

**CHAPTER 75-09.1-11**  
**SUBSTANCE USE DISORDER TREATMENT VOUCHER SYSTEM**

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**SECTION 1.** Section 75-09.1-11-01 is amended as follows:

**75-09.1-11-01. Definitions.**

As used in this chapter, unless the context or subject matter otherwise requires:

1. "ASAM criteria" means the current edition of the criteria of the American society of addiction medicine.
2. "~~Certified recovery~~peer support specialist" means a person ~~who has been certified by a recognized training program to provide recovery support services to individuals who have a substance use disorder meeting the requirements of certified peer support specialist I or certified peer support specialist II in compliance with chapter 75-03-43.~~
3. "Comprehensive biopsychosocial clinical assessment" means an assessment that integrates information regarding the biological, psychological, and social factors of an individual's life in determining the nature of the individual's substance use disorder and criteria for treatment.
4. "Department" means the North Dakota department of human services.

5. "Individual" means an individual who meets the identified eligibility criteria for services under the substance use disorder treatment voucher system.
6. "Outcomes measures" means the events or conditions that indicate the effectiveness of the substance use disorder treatment services.
7. "Process measures" means the steps and actions taken to implement the substance use disorder treatment services.
8. "Program" means ~~a human being~~ an individual, partnership, association, corporation, or limited liability company that establishes, conducts, or maintains a substance abuse treatment program license in compliance with chapter 75-09.1-01 or similar license from a bordering state for the care of individuals with a substance use disorder. "Program" does not include a DUI seminar, which is governed by chapter 75-09.1-09 or a substance abuse treatment program operated by a state agency.
9. "Voucher" means funding issued by the department to a licensed substance abuse treatment program, excluding human service centers and the state hospital, for the purpose of providing eligible individuals substance use disorder treatment and recovery services.

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**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-42

**SECTION 2.** Section 75-09.1-11-02 is amended as follows:

**75-09.1-11-02. Application for program participation in the substance use disorder treatment voucher system.**

The department shall approve or deny a program's application within twenty working days of receipt of a complete application. The department may declare an application withdrawn if an applicant fails to submit all required documentation within sixty days of the department's notification to the applicant that the application is incomplete. A complete application includes:

1. A signed application in the form and manner prescribed by the department;
2. A signed agreement pursuant to section 75-09.1-11-05; ~~and~~
3. Receipt of the program's policies:
  - a. Ensuring compliance with ~~chapters 75-09.1-01 and 75-09.1-11~~ this chapter;

- b. Ensuring that a screening is completed to determine an individual's need for further assessment of a substance use disorder;
- c. Ensuring that a screening is completed to determine financial eligibility consistent with the individual eligibility criteria in subsection 65 of section 75-09.1-11-07;
- d. Defining specific ASAM level of care services provided through the substance use disorder treatment voucher system;
- e. Ensuring that only appropriately licensed or certified staff are providing the specific level of care service that is being reimbursed through the voucher system;
- f. Identifying services based on best practice, including individualized, trauma-informed, recovery-oriented, and person-centered programming for reimbursement through the substance use disorder voucher system;
- g. Defining specific procedures to ensure reporting of process measures and outcomes measures consistent with department requirements;
- h. Defining and developing specific procedures to ensure timely and accurate billing for services qualifying for reimbursement through the voucher system;
- i. Defining procedures allowing the department access to records; and
- j. ~~Ensuring participation in training consistent with department requirements; and~~
- k. ~~Ensuring that an individual completes and the program submits a voucher application in the form and manner prescribed by the department~~ the reporting of any change in licensing status to the department; and

4. A completed assessment of need and receipt of approval from the department for an out-of-state program located within a bordering state.

