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## **ADMINISTRATIVE RULES COMMITTEE**

Tuesday, March 7, 2023  
Pioneer Room, State Capitol  
Bismarck, North Dakota

Representative Brandy Pyle, Chairman, called the meeting to order at 7:01 a.m.

**Members present:** Representatives Brandy Pyle, Karen Karls, Ben Koppelman, Andrew Marschall; Senators Jerry Klein, Randy D. Lemm, Janne Myrdal, Bob Paulson

**Members absent:** Representatives Mike Nathe, Bernie Satrom, Nathan Toman, Robin Weisz; Senator Shawn Vedaa

**Others present:** Emily Thompson, Legislative Council, Bismarck  
See [Appendix A](#) for additional persons present.

**It was moved by Senator Klein, seconded by Representative Marschall, and carried on a voice vote that the minutes of the December 5, 2022, meeting be approved as distributed.**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Ms. Bridget Weidner, Director, Health Facilities Unit, Department of Health and Human Services, presented testimony ([Appendix B](#)) regarding the April 2023 rules of the department.

In response to a question from a committee member, Ms. Weidner noted residential end-of-life care is an alternative to a nursing home or a patient's home which does not require medical care and the regulations applicable to residential end-of-life care are significantly less stringent than those for nursing homes.

In response to a question from a committee member, Ms. Karla Aldinger, Director, Life Safety and Construction Unit, Division of Public Health, Department of Health and Human Services, noted the fee amounts are based on the overall estimated project costs.

In response to a question from a committee member, Ms. Kilee Harmon, Executive Director, Gaia Home, noted residential end-of-life facilities are different from nursing homes because the facilities provide a setting similar to a home setting and allow family members to reside in the facility with their loved ones during hospice care.

**It was moved by Senator Klein, seconded by Senator Myrdal, and carried on a roll call vote that North Dakota Administrative Code (NDAC) Section 33-03-35-11 be amended to remove "and the North Dakota Century Code chapters 19-02.1 and 23-09" and NDAC Section 33-03-35-14(2) be amended to remove "identify and" and ", care plan accordingly, provide oversight related to care, and review and document the patient's individual needs and care provided".** Representatives Pyle, Karls, Koppelman, and Marschall and Senators Klein, Lemm, Myrdal, and Paulson voted "aye." No negative votes were cast.

## **GAME AND FISH DEPARTMENT**

Ms. Kim Kary, Chief, Administrative Services Division, Game and Fish Department, presented testimony ([Appendix C](#)) regarding the April 2023 rules of the department. Ms. Kary noted the department's public hearing on the proposed rules held on December 16, 2022, was held virtually due to inclement weather and building closings, and the written comment period was extended.

In response to a question from a committee member, Ms. Kary noted the department responded to a comment in opposition to the proposed rule from a citizen and received no reply.

In response to a question from a committee member, Mr. Scott Winkelman, Chief Game Warden, Game and Fish Department, noted the amount of the fee for violations was changed to align with the fee in NDAC Section 30-05-01-07 and the fees are deposited in the common schools trust fund.

No further business appearing, Chairman Pyle adjourned the meeting at 7:52 a.m.

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Liz Fordahl  
Counsel

ATTACH: 3