MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

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November 17, 2021

VIA EMAIL ONLY
Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

Re: ***In the Matter of the Proposed Amendment to Rules Governing Use of Random Sample Extrapolation in Monetary Recovery, Minnesota Rules, part 9505.2220***
OAH 71-9029-35836; Revisor R-4567

Dear Ms. Breems:

Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Vanessa Vogl
Minnesota Department of Human Services
PO Box 64254
Saint Paul, MN 55164
vanessa.vogl@state.mn.us

If you have any questions regarding this matter, please contact Denise Collins at (651) 361-7875, denise.collins@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

Michelle Severson

Michelle Severson
Legal Assistant

Enclosures
cc: Vanessa Vogl (via email)

Date Filed: December 3, 2021
Document Number: 221456
Office of the Minnesota
Secretary of State, Steve Simon

Department of Human Services

Adopted Permanent Rules for Surveillance and Integrity and Review: Monetary Recovery; Random Sample Extrapolation

9505.2220 MONETARY RECOVERY; RANDOM SAMPLE EXTRAPOLATION.

[For text of subpart 1, see Minnesota Rules]

Subp. 1a. **Definitions.** For purposes of this part, the following terms have the meanings given them.

A. "Cluster sampling" means a method of sampling in which a selection of groups of items are sampled rather than a selection of individual items.

~~A.~~ B. "Extrapolation" means estimating an unknown ~~population value~~ overpayment by projecting, with a calculated margin of error, the results from a random sample to the population from which the random sample was drawn. The form and computations for the extrapolation and its confidence interval depend on the method of random sampling.

C. "Interval estimate" means the estimation of a parameter, in terms of an interval, for which one can assert with a given probability or degree of confidence that it contains the actual value of the parameter.

~~B.~~ D. "~~95~~ 90 percent confidence interval" means an interval estimate, or estimate with a margin of error, for a population parameter computed using a procedure that produces intervals that contain the true parameter for ~~95~~ 90 percent of all random samples.

~~C.~~ E. "Population" or "population of claims" means a defined set of paid claims for a specified ~~time~~ period that exist at the time of the audit or investigation.

F. "Population parameter" means a measure such as mean, median, standard deviation, or proportion that is calculated or defined by using every item in the population.

~~D.~~ G. "Probe sample" means a limited initial random sample of at least 50 units ~~which~~ that can be used to provide guidance in selecting the sample size for a full random sample.

~~E.~~ H. "Random sample of claims" means a subset of claims chosen from a population of claims using a random sampling method including simple random sampling, stratified sampling~~, probability proportional to size sampling,~~ cluster sampling, or ~~any other sampling methods that are generally accepted amongst statisticians~~ another sampling method that the department determines is more likely to lead to greater precision, or a closer approximation to the population mean.

I. "Simple random sampling" means a method of sampling in which all individual items in the population have an equal probability of being included in the sample.

J. "Stratified sampling" means a method of sampling in which the population is divided into two or more parts and a simple random sample is selected for each part. An estimate is determined separately for each part, and these are combined to form an estimate for the entire population.

~~F.~~ K. "RAT-STATS" refers to the primary statistical software used by the Office of the Inspector General of the United States Department of Health and Human Services and the Centers for Medicare and Medicaid Services.

~~G.~~ L. "Sampling plan" means the combination of the identified population, the random sampling method, the sample size, and the technique for implementing the random sampling method on the population.

~~H.~~ M. "Statistical analysis system" or "SAS" means an analytics and statistics software system developed by the SAS Institute.

N. "SPSS" means an analytics and statistics software system licensed by IBM.

[For text of subpart 2, see Minnesota Rules]

Subp. 3. **Statistical method.** The department ~~shall~~ must use the procedures in this subpart when calculating the amount of monetary recovery by random sample extrapolation from the audit results of a random sample of claims.

A. The sampling plan and extrapolation ~~shall~~ must be chosen and performed according to ~~generally accepted statistical standards and practices, which includes~~ guidance from the Centers for Medicare and Medicaid Services including the most recent version of the Medicare Program Integrity Manual.

(1) The sampling plan ~~shall~~ must include a probe sample.

(2) The department ~~shall~~ must use tools that include RAT-STATS, SAS, or ~~any other generally accepted sampling software and methods~~ SPSS.

B. The department must tell the provider the sampling method the department is using prior to drawing the sample.

~~B.~~ C. The vendor ~~shall be required to~~ must pay an overpayment identified under this part only if the overpayment identified has a ~~95~~ 90 percent confidence interval that does not contain zero dollars.

Office of the Revisor of Statutes
Administrative Rules

TITLE: Adopted Permanent Rules for Surveillance and Integrity and Review: Monetary Recovery; Random Sample Extrapolation

AGENCY: Department of Human Services

REVISOR ID: R-4567

MINNESOTA RULES: Chapter 9505

The attached rules are approved for
filing with the Secretary of State

Sandy Glass-Sirany
Senior Assistant Revisor

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Office of the Minnesota
Secretary of State, Steve Simon