



ADMINISTRATIVE RULES COMMITTEE

Wednesday, December 3, 2025
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Bob Paulson, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Bob Paulson, Todd Beard, Janne Myrdal*, Kristin Roers, Mike Wobbema; Representatives Clayton Fegley, Donna Henderson, Daniel Johnston, Donald W. Longmuir, Andrew Marschall, Carrie McLeod*, Brandy L. Pyle, Dan Ruby, Bernie Satrom, Vicky Steiner, Christina Wolff

Members absent: Senator Jerry Klein; Representative Zachary Ista

Others present: Tina Bay, Joyce Johnson, Nancy Nikolas Maier, LeeAnn Thiel, and Julie Wagendorf, Department of Health and Human Services; Holly Blomquist, Board of Cosmetology; Sandra DePountis, Board of Medicine; Rebecca Fricke, Public Employees Retirement System; Mandy Harlow, Board of Accountancy; Thomas Lawler, North Dakota Lottery; Sandy McMerty, Secretary of State; Karl Rockeman, Department of Environmental Quality; Ashley Roll, Attorney General's office; Tim Wahlin, Workforce Safety and Insurance

See [Appendix A](#) for additional persons present.

**Attended remotely*

It was moved by Representative Steiner, seconded by Senator Wobbema, and carried on a voice vote that the minutes of the September 2, 2025, meeting be approved as distributed.

BOARD OF MEDICINE

Ms. Sandra DePountis, Executive Director, Board of Medicine, provided testimony ([Appendix B](#)) regarding the January 2026 rules of the board. She noted:

- The board updated the rules to reflect new requirements for the certification of Canadian medical graduates; and
- The board worked with the Board of Pharmacy to update testosterone dosage limitations to include the topical administration of testosterone.

In response to a question from a committee member, Ms. DePountis noted licensed and endorsed naturopaths administer testosterone pursuant to quality of care standards.

BOARD OF ACCOUNTANCY

Ms. Mandy Harlow, Executive Director, Board of Accountancy, provided testimony ([Appendix C](#)) regarding the January 2026 rules of the board.

In response to a question from a committee member, Ms. Harlow noted the rules as amended require foreign residents who are licensed in the state to complete continuing education requirements.

NORTH DAKOTA LOTTERY

Mr. Thomas Lawler, Director, North Dakota Lottery, provided testimony ([Appendix D](#)) regarding the January 2026 rules of the North Dakota Lottery. He noted:

- The North Dakota Lottery adopted emergency rules pursuant to North Dakota Century Code (NDCC) Section 53-12.1-13 to support the system conversion that was implemented on September 28, 2025; and
- Some rule changes coincide with the repeal of the Lucky for Life game and the addition of the Millionaire for Life game.

In response to questions from committee members, Mr. Lawler noted retailers may accept debit cards and mobile payment services, including certain cell phone applications that facilitate transfers from checking accounts, for the purchase of lottery tickets, but may not accept credit cards.

It was moved by Senator Roers, seconded by Representative Pyle, and carried on a roll call vote that North Dakota Administrative Code Section 10-16-03-05 be amended to add "credit card," following "supplemental nutrition assistance program" pursuant to the authority under NDCC Section 28-32-18(3) to address the absence of statutory authority permitting retailers to accept credit cards as consideration for a lottery ticket by explicitly clarifying that credit cards may not be accepted. Senators Paulson, Beard, Myrdal, Roers, and Wobbema and Representatives Fegley, Henderson, Johnston, Longmuir, Marschall, McLeod, Pyle, Ruby, Satrom, Steiner, and Wolff voted "aye." No negative votes were cast.

BOARD OF COSMETOLOGY

Ms. Holly Blomquist, Executive Director, Board of Cosmetology, provided testimony ([Appendix E](#)) regarding the January 2026 rules of the board.

In response to questions from committee members, Ms. Blomquist noted:

- The rule related to the direction and supervision of an advanced esthetician was defined based on comments from the Board of Medicine; and
- Licensees of the Board of Cosmetology, including estheticians and advanced estheticians, are prohibited from performing injections of any kind and from drawing blood.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Ms. Julie Wagendorf, Director, Food and Lodging Division, Department of Health and Human Services, provided testimony (Appendices [E](#), [G](#), [H](#), [I](#), [J](#), [K](#), [L](#), [M](#), [N](#), and [O](#)) regarding the January 2026 rules of the department.

In response to questions from committee members, Ms. Wagendorf noted:

- Various fees for salvage food operators and applicants had not been increased since 2013; and
- The board established or increased fees to reduce reliance on funding from legislative appropriations and achieve a more equal ratio of funding sources for the program.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Mr. Karl Rockeman, Deputy Director, Department of Environmental Quality, provided testimony (Appendices [P](#) and [Q](#)) regarding the January 2026 rules of the department. He noted the rules changes related to boiler inspection maintain consistency with the American Society of Mechanical Engineers Code and the National Board Inspection Code, which relates to boiler and pressure vessel inspectors.