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**SECTION 3.** Section 75-09.1-11-03 is amended as follows:

**75-09.1-11-03. Program denials and revocations.**

1. A program's application to participate in the voucher system may be denied if:
  - a. The program is ~~not~~:
    - (1) Not currently licensed under chapter 75-09.1-01;
    - (2) Not currently licensed as an out-of-state program located within a bordering state; or
    - (3) Currently licensed as an out-of-state program located within a bordering state and has not received an assessment of need approval from the department;
  - b. The program is currently operating under a restricted license pursuant to subsection 2 of section 75-09.1-01-03 or a similar license restriction for an out-of-state program located within a bordering state; or
  - c. The program's policies submitted to the department in accordance with subsection 3 of section 75-09.1-11-02 fail to ensure compliance with ~~chapters 75-09.1-01 and 75-09.1-11~~ this chapter.
2. A program's participation in the voucher system may be revoked for failure to:
  - a. Comply with the terms and conditions of the signed agreement between the program and the department;
  - b. ~~Comply with~~ Maintain licensing standards ~~set forth~~ status in accordance with chapter 75-09.1-01 or similar license for an out-of-state program located within a bordering state;
  - c. Comply with or enforce the program's policies submitted as required by subsection 3 of section 75-09.1-11-02;
  - d. Properly document and submit a request for a substance use disorder treatment voucher as required by section 75-09.1-11-08;
  - e. Provide a request for services covered by section 75-09.1-11-06; ~~or~~
  - f. Comply with section 75-09.1-11-13; or

g. Maintain, as an out-of-state program, an assessment of need approval from the department.

3. Payment on a voucher may be denied if:

- a. A revocation of the program's participation in the voucher system has occurred prior to the date the service identified on the voucher was provided;
- b. The program fails to comply with the terms and conditions of the signed agreement between the program and the department;
- c. The out-of-state program fails to ~~comply with licensing standards set forth in chapter 75-09.1-04~~ maintain an assessment of need approval from the department;
- d. The program fails to comply with or enforce the program's policies submitted as required by subsection 3 of section 75-09.1-11-02;
- e. The program does not have a valid substance abuse treatment program license on the date the service identified on the voucher was provided;
- f. The program fails to properly document and submit a request for substance use disorder treatment voucher in accordance with section 75-09.1-11-08;
- g. The program submits a voucher for a service that is not identified as a service provided under section 75-09.1-11-06;
- h. The program submits a voucher for a service that the program is not approved to provide; or
- i. The program fails to comply with section 75-09.1-11-13.

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**SECTION 4.** Section 75-09.1-11-07 is amended as follows:

**75-09.1-11-07. Individual eligibility for a substance use disorder treatment voucher.**

1. The individual completes a voucher application in the form and manner prescribed by the department;

2. The individual resides in North Dakota;
3. The individual is fourteen years of age or older;
4. ~~A licensed professional operating within their scope of practice has determined the individual is in need of one or more of the services identified in section 75-09.1-11-06;~~
5. The individual grants the department access to treatment and payment records consistent with the confidentiality requirements found under title 42, Code of Federal Regulations, part 2 and title 45, Code of Federal Regulations, part 164;
- 6.5. The individual does not have resources to cover any care for treatment and the:
  - a. Individual's third-party payment resources will not cover all costs for treatment;
  - b. Individual has a pending application for medical assistance which presents a barrier to timely access to treatment; or
  - c. Individual does not qualify for medical assistance and has no alternative third-party payment resources.
- 7.6. The individual has an annual income no greater than two hundred percent of federal poverty guidelines.

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**SECTION 5.** Section 75-09.1-11-08 is amended as follows:

**75-09.1-11-08. Approval of an individual's application and voucher.**

1. A program shall submit the individual's voucher application and proper documentation to the department requesting a substance use disorder treatment voucher for screening, assessment, treatment, or recovery support services. A licensed professional operating within their scope of practice or a certified ~~recovery~~ peer support specialist acting consistent with training and certification who is employed by a program approved to participate in the substance use disorder treatment voucher system can provide services under the voucher system. Documentation submitted by the program must be in the form and manner prescribed by the department and must be in compliance with established requirements for each voucher request.

2. An approved substance use disorder voucher must be activated for ninety days. If the service is not initiated within ninety days the voucher will no longer be valid and a new voucher will need to be requested. Vouchers will allow payment at the rate established by the department for the specific ASAM service indicated. A new voucher will have to be activated for each service identified under section 75-09.1-11-06.
3. Within five working days of receiving a request for a voucher, the department shall notify the program submitting the request and the individual completing the application of the application approval. The department shall notify the individual of the programs that provide the specific service covered by the voucher.

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