

October 25, 2019

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

RE: Proposed Amendments to N.D. Admin. Code chapter 75-02-05  
Provider Integrity

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 Thursday, December 5, 2019, beginning at 11:30 a.m. and continuing until 1:00 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

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. CHAPTER 75-02-05  
PROVIDER INTEGRITY

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 75-02-05 at 11:30 a.m. on Thursday, December 5, 2019, in Bismarck, N.D. in AV Room 210, located on the second floor of the Judicial Wing of the State Capitol.

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The proposed changes are as follows:

**Section 75-02-05-03** is amended to add a definition for “loss of contact”; the definition of “suspend payments” was updated for clarity; and the definition of “suspension from participation” was relocated to ensure that definitions are provided in alphabetical order.

**Sections 75-02-05-04** is amended to update references from “county social service board” to “human service zone”; and to add language referencing the children’s health insurance program.

**Section 75-02-05-04.2** is created to outline when the Department may terminate the enrollment of a Medicaid or children’s health insurance program provider.

**Section 75-02-05-07** is amended to add new language stating that Department may not make payments to a provider who is not complying with a Department directed repayment plan, and also provides that recoveries may be taken across any Medicaid program payment and delivery system. New language also clarifies that when a provider has been excluded from Medicare program, the provider is also terminated or excluded from participation in both-the Medicaid and children’s health insurance programs. New language is also added referring to a “human service zone”.

**Section 75-02-05-09** is amended to specify that a provider may appeal a decision to terminate provider enrollment by filing a written appeal with Department within fifteen days of the written notice of termination.

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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, December 16, 2019.

**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 25<sup>th</sup> day of October, 2019.

October 25, 2019

RE: Proposed amendments to N.D. Admin. Code chapter 75-02-05  
Provider Integrity

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapter 75-02-05, Provider Integrity. 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, December 16, 2019.

The department has scheduled an oral hearing for Thursday, December 5, 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/rv

Enclosures

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

**EXECUTIVE OFFICE**

GOVERNOR  
Doug Burgum

EXECUTIVE DIRECTOR  
Christopher Jones