ORDER ADOPTING RULES

Adoption of Rules Governing Dialectical Behavioral Therapy, Minnesota Rules, 9505.0372, subpart 10, items C(1) and C(4); Revisor's ID Number 4673

BACKGROUND INFORMATION

1. Minnesota Statutes, section 14.388, subdivision 1 states:

   “If an agency for good cause finds that the rulemaking provisions of [chapter 14] are unnecessary, impracticable, or contrary to the public interest when adopting, amending, or repealing a rule to . . . (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required; or (4) make changes that do not alter the sense, meaning, or effect of a rule, the agency may adopt, amend, or repeal the rule after satisfying the requirements of subdivision 2 and section 14.386, paragraph (a), clauses (1) to (4). . . .”

2. The Department of Human Services (Department) for good cause finds that the regular rulemaking provisions of Minnesota Statutes, Chapter 14 are unnecessary, impracticable, and contrary to the public interest for the adoption of the proposed rule amendments, and that it is more appropriate to use the exempt rulemaking provisions in Minnesota Statutes, section 14.388 to adopt these amendments.

3. By Laws of Minnesota 2020, 1st Special Session, Chapter 2, Article 5, Section 38, the Minnesota Legislature amended Minnesota Statutes, section 256B.0625, subdivision 5l so that Medical Assistance coverage of dialectical behavior therapy is no longer limited to adults. Accordingly, to align with this statutory change, the Department is amending Minnesota Rules, 9505.0372, subpart 10, by deleting the age requirement for Medical Assistance coverage of dialectical behavioral therapy in item (C)(1). This change incorporates a specific change stated in applicable statutes that requires no interpretation of law. Therefore, the good cause exempt rulemaking process for these rules is authorized by Minnesota Statutes, section 14.388, subdivision 1(3).

4. The Department is also replacing the word “assuring” with the word “ensuring” in part 9505.0372, subpart 10, item C(4). This amendment reflects proper language usage. This change does not alter the sense, meaning, or effect of a rule; indeed, it clarifies meaning by employing the proper word. Therefore, the good cause exempt rulemaking process for these rules is authorized by Minnesota Statutes, section 14.388, subdivision 1(4).

5. The Department has complied with all notice and procedural requirements in the exempt rulemaking process, including Minnesota Statutes, section 14.386, paragraph (a), clauses (1) to (4). In accordance with Minnesota Statutes, section 14.388, subdivision 2, the Department sent notice to all persons who have registered their name with the agency under Minnesota
Statutes, section 14.14, subdivision 1a. The Department also gave notice specifically to dialectical behavior therapy providers and coalition groups. The notice and supporting documents are posted on the Department’s website.

6. The Office of Administrative Hearings received 0 written comments on the rules.

7. This rule change is needed and reasonable.

ORDER

Rules of the Department of Human Services governing dialectical behavioral therapy in the form set out in the Revisor’s draft, file number RD4673, dated August 25, 2020, are adopted under my authority in Minnesota Statutes, section 14.388, subdivision 1(3) and (4).

July 23, 2021

Date

Amy Akbay, Chief General Counsel
Minnesota Department of Human Services