

# Minnesota State Register

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;  
Official Notices; State Grants & Loans; State Contracts; Non-State Public Bids,  
Contracts and Grants**

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# Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the State Register. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (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 the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."  
**Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Department of Labor and Industry

### Adopted Exempt Permanent Rules Relating to Workers' Compensation; 2020 Adjustments to Relative Value Fee Schedule Conversion Factors in Minnesota Rules, Chapter 5221

#### 5221.4020 DETERMINING FEE SCHEDULE PAYMENT LIMITS.

*[For text of subparts 1 and 1a, see Minnesota Rules]*

Subp. 1b. Conversion factors and maximum fee formulas.

*[For text of item A, see Minnesota Rules]*

B. The conversion factors for services, articles, and supplies included in parts 5221.4030 to 5221.4061 are as provided in Minnesota Statutes, section 176.136, subdivision 1a, as follows:

*[For text of subitems (1) to (8), see Minnesota Rules]*

- (9) for dates of service from October 1, 2018, to September 30, 2019, the conversion factors are:

*[For text of units (a) to (c), see Minnesota Rules]*

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$49.66; and

- (10) for dates of service from October 1, 2019, to September 30, 2020, the conversion factors are:

*[For text of units (a) to (c), see Minnesota Rules]*

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$50.25; and

(11) for dates of service from October 1, 2020, to September 30, 2021, the conversion factors are:

(a) for medical/surgical services identified by procedure codes described in part 5221.4030, subpart 3: \$70.86;

(b) for pathology and laboratory services identified by procedure codes described in part 5221.4040, subpart 3: \$60.10;

(c) for physical medicine and rehabilitation services identified by procedure codes described in part 5221.4050, subpart 2d: \$58.68; and

(d) for chiropractic services identified by procedure codes described in part 5221.4060, subpart 2d: \$50.70.

*[For text of subparts 1c to 4, see Minnesota Rules]*

**EFFECTIVE DATE.** The amendments to part 5221.4020, subpart 1b, are effective for services provided on or after October 1, 2020.

## Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

## Department of Human Services (DHS)

### Health Care Administration

### Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program

**NOTICE IS HEREBY GIVEN** to recipients, providers of services, and to the public of certain statutory changes made to the Medical Assistance (MA) Program.

This notice is published pursuant to 42 United States Code § 1396a(a)(13)(A) and § 1902(a)(13)(A) of the Social Security Act, which requires the Department to publish final institutional payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. It is also published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 C.F.R. § 447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for Medicaid services.

The changes are estimated to affect net spending in the MA programs as described below. All estimates provided in this notice represent the expected change in total expenditures for each individual item from sources including both state and federal funds.

One of the two changes detailed in this notice is the result of legislative action. The actual text the 2019 legislative change detailed in this notice is contained in *Laws of Minnesota* 2019, First Special Session, Chapter 9. The legislation is available by calling the House of Representatives Public Information Office at (651) 296-2146 (voice) or (651) 296-9896 (TTY) or 1-800-657-3550 (Greater Minnesota) or 1-800-627-3529 (TTY); or the Senate Information Office at (651) 296-0504 (voice) or (651) 296-0250 (TTY); for Greater Minnesota call 1-888-234-1112 (voice) or 1-888-234-1216 (TTY). These laws are also available on the internet at: <http://www.revisor.mn.gov/laws/>