

January 31, 2022

Jill Grossman, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code chapter 75-09.1-11
Substance Use Disorder Treatment Voucher System

Dear Ms. Grossman:

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 Wednesday, March 9, 2022, beginning at 2:30 p.m. and continuing until 4:00 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 Advisory Unit

JA/rv

cc: Pam Sagness, Behavioral Health Division
Lacresha Graham, Behavioral Health Division
James Knopik, Behavioral Health Division

Enclosures

LEGAL ADVISORY UNIT

600 E Boulevard Ave Dept 325 | Bismarck ND 58505-0250

701.328.2311 | Fax 701.328.2173 | 800.472.2622 | 711 (TTY) | www.nd.gov/dhs

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-09.1-11
SUBSTANCE USE DISORDER TREATMENT VOUCHER SYSTEM

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 75-09.1-11 at 2:30 p.m. on Wednesday, March 9, 2022, 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 75-09.1-11, Substance Use Disorder Treatment Voucher System, are necessary to comply with 2021 House Bill No. 1402, concerning out-of-state licensed substance abuse treatment programs and the substance use disorder treatment voucher system.

The proposed changes are as follows:

Section 75-09.1-11-01 is amended to change the title of a definition from “certified recovery specialist” to “certified peer support specialist” and to revise language within the definition, and to amend the definition of “program” in accordance with 2021 House Bill No. 1402.

Section 75-09.1-11-02 is amended to update a citation, to remove certain policies that were previously required to be submitted for licensing that are not necessary, to add new language requiring the reporting of any licensing status change to Department, and to add new language to allow an out-of-state program located within a bordering state, which has completed an assessment of need and received approval from Department, to become a substance use disorder treatment voucher provider in accordance with 2021 House Bill No. 1402.

Section 75-09.1-11-03 is amended to include language to permit the department the ability to deny an application by an out-of-state program located within a bordering state, to revoke an out-of-state program’s participation in the voucher system, and to deny payment on a voucher if the out-of-state program fails to maintain an assessment of need approval in accordance with 2021 House Bill 1402, and to remove the requirement that programs must be in compliance with chapters 75-09.1-01 and 75-09.1-11.

Section 75-09.1-11-07 is amended to remove language that required a licensed professional operating within their scope of practice to determine that an individual is in need of one or more of the services identified in

LEGAL ADVISORY UNIT

section 75-09.1-11-06 in order for the individual to be eligible for a substance use disorder treatment voucher.

Section 75-09.1-11-08 is amended to change “certified recovery specialist” to “certified peer support specialist”.

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 offices 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 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 Monday, March 21, 2022.

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 Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 31st day of January, 2022.

January 31, 2022

RE: Proposed amendments to N.D. Admin. Code chapter 75-09.1-11
Substance Use Disorder Treatment Voucher System

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapter 75-09.1-11, Substance Use Disorder Treatment Voucher System. 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 Monday, March 21, 2022.

The department has scheduled an oral hearing for Wednesday, March 9, 2022. 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 Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Christopher Jones,
Executive Director

CDJ/rv

Enclosures

cc: Jill Grossman, Legislative Council
Pam Sagness, Behavioral Health Division
Lacresha Graham, Behavioral Health Division
James Knopik, Behavioral Health Division

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

EXECUTIVE DIRECTOR
Christopher Jones