

October 31, 2023

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-03-17  
Psychiatric Residential Treatment Facilities for Children

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 Monday, December 18, 2023, beginning at 3:00 p.m. and continuing until 4:30 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: Kelli Ulberg, Behavioral Health Division  
Shauna Eberhardt, Behavioral Health Division  
Laura Anderson, Policy Director, Behavioral Health Division  
Pam Sagness, Executive Director of Behavioral Health Division

Enclosures

**LEGAL**

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D. ADMIN. CODE CHAPTER 75-03-17  
PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN

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 75-03-17 at 3:00 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 amendments to N.D. Admin. Code chapter 75-03-17, Psychiatric Residential Treatment Facilities for Children, are necessary to comply with 2023 House Bill No. 1043.

The proposed changes are as follows:

**Section 75-03-17-01** is amended to replace “a person” or “persons” with “an individual” or “individuals”, “decisionmaking” with “decision-making”, and “person with a mental illness” with “individual with a mental illness”; and to amend the definition of “department”.

**Subsection 7 of section 75-03-17-02** is amended to replace “a person’s” or “person” with “an individual’s” or “individual”.

**Section 75-03-17-03** is amended to replace “person’s” with “individual’s”.

**Section 75-03-17-07** is amended to replace “person” with “individual”.

**Section 75-03-17-16.2** is amended to update the background check and criminal conviction requirements, to add the ability for an individual to request a review, to replace “a person” or “person” with “an individual” or “individual”, and to update the section to ensure psychiatric residential treatment facilities for children providers have the same criminal background checks as qualified residential treatment program providers.

**Section 75-03-17-17** is amended to update program director requirements to comply with 2023 House Bill No. 1043.

**LEGAL**

**Subdivision b of subsection 1 of section 75-03-17-18** is amended to replace “state department of health” with “department”.

**Subsection 5 of section 75-03-17-20** is amended to replace “person’s” or “person” with “individual’s” or “individual”.

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.

**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 75-03-17  
Psychiatric Residential Treatment Facilities for Children

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 75-03-17, Psychiatric Residential Treatment Facilities for Children. 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  
Kelli Ulberg, Behavioral Health Division  
Shauna Eberhardt, Behavioral Health Division  
Laura Anderson, Policy Director, Behavioral Health Division  
Pam Sagness, Executive Director of Behavioral Health Division

**EXECUTIVE OFFICE**

GOVERNOR  
Doug Burgum

INTERIM COMMISSIONER  
Sara Stolt