

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF HEALTH

In the Matter of the Proposed
Amendments to the Department of Health
Expedited Rules Relating to Health Care
Quality Measures

**ORDER ON REVIEW
OF RULES UNDER
MINN. STAT. § 14.389
AND MINN. R. 1400.2410**

On December 1, 2014, the Minnesota Department of Health (Department) filed documents with the Office of Administrative Hearings (OAH) seeking review and approval of the above-entitled rules under Minn. Stat. § 14.389 (2014) and Minn. R. 1400.2410 (2013). On December 9, 2014, the Department provided a corrected Draft Order Adopting Rules and the record closed on that date.¹

Based upon a review of the written submissions by the Department, and the contents of the rulemaking record,

IT IS HEREBY ORDERED THAT:

1. The proposed rules were adopted in compliance with the procedural requirements of Minnesota Statutes, chapter 14 (2014), and Minnesota Rules, chapter 1400 (2013).
2. According to Minn. Stat. § 62U.06, subd. 3 (2014), the Department has the statutory authority to adopt these proposed rules using the expedited rulemaking process.
3. The proposed rule parts are **APPROVED**.

Dated: December 10, 2014

s/LauraSue Schlatter

LAURASUE SCHLATTER
Administrative Law Judge

¹ Ex. 6. The initial Draft Order Adopting Rules contained a clerical error which was corrected with the December 9, 2014 filing.

MEMORANDUM

Background

As part of its 2008 comprehensive health care reform law, the Minnesota legislature required the Department to create a standardized set of quality health care measures and a quality reporting system. The purpose of the system was to produce useable information available to payers and consumers for health care decision-making. To assist in this goal, the legislature granted the Department expedited rulemaking authority.²

This authority enables the Department to modify its Minnesota Statewide Quality Reporting and Measurement System (SQRMS), contained in Minnesota Rules, chapter 4654 and its related appendices, annually, if needed. This is consistent with the Department's statutory obligation under Minn. Stat. § 62U.02 to review the quality measures annually.³

Substantial Difference

The Department's rule amendments as adopted incorporate changes based on feedback from various stakeholders in response to the Proposed Expedited Amendments as originally published in the *State Register* September 15, 2014.⁴ The Administrative Law Judge finds that none of the changes to the proposed rules make the rules substantially different than those originally published in the *State Register*.

Response to Comments

The Department received a number of comments in response to its request for comments regarding the proposal to eliminate asthma action plans (AAPs) from the renamed "Optimal Asthma Control" measure. AAPs have been one of three elements of the former Optimal Asthma Care composite since 2011. The Department received 23 comments on this proposed change. Sixteen commenters supported including the measure or use of AAPs and seven commenters opposed including such a measure or use. The Department decided to include an AAP measure as a stand-alone measure called "Asthma Education & Self-Management" in the final rule. Other changes made by the Department were primarily in response to stakeholder comments or technical in nature.

L.S.

² Minn. Stat. § 62U.06, subd. 3 (2013).

³ See Cover Memo to Office of Administrative Hearings from Edward P. Ehlinger, Commissioner of Health, p. 1 (December 1, 2014).

⁴ *Id.*, pp. 6-11 (The changes are described in detail in this document.)