

June 4, 2020

Ms. Vonette Richter
Legal Division Director
ND Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505

Submitted via email

Dear Ms. Richter:

The Full Notice of Intent to Adopt and Amend an Administrative Rule relating to Workforce Safety & Insurance and Notice of Public Hearing, and a copy of the proposed rule changes are enclosed, as required by N.D.C.C. §28-32-10(1). Also enclosed and attached to the proposed rule is the regulatory analysis, small entity regulatory analysis, small entity economic impact statement, and fiscal note with a statement of whether any significant impact will occur.

Respectfully,

Julie Porsborg
WSI Paralegal
Ph. 701-328-3878

Enclosures

NOTICE OF INTENT TO ADOPT AND AMEND AN ADMINISTRATIVE RULE
RELATING TO WORKFORCE SAFETY & INSURANCE
AND NOTICE OF PUBLIC HEARING

Medical Service Provider Electronic Billing Responsibilities.

TAKE NOTICE that Workforce Safety & Insurance will hold a public hearing to address the proposed amendment to N.D. Admin. Code Title 92 at 9:00 AM on Thursday, July 16, 2020, at the WSI Board Room, Century Center, 1600 E. Century Avenue, Bismarck, North Dakota, at which time and place all persons will be heard regarding the proposed amendment to the North Dakota Administrative Code as follows:

1. The purpose of the proposed amendment to Administrative Code Section 92-01-02-45.2 is to identify the requirements for exemption of medical services providers and health care providers regarding electronic billing. The amendment is the result of legislation passed by the 66th Legislative Assembly, House Bill 1073. It is uncertain if the proposed amendment is expected to have an impact on the regulated community in excess of \$50,000.

Participation may also occur telephonically by calling the conference call toll-free number at 866-730-7514 – ENTRY 980453#.

A copy of the proposed rule, regulatory analysis, small entity regulatory analysis, small entity economic impact statement, and fiscal note may be requested by writing to the address below or by calling (701)328-3800.

Persons who require accommodations to attend or otherwise appear at this hearing should contact Workforce Safety & Insurance at the below address and phone number at least five days prior to the public hearing.

Workforce Safety & Insurance
ATTN: Legal Dept., Julie Porsborg
P.O Box 5585
1600 E. Century Ave., Suite 1
Bismarck, ND 58506-5585
(701)328-3800
TTY: 1-800-366-6888

Written or oral comments concerning the proposed rule may be sent or telephoned to the organization at the above address or phone number. The closing date for receipt and full consideration of all written or oral comments is end of business day, Monday, July 27, 2020.

Dated this 4th day of June, 2020.

WSI Legal Department
ATTN: Julie Porsborg

REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-45.2

Title of Section: Medical service provider electronic billing responsibilities.

GENERAL: The following analysis is submitted in compliance with section 28-32-08 of the NDCC.

It is uncertain if this amended rule is expected to impact the regulated community in excess of \$50,000.

SMALL ENTITY REGULATORY ANALYSIS OF AMENDED RULE

Section: 92-01-02-45.2

Title of Section: Medical service provider electronic billing responsibilities.

GENERAL: The following analysis is submitted in compliance with §28-32-08.1(2) of the NDCC.

POSSIBLE WAYS TO MINIMIZE THE ADVERSE IMPACT ON SMALL ENTITIES:

- A. Establishing less stringent compliance or reporting requirements:** This rule contains standards for electronic reporting mandated by recent legislation. The amendment outlines the requirements of a health care provider to be exempt from this mandate. The provider community will experience additional requirements implementing the changes, but overall they should streamline and reduce reporting requirements.
- B. Establishing less stringent schedules or deadlines for compliance or report:** There are no compliance issues impacted by the change.
- C. Consolidating or simplifying compliance or reporting requirements:** This rule contains standards for electronic reporting mandated by recent legislation. The provider community will experience additional requirements implementing the changes, but overall they should streamline and reduce reporting requirements.
- D. Establishing performance standards that replace design or operational standards required in the proposed rule:** There are no performance standards impacted by the change.
- E. Exempting small entities from all or part of the rule's requirements:** The amendment provides an exemption for small entities.

SMALL ENTITY ECONOMIC IMPACT STATEMENT

GENERAL: The following analysis is submitted in compliance with §28-32-08.1(3) of the NDCC.

Based on our analysis of this rule and the amendment there is no need to complete a Small Entity Economic Impact Statement as there is not an adverse impact.

WORKFORCE SAFETY & INSURANCE **ADMINISTRATIVE RULE** **FISCAL NOTE**

ADMINISTRATIVE RULE NO: 92-01-02-45.2

ADMINISTRATIVE RULE TITLE: Medical service provider electronic billing responsibilities.

SUMMARY OF PROPOSED RULE: The purpose of the proposed amendment of Administrative Code Section 92-01-02-45.2 is to identify the requirements for exemption of medical service providers and health care providers.

FISCAL IMPACT: No significant fiscal impact is anticipated.

DATE: June 2, 2020