REQUEST FOR COMMENTS

Office of Inspector General, Surveillance and Integrity Review Section

Possible Amendment to the Rules Governing Use of Random Sample Extrapolation in Monetary Recovery, Minnesota Rules, Part 9505.2220; Revisor’s ID Number 4567

Subject of Rules
The Minnesota Department of Human Services requests comments on its possible amendments to the rules governing the use of random sample extrapolation in monetary recovery. The proposed rule amendments remove reliance on an outdated textbook, clarify the sampling and extrapolation methodologies that are acceptable, and remove the requirement that the provider be notified of the sampling method before a sample is drawn.

Persons Affected
The rule amendments would likely affect all persons and entities who provide services through medical assistance, consolidated chemical dependency treatment, MinnesotaCare, or any other health services program administered by the Department.

Statutory Authority
Minnesota Statutes, section 256B.04, subdivision 2 requires the Department to make rules to carry out and enforce the law regarding the Medical Assistance program. Minnesota Statutes, section 256B.04, subdivision 10 specifically directs the Department to establish by rule criteria and procedures for the identification and prompt investigation of suspected fraud, theft, abuse, and other improper claims for Medical Assistance, and for the imposition of sanctions against a vendor of medical care. Minnesota Statutes, section 256B.04, subdivision 15 requires the Department to establish a utilization review function to guard against the unnecessary and inappropriate use of medical assistance services and excess payments for services.

Public Comment
Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the State Register that the Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department does not plan to appoint an advisory committee to comment on the possible rules.

Rules Drafts
The Department does not anticipate that a draft of the rules will be available before the publication of the proposed rules.
Agency Contact Person
Written or oral comments, questions, and requests for more information on the specific subject matter of this possible rules amendment should be directed to Elizabeth Oji. Questions about the rulemaking process should be directed to Vanessa Vogl:

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TTY users may call the Department at (800) 627-3529. You can also submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at https://minnesotaoah.granicusideas.com/discussions.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

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

Dated: August 19, 2019
Amy Akbay, Chief General Counsel
Minnesota Department of Human Services