

August 5, 2019

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

RE: Proposed Amendments to N.D. Admin. Code chapter 75-02-06  
Ratesetting for Nursing Home Care

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 Wednesday, September 11, 2019, 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/jgl

cc: LeeAnn Thiel, Medical Services

Enclosures

LEGAL ADVISORY UNIT

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. CHAPTER 75-02-06,  
RATESETTING FOR NURSING HOME CARE

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 75-02-06 at 1:00 p.m. on Wednesday, September 11, 2019, in Bismarck, N.D. in AV Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 75-02-06, Ratesetting for Nursing Home Care, are necessary to comply with an appropriations measure passed during the 2019 legislative session, as directed by 2019 Senate Bill No. 2012, and the requirements of House Bill No. 1124.

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The proposed changes are as follows:

**Section 75-02-06-01** is amended to update the definition for “depreciation guidelines” to reference the most current copy of American Hospital Association guidelines, and to add a definition of “rate adjustment percentage”.

**Section 75-02-06-02.2** is amended to clarify what items qualify as supplies allowable for direct care costs for nursing supplies based on feedback received from providers.

**Subsection 1 of Section 75-02-06-02.4** is amended to remove “computer software costs” from the list of costs that are classified as direct costs for administration based on 2019 House Bill No. 1124.

**Section 75-02-06-02.5** is amended to provide that computer software and related technology costs, including cloud-based costs, are now to be classified as property-related costs based on 2019 House Bill No. 1124.

**Subsection 7 of Section 75-02-06-03** is amended to provide a new per bed cost limitation basis for double occupancy and single occupancy beds, effective July 1, 2019.

**Subsection 1 of Section 75-02-06-05** is amended to update the top management compensation limit to use the previous year’s top compensation inflated by the inflationary increase.

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TO WHOM IT MAY CONCERN:

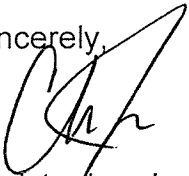
The Department of Human Services is proposing amendments to N.D. Admin. Code chapter 75-02-06, Ratesetting for Nursing Home Care. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

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 23, 2019.

The department has scheduled an oral hearing for Wednesday, September 11, 2019. 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/jgl

Enclosures

cc: Vonette Richter, Legislative Council  
LeeAnn Thiel, Medical Services

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)