

Minnesota All Payer Claims Database

VARIANCE PROCEDURE- UPDATED APRIL 2021

[Minnesota Rule 4653.0500](#) provides discretionary authority for the Minnesota Commissioner of Health to grant variances to a data submitter for a reported submission specification if the data submitter demonstrates good cause. There are two types of variances for data submitters: (1) a threshold variance for meeting a specified threshold which is an automated process through an online interface with the designated claims data manager and (2) a rule variance for submission of specific data elements or submission specifications.

Threshold Variance Procedure

Threshold variances most commonly are requested when a submitter has special considerations based on the population that they serve. When this situation emerges, the uploaded data will fail to meet validation checks and trigger an automatic notification from Claims Data Manager (CDM) to the data submitter. The submitter must logon to the CDM portal, review the submission failure and determine the root cause. Provided that the following criteria can be demonstrated a variance maybe requested:

- A good faith reason that the data element is unable to meet the standard threshold.
- Propose a reasonable alternative threshold and dates of service requested.
- The basis for the proposed alternative threshold.

For more information about the underlying logic supporting variance management, consult the directory of reference materials located on CDM under documentation or email Minnesota's data aggregation contractor at cdm-support@onpointhealthdata.org.

Rule Variance Procedure

Petitions for a rule variance to the State of Minnesota are not a means of avoiding Minnesota Rules, but rather a way to permit an alternate method of meeting the intent of the rule. To request a rule variance, the data submitter must submit a completed petition, according to the requirements of Minnesota Statutes, section [4653.0500](#) to the Minnesota Department of Health. Petitions should include:

- The name, address, telephone number, email address and submitter code of the entity for whom a variance is being requested.
- A description of and citation to the specific portion of the rule for which a variance is requested.

- The variance requested, including the scope and duration of the variance.
- The reasons that the petitioner believes justify a variance, including a signed statement attesting to the accuracy of the facts asserted in the petition.
- A history of the agency's action relative to the petitioner, as it relates to the variance request.

Criteria

The health department strictly applies the following criteria in determining whether to grant a rule variance. The commissioner will consider whether to grant a variance provided all the following criteria are demonstrated:

- Failure to grant the variance would result in hardship or injustice to the data submitter.
 - *An expenditure of resources does not, by itself, constitute a demonstration of hardship or injustice.*
- The variance would be consistent with the public interest.
 - *Public interest is presumed to be served by obtaining data that is complete.*
- The variance would not prejudice the legal or economic rights of any person or entity. Including, but not limited to, the following verifications:
 - *Claims not submitted are associated with a specific employer group that is eligible to withhold their data.*
 - *Said employer group has affirmatively elected not to submit data to the MN APCD in writing.*

Minnesota APCD Rule variance request

Rule variance petitions should be submitted to:

Karl Fernstrom
 Health Care Data Service Center Manager
 Health Economics Program

Minnesota Department of Health
 P.O. Box 64882
 St. Paul, MN 55164-0882
 Office: 651-201-3931
 Email: health.apcd@state.mn.us

The Commissioner will issue an order granting or denying a variance petition within 60 days of receipt of a completed petition unless the petitioner agrees to a later date.