



Legal Advisory Unit

(701) 328-2311
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Doug Burgum, Governor
Christopher Jones, Executive Director

November 6, 2017

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-05
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 December 15, 2017, 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, appearing to read "Jonathan Alm", is written over the typed name and title.

Jonathan Alm
Legal Advisory Unit

JA/jgl

cc: Dawn Mock, Medical Services

Enclosures



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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 December 26, 2017.

The department has scheduled an oral hearing for December 15, 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 horizontal line.

Christopher Jones,
Executive Director

CDJ/jgl

Enclosures

cc: Vonette Richter, Legislative Council
Dawn Mock, Medical Services

Doug Burgum, Governor
Christopher Jones, Executive Director

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 1:30 p.m. on Friday, December 15, 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 75-02-05, Provider Integrity, are necessary to comply with 2017 Senate Bill No. 2117 and federal requirements in 42 CFR 455.434.

The proposed changes are as follows:

Section 75-02-05-01 is amended to update language to add children's health insurance program.

Section 75-02-05-02 is amended to update century code references, federal law references, to add children's health insurance program, and to update language for consistency within the rules.

Section 75-02-05-03 is amended to update language for consistency purposes and due to federal medicaid program changes, to add definitions of "children's health insurance program," "direct owner," "disclosing entity," "group of practitioners," "high risk providers," "indirect ownership interest," "institutional provider," "managed care organization," "ownership interest," "provider specialty," "provider type," and to remove definitions of "closed-end medicaid provider agreement," "offsetting of payments," and "open-end medicaid provider agreement."

Section 75-02-05-04 is amended to update language for consistency within the rules, to clarify provider billing practices for medicaid or children's health insurance program recipients in accordance with clarifications received from centers for medicare and medicaid services, and to add language regarding providers providing certain records to the department.

Section 75-02-05-04.1 is created to address the department's ability to deny an application to become a medicaid or children's health insurance program provider.

Section 75-02-05-05 is amended to update language for consistency within the rules, add children's health insurance program, to add language to capture best practices from other states, to add language to address submitting false, intentionally misleading or fraudulent information, failure to provide requested documents for evaluation and failing to provide required standards for services, and to clarify that the department can sanction providers for failure to make certain records available to the department.

Section 75-02-05-06 is amended to update language for consistency within the rules.

Section 75-02-05-07 is amended to update language for consistency within the rules, to add children's health insurance program, and to clarify suspension of medicaid payments for providers also enrolled in managed care organizations under contract with the department.

Section 75-02-05-09 is amended to update language for consistency within the rules and to add language establishing appeal process for receiving notice of denial.

Section 75-02-05-11 is created to establish fingerprint-based criminal background checks for enrolled and newly enrolling providers and indirect owners in compliance with federal requirements and 2017 Senate Bill 2117.

Section 75-02-05-12 is created to establish an application fee for all institutional providers in compliance with federal requirements.

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 Tuesday, December 26, 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 6th day of November, 2017.