



OCT 23 2017

Legal Advisory Unit

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Doug Burgum, Governor
Christopher Jones, Executive Director

October 23, 2017

Vonette Richter, Code Revisor
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-38 and 75-03-39
Autism Spectrum Disorder Voucher Program and Autism Services Waiver

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 December 6, 2017, beginning at 2:30 p.m. and continuing until 4:00 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, appearing to read "Jonathan Alm", is written over a light blue horizontal line.

Jonathan Alm
Legal Advisory Unit

JA/jgl

cc: Katherine Barchenger, Medical Services

Enclosures

Doug Burgum, Governor
Christopher Jones, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTERS 75-03-38 AND 75-03-39
AUTISM SPECTRUM DISORDER VOUCHER PROGRAM
AND AUTISM SERVICES WAIVER

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 75-03-38 and 75-03-39 at 2:30 p.m. on Wednesday, December 6, 2017, 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 chapter 75-03-38 and 75-03-39, Autism Spectrum Disorder Voucher Program and Autism Services Waiver, are necessary to comply with an appropriations measure passed during the 2017 legislative session, as directed by House Bill No. 1012.

The proposed changes are as follows:

Section 75-03-38-01 is amended to include a definition of “division” and “provider”, to clarify the definition of “assistive technology device”, “assistive technology service” and “qualified professional”, and to delete the definition of “unit” to be more consistent with other division rules and improve clarity.

Section 75-03-38-02 is amended to update and clarify eligibility criteria and to ensure consistency of meaning and defined terms.

Section 75-03-38-03 is amended to update and clarify application requirements and processes and to ensure consistency of meaning and defined terms.

Section 75-03-38-04 is amended to update and clarify voucher services requirements for the division, applicants, and participants, to ensure consistency of meaning and defined terms, to remove unnecessary references, to establish when a voucher can be denied or terminated, and to add restrictions for use of voucher funds.

Section 75-03-38-05 is amended to update and clarify denials, terminations, and appeals processes.

Section 75-03-39-01 is amended to update the definition of “unit” to “division” to be more consistent with other division rules and improve clarity and add a definition of “qualified professional”.

Section 75-03-39-02 is amended to change the age from seven to eleven to match waiver amendments and to update and clarify language and requirements for eligibility for services under the medicaid autism spectrum disorder waiver.

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 18, 2017.

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 23rd day of October, 2017.



Doug Burgum, Governor
Christopher Jones, Executive Director

October 23, 2017

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-38 and 75-03-39
Autism Spectrum Disorder Voucher Program and Autism Services Waiver

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-38 and 75-03-39, Autism Spectrum Disorder Voucher Program and Autism Services Waiver. 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 December 18, 2017.

The department has scheduled an oral hearing for December 6, 2017. 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,

A handwritten signature in black ink, appearing to be "C. Jones", written over a white rectangular background.

Christopher Jones,
Executive Director

CDJ/jgl

Enclosures

cc: Vonette Richter, Legislative Council
Katherine Barchenger, Medical Services