

FEB 05 2020

February 5, 2020

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

RE: Proposed Amendments to N.D. Admin. Code Article 75-05  
Human Service Center Licensure Standards

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 Friday, March 20, 2020, beginning at 1:30 p.m. and continuing until 3:00 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: Pamela Sagness, Behavioral Health  
Lacresha Graham, Behavioral Health

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](http://www.nd.gov/dhs)

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. ARTICLE 75-05  
HUMAN SERVICE CENTER LICENSURE STANDARDS

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code Article 75-05 at 1:30 p.m. on Friday, March 20, 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 Article 75-05, Human Service Center Licensure Standards, are necessary to comply with 2019 Senate Bill No. 2124.

The proposed changes are as follows:

**Section 75-05-00.1-05** is amended to expand the licensing review team to include a registered nurse; to change the name of a reference from “division of mental health and substance abuse services” to “behavioral health division”; and to remove aging services, children and family services, developmental disabilities, and vocational rehabilitation divisions from conducting licensing reviews, as those divisions’ practices are quality assurance and not a licensing function.

**Section 75-05-00.1-06** is amended to change a reference from “consumer” to “client” to be consistent with practice, to remove a reference to “Specialized services” since that section is being repealed, and to include “Administration and center management” to be consistent with current practice.

**Section 75-05-00.1-07** is amended to change licensure team reporting procedures, by removing language that required a team member not involved onsite in the licensing review to write a licensing report.

**Section 75-05-00.1-09** is amended to add a requirement for human service centers receiving a condition to submit a correction action plan to the licensing team within thirty days from receipt identifying how the program will become compliant with standards, and to implement the correction plan sixty days later. This allows for human service centers

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to be certain their changes in procedures are consistent with standards to bring the program in compliance.

**Section 75-05-00.1-10** is amended to change “shall” to “may” because depending on the restriction, there are times when there is nothing onsite for the licensing team to review so an onsite review is not warranted.

**Section 75-05-00.1-11** is amended to change “shall” to “may” to allow the licensure team to conduct an onsite review, request documentation, or both to show that the corrective action plan has been implemented and the human service center is complying with standards.

**Section 75-05-01-01** is amended to remove language within the definition for “addiction evaluation” limiting professionals allowed to complete an addiction evaluation and updating language to be consistent with the Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5). This section is also amended to remove definitions no longer used in this chapter, and to add a definition of “recovery center” to update terminology from “psychosocial rehabilitation center” to a “recovery center”. The definition of “Multidisciplinary team” is amended to clarify language.

**Section 75-05-03-01** is amended to replace the word “abuse” with “use” to accurately align with terminology changes in the Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5) which removed substance abuse as a diagnosis.

**Section 75-05-03-03** is amended to remove a requirement to have a global assessment of functioning score less than fifty and replace with “a functional impairment”. The global assessment functioning score was a scale located in the Diagnostic and Statistical Manual of Mental Disorders IV; the most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5) removed the global assessment of functioning score. This section is also amended to change language from “psychosocial rehabilitation center” to “recovery center” to update terminology.

**Section 75-05-03-09** is amended to change “substance abuse treatment” to “substance use and other addictive disorders”. The change updates language to meet terminology used in the current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5) and allows for treatment of other diagnosable addictive disorders, rather than restricting to only substance related addictive disorders.

**Section 75-05-04-03** is amended to remove subsection 3 language to create consistency with the removal of vocational rehabilitation services and developmental disabilities from Article 75-05. This section is also amended to remove language to address a barrier that human service centers do not have authority over. Subsection 6 is also being removed to eliminate a repetitive requirement, as the requirement to initiate a treatment plan is already addressed in subsection 1 of this section.

**Section 75-05-04-05** is amended to create consistency with the removal of vocational rehabilitation services and developmental disabilities from Article 75-05.

**Chapter 75-05-05** is repealed to create consistency with the removal of vocational rehabilitation services, developmental disabilities, and aging services divisions from Article 75-05, Human Service Center Licensure Standards, as those functions are no longer performed by the human service center. The repeal of County Social Services aligns with 2019 Senate Bill No. 2124, social service redesign.

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 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 30, 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 5<sup>th</sup> day of February, 2020.

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February 5, 2020

RE: Proposed amendments to N.D. Admin. Code Article 75-05 Human Service Center Licensure Standards

TO WHOM IT MAY CONCERN:

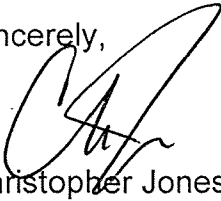
The Department of Human Services is proposing amendments to N.D. Admin. Code Article 75-05, Human Service Center Licensure Standards. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

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 30, 2020.

The department has scheduled an oral hearing for Friday, March 20, 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  
Pamela Sagness, Behavioral Health  
Lacresha Graham, Behavioral Health

EXECUTIVE OFFICE

GOVERNOR  
Doug Burgum

EXECUTIVE DIRECTOR  
Christopher Jones