

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Rules of the Department of Human Services 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

**CHIEF ADMINISTRATIVE LAW
JUDGE'S ORDER ON
REVIEW OF RULES UNDER
MINN. STAT. § 14.16, SUBD. 1
AND MINN. R. 1400.2240, SUBP. 5.**

This matter came before Chief Administrative Law Judge Tammy L. Pust upon the Department of Human Services's (Department) request for a legal review under Minn. Stat. § 14.16, subd. 1 (2014) and Minn. R. 1400.2240, subp. 5 (2013).

On June 8, 2015, the Department sought review and approval of the modifications that it made to proposed rules following its receipt of the Administrative Law Judge's report dated April 22, 2015.

In its submissions, the Department proposes to delete an unneeded regulatory definition, delete a provision that was inadvertently carried forward in the Department's next-most-recent rule proposal and make seven editorial changes that do not alter the meaning or effect of the modified rules. These requested changes would adjust the text of proposed Rule Parts 9544.0020, 9544.0050 and 9544.0090.

Based upon a review of the written submissions by the Department, and the rulemaking record,

IT IS HEREBY DETERMINED THAT:

1. The differences between the text proposed by the Department on June 8 2015, and the rules approved by the Administrative Law Judge, are within the scope of the matter announced in the Notice of Hearing (dated January 12, 2015) and are in character with the issues raised in that notice;
2. The differences between the text proposed by the Department and the rules approved by the Administrative Law Judge are a logical outgrowth of the contents of the Notice of Hearing and the comments submitted in response to the notice; and

3. The Notice of Hearing provided fair warning that the outcome of that rulemaking proceeding could be the modifications proposed by the Department in its June 8, 2015 filing.

IT IS HEREBY ORDERED THAT:

The proposed rules AR 4123, dated June 5, 2015, are approved as to legality.

Dated: June 11, 2015



TAMMY L. PUST
Chief Administrative Law Judge

STATE OF MINNESOTA
 OFFICE OF ADMINISTRATIVE HEARINGS
 ADMINISTRATIVE LAW SECTION
 PO BOX 64620
 600 NORTH ROBERT STREET
 ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Proposed Rules of the Department of Human Services Governing Positive Support Strategies, Person-Centered Planning, Limits on Use	OAH Docket No. 8-1800-32056
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Katie Lin, certifies that on June 22, 2015, she served a true and correct copy of the attached **CHIEF ADMINISTRATIVE LAW JUDGE'S ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.16, SUBD. 1 AND MINN. R. 1400.2240, SUBP. 5**; by placing it in the United States mail or by courier service with postage prepaid, addressed to the following individuals:

Karen E. Sullivan Hook Administrative Law Advisor Department of Human Services PO Box 64238 Saint Paul, MN 55155	
Legislative Coordinating Commission (lcc@lcc.leg.mn)	The Honorable Lori Swanson Minnesota Attorney General 102 Capitol Building 75 Rev. Dr. Martin Luther King Jr. Blvd St. Paul, MN 55155
Paul Marinac Office of the Revisor of Statutes paul.marinac@revisor.mn.gov	Elizabeth Dressel Policy Coordinator Office of Governor Mark Dayton 20 W Twelfth St Ste 116 St Paul, MN 55155
Representative Michael V. Nelson Chair Committee on Government Operations 565 State Office Building 100 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, MN 55155	Senator Sandra L. Pappas Chair State and Local Government Committee 120 State Capitol 75 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, MN 55155-1606