

October 31, 2023

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

RE: Proposed Creation of N.D. Admin. Code Chapter 75-02-13  
Family Paid Caregiver Program

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Create 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 Monday, December 18, 2023, beginning at 12:30 p.m. and continuing until 2:00 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: Tina Bay, Developmental Disabilities  
Jessica Thomasson, Executive Director of Human Services Division

Enclosures

**LEGAL**

NOTICE OF INTENT TO CREATE  
ADMINISTRATIVE RULES RELATING TO  
N.D. ADMIN. CODE CHAPTER 75-02-13  
FAMILY PAID CAREGIVER PROGRAM

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed creation of N.D. Admin. Code chapter 75-02-13 at 12:30 p.m. on Monday, December 18, 2023, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed creation of N.D. Admin. Code chapter 75-02-13, Family Paid Caregiver Program, are necessary to comply with 2023 Senate Bill No. 2276.

The proposed changes are as follows:

**Section 75-02-13-01** is created to establish defined terms, including “applicant”, “application”, “department”, “extraordinary care”, “family caregiver”, “legally responsible individual”, and “Medicaid 1915(c) waiver”.

**Section 75-02-13-02** is created to establish the application and eligibility criteria for the family paid caregiver program.

**Section 75-02-13-03** is created to establish the administration requirements for the family paid caregiver program.

**Section 75-02-13-04** is created to establish appeal rights for denials, revocations, and terminations for the family paid caregiver program.

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 Thursday, December 28, 2023.

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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 Creation of N.D. Admin. Code chapter 75-02-13  
Family Paid Caregiver Program

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing creation of N.D. Admin. Code chapter 75-02-13, Family Paid Caregiver Program. 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 Thursday, December 28, 2023.

The department has scheduled an oral hearing for Monday, December 18, 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  
Tina Bay, Developmental Disabilities  
Jessica Thomasson, Executive Director of Human Services Division

**EXECUTIVE OFFICE**

GOVERNOR  
Doug Burgum

INTERIM COMMISSIONER  
Sara Stolt