

July 28, 2020

Vonette Richter, Legal Division Director
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code chapter 75-04-05
Payment for Provider Agencies of Services to Individuals with Intellectual
Disabilities - Developmental Disabilities

Dear Ms. Richter:

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 Thursday, September 3, 2020, beginning at 1:00 p.m. and continuing until 2:30 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 Advisory Unit

JA/rv

cc: Tina Bay, Developmental Disabilities
Jessica Thomasson, Developmental Disabilities

Enclosures

LEGAL ADVISORY UNIT

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-04-05
PAYMENT FOR PROVIDERS AGENCIES OF SERVICES TO INDIVIDUALS WITH
INTELLECTUAL DISABILITIES - DEVELOPMENTAL DISABILITIES

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 75-04-05 at 1:00 p.m. on Thursday, September 3, 2020, 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 75-04-05, Payment for Provider Agencies of Services to Individuals with Intellectual Disabilities - Developmental Disabilities, are necessary to comply with the provisions of the 21st. Century Cures Act, Electronic Visit Verification.

The proposed changes are as follows:

Section 75-04-05-01 is amended to update the definition of “units of service” for parenting support and in-home support from an hourly unit to a fifteen-minute unit. This change will require developmental disability providers to bill for every fifteen minutes of service rather than one hour of service.

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 (formerly known as county social services) offices and at human service centers. Copies of the proposed rules, the regulatory analysis relating to these rules, and the telephone call number for public access to real time streaming of the public hearing 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

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

arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, September 14, 2020.

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 28th day of July, 2020.

July 31, 2020

RE: Proposed amendments to N.D. Admin. Code chapter 75-04-05
Payment for Provider Agencies of Services to Individuals with Intellectual
Disabilities - Developmental Disabilities

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapter 75-04-05, Payment for Provider Agencies of Services to Individuals with Intellectual Disabilities - Developmental Disabilities. 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, September 14, 2020.

The department has scheduled an oral hearing for Thursday, September 3, 2020. 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: Vonette Richter, Legislative Council
Tina Bay, Developmental Disabilities
Jessica Thomasson, Developmental Disabilities

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

EXECUTIVE DIRECTOR
Christopher Jones