CAH 22-9051-40960
Revisor ID No. R-4445

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Permanent Rules Relating to Jail Facilities	**ORDER APPROVING RULE MODIFICATIONS**

The Minnesota Department of Corrections (Department) seeks review and approval of modified rules pursuant to Minn. Stat. § 14.16 (2026), and Minn. R. 1400.2240, subp. 5 (2025).

On August 24, 2026, Administrative Law Judge Christa L. Moseng issued a Report of the Administrative Law Judge approving the Department's proposed rules except as to one rule part she found defective. On September 3, 2026, the Chief Administrative Law Judge disagreed that a defect was present and approved the rules as proposed. On October 29, 2026, the Department filed a request for approval of rule modifications not previously presented to the Court or recommended in prior orders. The Department supplemented its request by filing an amended Exhibit C1 on November 2, 2026, and an amended Exhibit B on November 3, 2026. The Department's submission became complete on November 3, 2026.

The Department proposes modifications to the rules as follows:

1. Rule part 2911.0200, subpart 68c, regarding substance use disorder services is modified to reflect the use of telehealth services and to provide for medication-assisted substance use disorder treatment according to part 2911.5820;

2. Rule part 2911.0900, subpart 23, Item C, is modified to address the use of reduced staffing during lockdown periods in direct supervision units and requires that each inmate has access to direct and immediate communication with staff, the facility has identified and documented criteria for placing inmates in housing units operating under a reduced staffing ratio that account for the inmate's medical and mental health needs and the inmate's classification level, and each inmate assigned to the direct supervision housing unit operated under reduced staffing meets specific classification criteria;

3. Rule part 2911.2850, subpart 1, Item A, is modified to remove the term "serious" from the levels of disciplinary sanctions described; and

4. The effective date for the rules is extended to January 1, 2028.[1]

The Department explains that these modifications arose from feedback received during the rulemaking process and as a result of ongoing engagement with stakeholders. The Department maintains that these modifications are within the scope of the rules as originally noticed to the public, that these changes are reasonable, and that the modifications do not make the rules substantially different. The Department has filed an amended proposed Order Adopting Rules.[2] The Order Adopting Rules will include the Department's amended Exhibit C1 explaining the modifications and the Department's rationale for the changes, as detailed in Exhibit C filed with the Department's request for approval of rule modifications.

Under Minn. Stat. § 14.16 and Minn. R. 1400.2240, subp. 5, the Chief Administrative Law Judge must review the legality of the proposed modifications and determine whether the proposed modifications make the rules substantially different according to Minn. Stat § 14.05, subd. 2 (2026).

Based upon the Department's submissions and rulemaking record, the Chief Administrative Law Judge makes the following:

ORDER

1. The Department's rule modifications as provided in its amended Exhibit C1 and draft rules dated October 20, 2026,[3] are needed and reasonable.

2. The rule modifications proposed by the Department do not make the rules substantially different as provided in Minn. Stat. § 14.05, subd. 2.

3. The Department's rule modifications as provided in its amended Exhibit C1 and draft rules dated October 20, 2026,[4] are **APPROVED**.

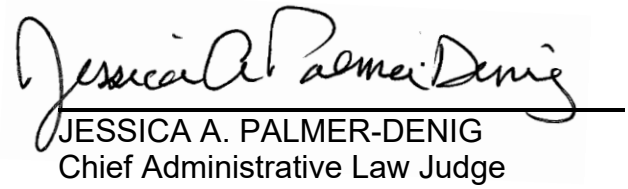
4. Paragraph 2 of the Department's Order Adopting Rules[5] should be revised to state as follows:

> The Department of Corrections adopts the Administrative Law Judge's Report dated August 24, 2026, and incorporates it by reference into this Order. The sole disapproved provision - Minn. R. 2911.1300, subp. 4 - was subsequently reviewed and approved by the Chief Administrative Law Judge on September 3, 2026. Accordingly, the department adopts the

[1] Exhibit (Ex.) C, Amended Ex. C1.
[2] Amended Ex. B.
[3] Ex. C.
[4] Ex. C.
[5] Amended Ex. B.

report in full, subject only to the modifications set forth herein, which were approved by the Chief Administrative Law Judge on November 6, 2026.

Dated: November 6, 2026



JESSICA A. PALMER-DENIG
Chief Administrative Law Judge