



MAR 03 2014
Legal Advisory Unit

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Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

February 28, 2014

Mr. John Walstad, Code Revisor
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-15 and 75-03-16
Ratesetting for Providers of Services to Foster Children - Group Homes and
Residential Child Care Facilities and Licensing of Group Homes and Residential
Child Care Facilities

Dear Mr. Walstad:

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 April 3, 2014, 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,

A handwritten signature in blue ink that reads "Julie Leer".

Julie Leer
Legal Advisory Unit

JL/rs

cc: Kelsey Bless, CFS

Enclosures



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTERS 75-03-15 AND 75-03-16
RATESETTING FOR PROVIDERS OF SERVICES TO FOSTER CHILDREN -
GROUP HOMES AND RESIDENTIAL CHILD CARE FACILITIES AND LICENSING
OF GROUP HOMES AND RESIDENTIAL CHILD CARE FACILITIES

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 75-03-15 and 75-03-16 at 1:30 p.m. on Thursday, April 3, 2014, in Bismarck, N.D. in Room 212, located on the second floor of the Judicial Wing of the State Capitol.

The proposed changes are as follows:

Section 75-03-15-01 is amended to add pertinent definitions, clarify language, and create consistency in terms used throughout the chapter.

Section 75-03-15-02 is amended to clarify language relative to child census.

Section 75-03-15-03 is amended to clarify the three types of identified child census days allowed, clarify language, and create consistency in terms used throughout the chapter.

Section 75-03-15-04 is amended to clarify language relative to desk audit rates, to create consistency in terms used throughout the chapter, to add the ability to notify facilities by electronic mail of any desk adjustments, to remove rehabilitation rate language that is no longer used in ratesetting, to exempt shelter care beds from the occupancy rate, and to establish a process for facilities to request a waiver of minimum bed occupancy allowance.

Section 75-03-15-06 is amended to remove rehabilitation rate language that is no longer used in ratesetting, to clarify language, and to create consistency in terms used throughout the chapter.

Section 75-03-15-07 is amended to clarify language, to create consistency in terms used throughout the chapter, to add nursing services, cellular phones, satellite television, and electronic communication systems to the maintenance rate, and to add computer software costs and maintenance to administration costs.

Section 75-03-15-08 is amended to clarify language and ratesetting, to create consistency in terms used throughout the chapter, and to remove rehabilitation rates that are no longer used in ratesetting.

Section 75-03-15-09 is amended to clarify language and to create consistency in terms used throughout the chapter.

Section 75-03-15-10 is amended to clarify language and to create consistency in terms used throughout the chapter.

Section 75-03-15-11 is amended to clarify language and to create consistency in terms used throughout the chapter.

Section 75-03-15-12 is amended to clarify language and to create consistency in terms used throughout the chapter.

Section 75-03-15-12.1 is amended to clarify language and to create consistency in terms used throughout the chapter.

Section 75-03-15-13.1 is amended to clarify language, to create consistency in terms used throughout the chapter, and to increase the historical costs minimum for a depreciable asset from one thousand to five thousand dollars.

Section 75-03-15-14 is amended to clarify language.

Section 75-03-15-15 is amended to create consistency in terms used throughout the chapter.

Section 75-03-16-01 is amended to add a definition of "custodian".

Section 75-03-16-02 is amended to remove outdated language.

Section 75-03-16-02.3 is amended to correct a citation and to create consistency in terms used throughout the chapter.

Section 75-03-16-02.4 is amended to create consistency in terms used throughout the chapter.

Section 75-03-16-03 is amended to clarify language, to create consistency in terms used throughout the chapter, to add a new paragraph to subsection 1 regarding a facilities governing body if the facility is owned by a tribe or the department of public instruction, and to clarify the requirements for notification of a membership change occurring within a facility's governing body.

Section 75-03-16-04 is amended to clarify language.

Section 75-03-16-05 is amended to clarify what facilities are required to include in employees' and nonemployees' files, to clarify language, and to create consistency in terms used throughout the chapter.

Section 75-03-16-06 is amended to clarify language and to create consistency in terms used throughout the chapter.

