

July 22, 2021

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

RE: Proposed Amendments to N.D. Admin. Code chapter 75-02-02
Medical Services

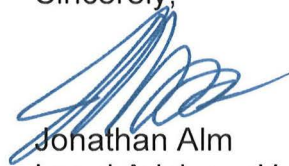
Dear Ms. Grossman:

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, September 8, 2021, 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 Advisory Unit

JA/rv

cc: Caprice Knapp, Medical Services
LeeAnn Thiel, Medical Services

Enclosures

LEGAL ADVISORY UNIT

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-02-02
MEDICAL SERVICES

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 75-02-02 at 12:30 p.m. on Wednesday, September 8, 2021 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 75-02-02, Medical Services, are necessary to comply with 2021 House Bill No. 1012 and 2021 Senate Bills No. 2085 and 2087, enacted during the most recent legislative session.

The proposed changes are as follows:

Subsection 1 of section 75-02-02-08 is amended to define “interpreter services” in response to Section 34 of 2021 House Bill No. 1012.

Section 75-02-02-09.4 is amended to increase the limits on occupational therapy and physical therapy to thirty visits per calendar year to align with the essential health benefit package that is required to be provided to the Medicaid Expansion group, and to increase the limit on chiropractic services to twenty visits per calendar year. This section is also updated to align with the state nurse practice act.

Section 75-02-02-09.5 is amended to permit payment for certain tasks performed by a provider who lives with the client and to allow for personal care services to be provided to a recipient who has natural supports.

Section 75-02-02-10.1 is repealed, to comply with federal regulations regarding mental health parity which require that behavioral health services have similar limits as medical and surgery services.

Section 75-02-02-10.2 is amended to update language to reference the substance use disorder service rather than the licensure. The section is amended to provide definitions and update citations for “outpatient services”, “intensive outpatient treatment”, “partial hospitalization”, “clinically managed low-intensity residential care”, “clinically managed residential withdrawal”, “clinically managed high-intensity residential care”, “medically monitored intensive inpatient treatment”, and “services for treatment of substance use disorder”. Some of the limitations on services

LEGAL ADVISORY UNIT

for treatment of substance use disorder are also being removed to comply with federal regulations regarding mental health parity which require that behavioral health services have similar limits as medical and surgery services.

Section 75-02-02-10.3 is amended to update the definition of “partial hospitalization psychiatric services” and to align with the essential health benefit package that is required to be provided to the Medicaid Expansion group.

Section 75-02-02-27 is amended in response to 2021 Senate Bill No. 2087 which allows the department to modify its prior authorization of psychiatric medications if line extension drugs end up costing the state a higher share of state funds.

Section 75-02-02-29 is amended to provide that primary care provider must be selected by or on behalf of an individual age nineteen or twenty eligible under Medicaid expansion in response to sections 21, 22, and 33 of 2021 House Bill No. 1012. The section is also amended to align with the state nurse practice act and add certified midwife as an available primary care provider in response to 2021 Senate Bill No. 2085. The section is also amended to make it easier for recipients to change their primary care provider, as recipients will no longer need a 'good cause' reason to change their primary care provider.

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 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, September 20, 2021.

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 22nd day of July, 2021.

July 22, 2021

RE: Proposed amendments to N.D. Admin. Code chapter 75-02-02
Medical Services

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapter 75-02-02, Medical Services. 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 20, 2021.

The department has scheduled an oral hearing for Wednesday, September 8, 2021. 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
Caprice Knapp, Medical Services
LeeAnn Thiel, Medical Services

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

EXECUTIVE DIRECTOR
Christopher Jones