLFS).

MHCP replaced incorrectly paid claims on the Dec. 16, 2014, payment date.

## **Reproductive Health**

### **Minnesota Family Planning Program (MFPP)**

Effective Jan. 1, 2015, Minnesota Family Planning Program (MFPP) procedure codes 87623, 876241, and 87625 will replace 87620, 87621 and 87622. Refer to Minnesota Family Planning Program (MFPP) Procedure Codes list in the Providers Manual for more information. Claims with dates of service before Jan. 1, 2015, will process with procedure codes 87620, 87621 and 87622.

### **Ortho Evra Maximum quantity limit increase**

Effective immediately, MHCP increased the maximum quantity limit for CPT code J7304 to nine units. This allows providers to prescribe a three-month supply of Ortho Evra patches at a time, matching the three-month supply currently allowed for oral contraceptives.

## **Transportation**

### **Access Transportation Services (ATS)**

Effective Jan. 1, 2015, the access transportation services (ATS) reimbursement rate for volunteer drivers (A0080) and the licensed foster parent reimbursement (A0090 UC) is based on the IRS business deduction mileage rate. The rate effective Jan. 1, 2015, through Dec. 31, 2015, is 57.5 cents per loaded mile unless the IRS or Minnesota Statute or Rule changes during this period.

MHCP continues to consider no-load miles (miles driven when the client is not in the vehicle) as excluded or non-reimbursable mileage. These miles cannot be charged to the client.

## **Related Links**

Visit our Provider website for more comprehensive information, including these pages:

- Latest Manual Revisions
- Previously published Provider News items
- Provider Updates (we also place newly published Provider Updates in your MN-ITS Mailbox, as appropriate)

This page includes news and resources for providers enrolled to serve Minnesota Health Care Programs (MHCP) recipients. Get notices of Provider News through our [free Provider Email Lists](#).

If you have questions about this information, call the MHCP Provider Call Center at 651-431-2700 or 800-366-5411.

[Sign up](#) to receive Provider Updates and other MHCP notices in your email account.

# Minnesota Department of Human Services

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## Public participation

DHS invites client, stakeholder and citizen involvement in its initiatives and proposed program changes. The following are current opportunities for participation.

### Information and ideas sought on autism respite services

The Minnesota Department of Human Services is gathering information and ideas for the development of respite services for individuals with autism. Respite programs provide planned short-term breaks for caregivers to support and maintain the primary care giving relationship. Respite also provides a positive experience for the person receiving care to include activities of their choosing and interest.

More information is in the [State Register notice from Monday, Jan. 5, 2015, Page 1012 \(PDF\)](#). The request for information is also posted on the [DHS grants and RFPs Web page](#). Responses submitted from this request for information must be received no later than 4 p.m. Central Time on Friday, Feb. 20, 2015. Late proposals will not be considered.

### Comments sought on proposed rules on use of restraints, interventions and person-centered planning

The Minnesota Department of Human Services is seeking comments on proposed rules governing positive support strategies, person-centered planning, limits on use of restrictive interventions and emergency use of manual restraint, and repeal of rules governing aversive and deprivation procedures. DHS published a [Notice of Hearing \(PDF\)](#) for a Feb. 23 hearing along with a copy of the proposed rule in the [Dec. 29, 2014, issue of the Minnesota State Register, Page 972 \(PDF\)](#).

If you would like to comment or attend the public hearing on the rule, follow the procedure described in the notice. Additional information, documents and a copy of the proposed rules are available on the [DHS rulemaking Web page](#).

### Public comment sought on caseload reduction credit calculation method

Minnesotans are invited to submit comments on the estimates and methodology used by the Minnesota Department of Human Services to determine its caseload reduction credit.

Minnesota uses federal Temporary Assistance to Needy Families (TANF) money to fund the Minnesota Family Investment Program (MFIP). Federal law requires states' TANF programs to meet a 50 percent work participation rate. The 50 percent rate may be adjusted by a caseload reduction credit, which is the percentage change in the number of families served

in the most recent federal fiscal year compared to a historical base year of 2005, adjusted for any policy changes which may have affected eligibility.

Minnesota's caseload reduction credit calculations based on 2014 data are as follows:

- The average number of families receiving TANF programs assistance was 21,939 in 2014, a 32 percent decrease from the 2005 base year. Most of this decrease (30.6 percent) can be explained by funding changes that required certain MFIP families to be funded with state funds and made them ineligible to receive TANF.
- In 2014, an average of 1,787 families received a Work Benefit payment, a program newly implemented in 2009, resulting in a 5.5 percent increase in families receiving TANF programs assistance relative to the 2005 base year.
- Other policy changes that affected how many families were eligible to receive TANF in 2014 include changes in how Supplemental Security Income affects a family's cash assistance, higher exemption levels for vehicles counted in determining a family's eligibility for cash assistance, and changes in rules around child support assignment. Together these changes are estimated to result in 3.6 percent more families receiving TANF programs assistance relative to the 2005 base year.

Taking these policy changes into account, the estimated caseload reduction credit is 32 percent - (30.6% - 5.5% - 3.6%) = 10.5%. This credit will be used to reduce the "target" work participation rate for Minnesota next year (federal fiscal year 2015).

Minnesota will also claim further caseload reduction through a federal rule that allows a state to designate qualified state expenditures related to TANF as "Maintenance of Effort."

Send comments to the DHS Office of Management and Budget by email to: [dhs.reportsandforecasts@state.mn.us](mailto:dhs.reportsandforecasts@state.mn.us). Or by mail to:

Minnesota Department of Human Services  
Reports and Forecasts Division  
PO Box 64996  
St. Paul, MN 55164-0996

Comments are due March 31, 2015.

## Comments sought on 2016 Statewide Managed Care Procurement

The Minnesota Department of Human Services (DHS) is gathering input into the statewide procurement Request for Proposals (RFP) for Medical Assistance (MA) and MinnesotaCare members enrolled in managed care. The purpose of this request for comments is to solicit community feedback on how we can improve the measurement and performance of managed care contracting; our goal is to improve outcomes and service to our members, providers, counties and communities. DHS will use the feedback it receives through this request for comments and other stakeholder meetings to inform the design (measurement, weight, evaluation) of the statewide managed care procurement for MA and MinnesotaCare.

The comments provided through this process are for planning purposes only. Those who respond should not anticipate feedback from DHS. DHS will publish the RFP Jan. 5, 2015,

for contracts beginning Jan. 1, 2016. More information about the request for comments is in [response instructions document \(PDF\)](#).

## Public comments sought for Governor's Task Force on the Protection of Children

Members of the public can send comments for the task force to [dhs.child.protection.task.force@state.mn.us](mailto:dhs.child.protection.task.force@state.mn.us). More information about the task force is at: <http://www.dhs.state.mn.us/childprotectiontaskforce>.

## Sex Offender Civil Commitment Advisory Task Force

The [Sex Offender Civil Commitment Advisory Task Force](#) was created to examine and provide Human Services Commissioner Lucinda Jesson with recommendations on the processes relating to the civil commitment of sex offenders in Minnesota.

## Advisory groups

Many advisory committees provide expertise and input on a regular basis to help DHS create and implement program changes. Most committees are comprised of members from outside DHS. A [complete list of DHS advisory committees](#) is online.

## Volunteering

DHS welcomes [volunteer help](#) on an ongoing basis at Forensic Services in St. Peter.