

# Exhibit K4



## STATE OF MINNESOTA DEPARTMENT OF VETERANS AFFAIRS



20 West 12th Street • St. Paul, Minnesota 55155 • (651) 296-2562  
Fax (651) 296-3954 • [MinnesotaVeteran.org](http://MinnesotaVeteran.org) • 1-888-LinkVet

November 17, 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 Rule Amendments Governing Minnesota Veterans Homes, Minnesota Rules, Chapter 9050, OAH 71-9054-37629, Revisor R-4384

Dear Judge Palmer-Denig:

The Minnesota Department of Veterans Affairs (MDVA) respectfully requests to reschedule the hearing date of December 7, 2021, as identified in the Dual Notice for the above referenced proposed rules published in the State Register on October 18, 2021. The comment period on the proposed rules closes on November 23, 2021. The MDVA requests a rescheduled hearing, if necessary, be conducted in late January 2022, dependent upon your availability.

MDVA is making this request on the basis of additional work with the regulatory compliance with the November 5, 2021, Centers for Medicare and Medicaid Services (CMS) mandate requiring COVID-19 vaccination of eligible staff at health care facilities that participate in the Medicare and Medicaid programs. This mandate affects the Minnesota Veterans Homes, and at the present time MDVA legal office is required to focus on compliance.

Though the MDVA has not, to date, received the required number of hearing requests on the proposed rules, in the event MDVA does receive 25 or more hearing requests, it would be difficult for MDVA to be properly prepared as well as collect MDVA personnel resources to present at the hearing on December 7, 2021.

Should we receive 25 or more hearing requests, and this request be approved, the MDVA would proceed to notify the hearing requestors, and publish Notice of Hearing in the State Register identifying the rescheduled hearing date, place, and time.

Please call me at 612-548-5706 if have any questions.

*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](mailto:diversity.mdva@state.mn.us).

Sincerely,

*Dale B. Klitzke*

Dale Klitzke, Esq.

Deputy General Counsel

Minnesota Department of Veterans Affairs

[dale.klitzke@state.mn.us](mailto:dale.klitzke@state.mn.us)

cc: Michelle Severson, Legal Assistant

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](mailto:diversity.mdva@state.mn.us).