Section 75-03-16-07 is amended to clarify language and to remove outdated language.

Section 75-03-16-08 is amended to clarify language, to create consistency in terms used throughout the chapter, and to remove duplicate language.

Section 75-03-16-09 is amended to clarify language, to clarify required supervision for employees in clinical, treatment, and case management roles, and to require facilities to document annual supervisor training.

Section 75-03-16-10 is amended to clarify language and to create consistency in terms used throughout the chapter.

Section 75-03-16-11 is amended to clarify language, to create consistency in terms used throughout the chapter, and to require nonemployees who provide services at the facility to follow suspected child abuse and neglect and zero tolerance policies of the facility.

Section 75-03-16-12 is amended to add zero tolerance language regarding sexual abuse and harassment, and to require the documentation of policy reviews, revisions, and employee participation, to clarify language, and to create consistency in terms used throughout the chapter.

Section 75-03-16-12.2 is amended to clarify the status of nonemployees, to clarify and add language regarding background, driving record, and child abuse and neglect checks, and to create consistency in terms used throughout the chapter.

Section 75-03-16-12.3 is amended to clarify health requirements for employees and nonemployees, and to create consistency in terms used throughout the chapter.

Section 75-03-16-14 is amended to clarify what constitutes employee professional development and to whom it applies, and to create consistency in terms used throughout the chapter.

Section 75-03-16-15 is amended to clarify language, to create consistency in terms used throughout the chapter, and to clarify an internal investigation is not to be conducted by a facility if law enforcement or the department is investigating an allegation of child abuse and neglect.

Section 75-03-16-16 is amended to add private placement language, to clarify and identify discharge report requirements, and to create consistency in terms used throughout the chapter.

Section 75-03-16-17 is amended to clarify language, create consistency in terms used throughout the chapter, to identify requirements for service delivery to the child and to the family by the facility and community providers, and to add a requirement for a facility that engages in electronic data entry and case filing to develop a policy to manage that process.

Section 75-03-16-19 is amended to create consistency in terms used throughout the chapter.

Section 75-03-16-20 is amended to create consistency in terms used throughout the chapter.

Section 75-03-16-21 is amended to require facilities to include in its files a court order establishing the facility's authority to accept and care for any child welfare placement and services the family is receiving, to clarify language, to create consistency in terms used throughout the chapter, and update outdated language.

Section 75-03-16-24 is amended to clarify language and to create consistency in terms used throughout the chapter.

Section 75-03-16-25 is amended to require facilities to advise the custodian, parent, or guardian for children in placement of the facilities' day-to-day and search rules, to add language regarding room assignments, to clarify language, and to create consistency in terms used throughout the chapter.

Section 75-03-16-26 is amended to clarify requirements regarding the use of separation, to add language regarding the prohibition of isolating a child in a locked area, to create consistency in terms used throughout the chapter, and to update outdated language.

Section 75-03-16-26.1 is amended to clarify language, to create consistency in terms used throughout the chapter, and to update outdated language.

Section 75-03-16-26.2 is amended to clarify language and to create consistency in terms used throughout the chapter.

Section 75-03-16-27 is amended to clarify language and to create consistency in terms used throughout the chapter.

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 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, April 14, 2014.

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 February, 2014.



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

February 28, 2014

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-15 and 75-03-16 Ratesetting for Providers of Services to Foster Children - Group Homes and Residential Child Care Facilities and Licensing of Group Homes and Residential Child Care Facilities

TO WHOM IT MAY CONCERN:

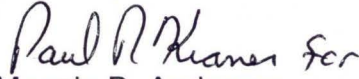
The Department of Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-15 and 75-03-16, Ratesetting for Providers of Services to Foster Children - Group Homes and Residential Child Care Facilities and Licensing of Group Homes and Residential Child Care Facilities. The department 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 April 14, 2014.

The department has scheduled an oral hearing for April 3, 2014. 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,


Maggie D. Anderson,
Executive Director

MDA/rs

Attachments

cc: John Walstad, Legislative Council
Kelsey Bless, CFS