In response to questions from committee members, Mr. Rockeman noted emergency rules were necessary to maintain current licensing requirements for installers of septic systems and avoid any potential gap in licensure.

PUBLIC EMPLOYEES RETIREMENT SYSTEM BOARD

Ms. Rebecca Fricke, Executive Director, Public Employees Retirement System, provided testimony ([Appendix R](#)) regarding the January 2026 rules of the board. She noted:

- An auditor discovered a conflict between NDCC Sections 54-52-02.11 and 54-52.6-02.1(3) and the Internal Revenue Code, which would affect elected county officials if not addressed; and
- To address the conflict, the board adopted policies and emergency rules, and intends to draft legislation for enactment in 2027.

SECRETARY OF STATE

Ms. Sandy McMerty, Deputy Secretary of State, provided testimony ([Appendix S](#)) regarding the January 2026 rules of the Secretary of State.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Ms. Joyce Johnson, Eligibility Director, Medical Services Division, Department of Health and Human Services, provided testimony ([Appendix T](#)) regarding the January 2026 rules of the department related to medical services and eligibility for Medicaid.

Ms. LeeAnn Thiel, Reimbursement Director, Medical Services Division, Department of Health and Human Services, provided testimony (Appendices [U](#), [V](#), and [W](#)) regarding the January 2026 rules of the department related to ratesetting for nursing home care, ratesetting for basic care facilities, and ratesetting for psychiatric residential treatment facilities.

Ms. Tina Bay, Director, Developmental Disabilities Division, Department of Health and Human Services, provided testimony ([Appendix X](#)) regarding the January 2026 rules of the department related to the Family Paid Caregiver Program. She noted:

- The department updated the rules, in part, to comply with Senate Bill No. 2305 (2025); and
- A family caregiver must attest annually the caregiver will not seek reimbursement for extraordinary care through the Family Paid Caregiver Program on days when other Medicaid 1915(c) waiver services are provided by the department.

Ms. Nancy Nikolas Maier, Director, Adult and Aging Services Division, Department of Health and Human Services, provided testimony (Appendices [Y](#), [Z](#), and [AA](#)) regarding the January 2026 rules of the department related to the Target Population Member Rental Assistance Program, the Community Transition and Diversion Program, and the provision of home and community-based services under the Service Payments for Elderly and Disabled Program and the Medicaid Waiver for the Aged and Disabled Program.

Ms. Bay provided testimony ([Appendix BB](#)) regarding the January 2026 rules of the department related to payment for provider agencies of services to individuals with intellectual disabilities - developmental disabilities.

WORKFORCE SAFETY AND INSURANCE

Mr. Tim Wahlin, Chief, Injury Services Division, Workforce Safety and Insurance, presented testimony ([Appendix CC](#)) regarding the January 2026 rules of the department.

BOARD OF CLINICAL LABORATORY PRACTICE

Dr. Christie Massen, licensee and board member, Board of Clinical Laboratory Practice, presented testimony ([Appendix DD](#)) regarding the January 2026 rules of the board. She noted the board updated and clarified the list of Food and Drug Administration-waived tests and methods that an individual unlicensed by the board may perform under supervision.

In response to questions from committee members, Dr. Massen noted:

- The board is reluctant to approve more complex or intensive tests and methods because the individuals administering the tests are unlicensed;

- A company requested to have its Clinical Laboratory Improvement Amendments of 1988-waived tests added to the list of tests and methods that an individual unlicensed by the board may perform under supervision;
- The company presented a demonstration of the test to the board for consideration; and
- The board found the test was complicated, included 23 steps, did not meet cleanliness standards, and may lead to contamination, resulting in the board's denial of the request.

Ms. Ashley Roll, Assistant Attorney General, Attorney General's office, noted the company has a modified request for the board to consider, which has not yet been considered by the board. She noted the board could consider the request without holding the rule over.

It was moved by Senator Myrdal, seconded by Senator Roers, and carried on a roll call vote that North Dakota Administrative Code Section 96-02-10-01(20) be held over for consideration to the next meeting. Senators Paulson, Beard, Myrdal, Roers, and Wobbema and Representatives Fegley, Henderson, Johnston, Longmuir, Marschall, McLeod, Pyle, Ruby, Satrom, and Wolff voted "aye." No negative votes were cast.

No further business appearing, Chairman Paulson adjourned the meeting at 4:00 p.m.

Liz Fordahl
Counsel

ATTACH:30