

October 31, 2023

Liz Fordahl, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-03-14.1
Shelter Care Program Certification

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Friday, December 15, 2023, beginning at 10:30 a.m. and continuing until 12:00 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Division

JA/rv

cc: Kelsey Bless, Children & Family Services
Brittany Fode, Children & Family Services
Cory Pedersen, Children & Family Services
Jessica Thomasson, Executive Director of Human Services Division

Enclosures

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NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D. ADMIN. CODE CHAPTER 75-03-14.1
SHELTER CARE PROGRAM CERTIFICATION

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 75-03-14.1 at 10:30 a.m. on Friday, December 15, 2023, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 75-03-14.1, Shelter Care Program Certification, are necessary to comply 2023 Senate Bill No. 2051.

The proposed changes are as follows:

Subsections 6 and 9 of section 75-03-14.1-02 are amended to add language “unless otherwise approved by the department” to allow for flexibility regarding transferring a license from one physical location to another by the same agency, and to remove “each year” as it is redundant.

Section 75-03-14.1-03 is amended to allow a shelter care program to enter into a financial contract with eligible referral agencies seeking placement into a certified shelter care program.

Section 75-03-14.1-04 is amended to remove the reference to children in need of service, to require a policy ensuring the safety of all residents in placement, to add reference to nonemployees, where appropriate, and to require shelter care programs to develop policy how a program will proceed when a current employee, former employee, or nonemployee is involved in a child protection assessment, an institutional child protection assessment, or has record of a criminal offense.

Section 75-03-14.1-05 is amended to include requirements for nonemployees, to update criminal background check requirements, and to add a requirement for a shelter care program to maintain a file for each nonemployee.

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Section 75-03-14.1-05.1 is created to establish the procedures for background check and criminal conviction, effects of agency and employment or placement by an agency for employees and nonemployees, to establish direct bearing offenses and the ability to be deemed sufficiently rehabilitated, to add an individual's right to request a review, and to offer consistency with background check criteria for providers to meet standards of compliance set forth by the Department.

Section 75-03-14.1-06 is amended to add reference to nonemployees training requirements if the certified shelter care program chooses to utilize nonemployees.

Section 75-03-14.1-07 is amended to clarify requirements regarding state fire marshal standards, automatic sprinkler systems, carbon monoxide detectors, and smoke alarms, to amend food storage and sanitation standards, and to remove the requirement for a health inspection for food and beverage.

Section 75-03-14.1-08 is amended to offer clarity regarding timeliness of initial screenings and extension requests.

Section 75-03-14.1-09 is amended to change "written consent" to "documented consent" and to document in the resident file who the resident was discharged to, date, and location.

Section 75-03-14.1-11 is amended to add references to nonemployees to the incident and sentinel event reporting requirements if the certified shelter care program chooses to utilize nonemployees.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules, may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-

0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Tuesday, December 26, 2023.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 31st day of October, 2023.

October 31, 2023

RE: Proposed Amendments to N.D. Admin. Code chapter 75-03-14.1
Shelter Care Program Certification

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 75-03-14.1, Shelter Care Program Certification. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Tuesday, December 26, 2023.

The department has scheduled an oral hearing for Friday, December 15, 2023. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Sara Stolt
Interim Commissioner

SES/rv

Enclosures

cc: Liz Fordahl, Legislative Council
Kelsey Bless, Children & Family Services
Brittany Fode, Children & Family Services
Cory Pedersen, Children & Family Services
Jessica Thomasson, Executive Director of Human Services Division

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

INTERIM COMMISSIONER
Sara Stolt