

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 Chapter 75-02-07.1  
Ratesetting for Basic Care Facilities

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 10:30 a.m. and continuing until 12:00 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 blue horizontal line.

Jonathan Alm  
Legal Advisory Unit

JA/jgl

cc: LeAnn Thiel, Medical Services

Enclosures



Doug Burgum, Governor  
Christopher Jones, Executive Director

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. CHAPTER 75-02-07.1  
RATESETTING FOR BASIC 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 chapter 75-02-07.1 at 10:30 a.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 75-02-07.1, Ratesetting for Basic Care Facilities, 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:

**Subsections 46 and 57 of section 75-02-07.1-01** are amended to update the definitions of "personal care rate" and "room and board rate" by adding language regarding per diem rate.

**Subsection 2 of section 75-02-07.1-05** is amended to update the number of days allowed per occurrence for payment of the room and board rate for medical care leave.

**Subsection 1 of section 75-02-07.1-07** is amended to add medical director to administration costs.

**Subsection 1 of section 75-02-07.1-09** is amended to add an additional cost category to be direct costed.

**Subsection 1 of section 75-02-07.1-14** is amended to establish top management personnel compensation for facilities licensed prior to July 1, 2016.

**Section 75-02-07.1-22** is amended to update the year and rate limitations.

The proposed amendments are 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 Chapter 75-02-07.1  
Ratesetting for Basic Care Facilities

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapter 75-02-07.1, Ratesetting for Basic 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 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 read "Chris Jones", is written over a faint, larger version of the signature.

Christopher Jones,  
Executive Director

CDJ/jgl

Enclosures

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