

Exhibit K2



STATE OF MINNESOTA DEPARTMENT OF VETERANS AFFAIRS



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September 21, 2021

The Honorable Jessica Palmer-Denig
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
St. Paul, Minnesota 55164-0620

RE: *In the Matter of Proposed Amendments to Rules Governing Minnesota Department of Veterans Affairs, Minnesota Veterans Homes, Minnesota Rules, Chapter 9050; Request to Schedule a Rules Hearing, and Request for Review and Approval of the Dual Notice of Intent to Adopt Rules With or Without a Public Hearing and the Additional Notice Plan; OAH Docket No. 71-9054-37629; Revisor's ID Number R-4384.*

Dear Judge Palmer-Denig:

The Minnesota Department of Veterans Affairs (MDVA) requests that you please schedule a rules hearing under Minnesota Statutes, sections 14.131 to 14.20. The hearing is for the MDVA's proposed rule amendments governing the administration and operation of the MDVA Minnesota Veterans Home. We request that the hearing be conducted on Tuesday, December 7, 2021, starting at 9:30 p.m. and continue until all parties are heard. The hearing will be held via WebEx or at the following location, Veterans Service Building, 5th Floor, 20 West 12th Street, St. Paul, Minnesota 55155.

The overall purpose of the Rule is to update the evolving needs of the Minnesota Veterans Homes facilities and its residents as well as to comply with the changing regulations that address Minnesota's health care industry. The proposed rule amendments are addressing the need to update and clarify definitions; clarify repayment options; update bed hold requirements; update the discharge process including the addition of an immediate discharge process; clarify the cost of care calculation; update fiscal responsibilities for board and care residents; and add new rules for the adult day health care program and pharmaceutical services.

The MDVA also requests that you approve our Dual Notice which is enclosed with the following documents, as required by Minnesota Rules, part 1400.2080, subpart 5:

An Equal Opportunity Employer

This document will be made available upon request in alternative formats by contacting the MDVA Office for Diversity, Inclusion and Equity at 612-548-5961 or at diversity.mdva@state.mn.us.

1. The proposed Dual Notice of Intent to Adopt Rules With or Without a Public Hearing (Dual Notice). If the MDVA receives fewer than 25 requests for a hearing in response to the Dual Notice, the hearing will be canceled. We will notify you if this occurs.
2. A copy of the proposed rule amendments.
3. A copy of the signed Statement of Need and Reasonableness (SONAR) containing our Additional Notice Plan.

The MDVA also requests that you approve our Additional Notice Plan. *Minnesota Rules*, part 1400.2060, subpart 2, item B requires an explanation of why we believe our Additional Notice Plan complies with Minnesota Statutes, section 14.22 and reflects reasonable efforts to notify persons or classes of persons who might be significantly affected by the rules in accordance with Minnesota Statutes, section 14.14, subdivision 1a.

The MDVA's Additional Notice Plan is described in Section 8 of the SONAR. The MDVA believes the Additional Notice Plan complies with Minnesota Statute, section 14.14 because each individual part of the Additional Notice Plan is designed to reach all classes of individuals who are affected the most by the proposed rules. There are five broad classes of individuals, agencies, and organizations that the proposed rules affect either directly or indirectly. They are:

1. Veterans and veterans' spouses;
2. Agencies and organizations that advocate on behalf of veterans;
3. Agencies and organizations that assist veterans, veterans' spouses seeking healthcare services available to them in the State of Minnesota;
4. Agencies and organizations that provide assistance and guidance in the form of advocacy for Minnesota Veterans and their spouses; and
5. Agencies and Organizations that provide health care planning to Veterans and their spouses.

Given that there are over 320,000 veterans in the state it is not feasible for MDVA to provide each Veteran and their spouse notice of the MDVA's intent to adopt the proposed rules. However, it is possible for the MDVA to provide specific notice to as many agencies and organizations as possible that have the interests of Veterans and veterans' dependents and who engage with and provide information and application assistance for benefits and services directly to them. It is also possible for the MDVA to provide notice to agencies and organizations that either directly provide guidance or who represent Veterans or their spouse in the eligibility and protection of those benefits allotted to them under the Rule.

The Additional Notice Plan includes targeted notification of a wide range of diverse agencies and organizations. Each identified agency and organization that will receive specific notice of the MDVA's intent to adopt the proposed rules advocates on behalf of veterans and their dependents, or participates directly or indirectly in providing veterans and their dependents with information pertaining to available benefits and services of health care.

Last, the Dual Notice and proposed rules will be published in the *State Register*, and the Dual Notice, proposed rules, and SONAR will be posted on the MDVA's Rulemaking Docket webpage, and on the Office of Administrative Hearings rulemaking eComment website, with specific instructions for submitting comments and requesting a hearing.

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If you have any questions about the proposed rule amendments, Dual Notice, or the SONAR, please contact me at telephone (651) 548-5706 or email: dale.klitzke@state.mn.us

Sincerely,

s/ Dale Klitzke

dale.klitzke@state.mn.us

Deputy General Counsel

Minnesota Department of Veterans Affairs

20 West 12th Street, Saint Paul, MN 55155

Telephone: (651) 548-5706

Enclosures: Dual Notice
Proposed Rules
SONAR

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