



STATE OF MINNESOTA DEPARTMENT OF VETERANS AFFAIRS



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Minnesota Department of Veterans Affairs

REQUEST FOR COMMENTS for possible amendment to the Rules Governing the Minnesota Veterans Homes, *Minnesota Rules*, Chapter 9050;

Revisor's ID Number R-04780

Subject of Rules. The Minnesota Department of Veterans Affairs (MDVA) requests and invites comments on its possible amendments to rules governing the Minnesota Veterans Homes (MVH) administration and operation, Chapter 9050. Specifically, MDVA is considering rule amendments that update the following:

1. Existing terms and definitions,
2. Cross-references to reflect changes in governing state and federal statutes, rules and regulations,
3. Procedures governing the admission requirements, waiting list placement, transfers, absences, bed holds, involuntary discharges, appeals, resident assessments, resident financial responsibilities, and care planning.
4. Language that covers the MVH adult day operations and pharmaceutical operations, and
5. Rules governing resident rights and responsibilities.

Persons Affected. The proposed amendments to Chapter 9050 may affect current and potential residents of the MVH, resident representatives, resident families, other individuals involved in a resident's care, veteran service organizations, and individuals and groups advising and advocating for veterans and veterans' families.

Statutory Authority. The MDVA's statutory authority to adopt these rule amendments is set forth in Minnesota Statutes as follows:

Minnesota Statutes, section 14.06

(a) Each agency shall adopt rules, in the form prescribed by the revisor of statutes, setting forth the nature and requirements of all formal and informal procedures related to the administration of official agency duties to the extent that those procedures directly affect the rights of or procedures available to the public.

Minnesota Statutes, section 196.04, subdivision 1

Promulgation. The commissioner shall adopt reasonable and proper rules to govern the

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procedure of the divisions of the department and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same, in order to establish the right to benefits provided for by the law.

Minnesota Statutes, section 198.003, subdivision 1

Policy; rules. The commissioner shall determine policy and, subject to chapter 14, adopt, amend, and repeal rules for the governance of the homes.

Public Comment. Since developing updates to Chapter 9050 is a considerably large undertaking, the MDVA will hold space for public comment during the development phase of the proposed amendments to Chapter 9050 rules. MDVA invites interested persons or groups to submit comments or information concerning the rules within Chapter 9050. Starting at the time of this publication and extending for at least 60 days, interested persons or groups may submit comments, concerns or information to be considered by the MDVA as it develops the necessary updates to this chapter. The MDVA particularly welcomes comments and information pertaining to the “cumulative effect of the rules with other federal and state regulations,” as required by Minnesota Statutes, section 14.131(8). Comments must be in writing. MDVA will not publish a notice of intent to adopt any proposed rule amendment until more than 60 days have elapsed from the date of this request for comments. MDVA does not plan to appoint an advisory committee to comment on the possible rules. MDVA has suggested comments from both the Elder Law Section of the Minnesota State Bar Association as well as from the Minnesota Office of Ombudsman for Long-Term Care.

Rules Drafts. As the MDVA is holding space for public comment and concern about Chapter 9050, the Department has not yet determined the final draft of the possible rule amendments. MDVA does not anticipate that a full draft of the amendments to Chapter 9050 rules will be available before the publication of the proposed changes. Upon publication, the proposed rules amendments will be made available to the public on the Department website at <https://mn.gov/mdva/about/reports.jsp>

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rule amendments should be directed to: Simone Hogan at Minnesota Department of Veterans Affairs, 5101 Minnehaha Ave. Minneapolis, MN 55417, Phone: 612-548-5955; Email: simone.hogan@state.mn.us. Or you may submit written comments via the Office of Administrative Hearings Rulemaking eComments 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

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comments during the development of the amendments and you want to ensure that the Administrative Law Judge reviews the comments, please resubmit the comments after the rules amendments are formally proposed.

Simone Hogan

Dated: February 2, 2023

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