

August 1, 2023

Liz Fordahl, Counsel
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

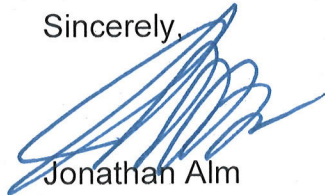
Dear Ms. Fordahl:

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 Tuesday, September 19, 2023, beginning at 11:30 a.m. and continuing until 1:00 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,



Jonathan Alm
Legal Division

JA/rv

cc: LeeAnn Thiel, Medical Services
Krista Fremming, Assistant Director of Medical Services Division
Sarah Aker, Executive Director of Medical Services Division

Enclosures

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NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D. ADMIN. CODE CHAPTER 75-02-07.1
RATESETTING FOR BASIC CARE FACILITIES

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 75-02-07.1 at 11:30 a.m. on Tuesday, September 19, 2023, 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, in part, to comply with 2023 Senate Bill No. 2012.

The proposed changes are as follows:

Subsections 3, 5, 17, 25, 47, and 55 of section 75-02-07.1-01 are amended to update the definition of “adjustment factor”, replace “person” with “individual”, and update the official title of the Department.

Subsection 2 of section 75-02-07.1-02 is amended to update the due date of the cost report if an extension is granted to be in line with the original due date of December 1st.

Section 75-02-07.1-04 is amended to replace “persons” with “individuals”.

Subsection 2 of section 75-02-07.1-05 is amended to replace “persons” with “individuals”.

Section 75-02-07.1-08.1 is amended to add allowable bad debt expense as an identified cost in determining food and plant costs.

Section 75-02-07.1-10 is amended to identify that bad debts expense is allowable within the limits of section 75-02-07.1-08.1.

Section 75-02-07.1-14 is amended to replace “person” with “individual”.

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Section 75-02-07.1-21 is amended to clarify that the adjustment factor will not be applied to bad debt expense and to remove reference to cost report periods other than June 30.

Section 75-02-07.1-22 is amended to remove reference to the December 31st cost report date and to update the direct care and indirect care limit rates for July 1, 2023.

Subsection 3 and 6 of section 75-02-07.1-25 are amended to update the reference to the Department's public health division and to replace "persons" with "individuals".

Subsection 1 of section 75-02-07.1-26 is amended to update the reference to the Department's public health division.

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 human service zones 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 Health and 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 Friday, September 29, 2023.

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 Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 1st day of August, 2023.

August 1, 2023

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 Health and 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 Friday, September 29, 2023.

The department has scheduled an oral hearing for Tuesday, September 19, 2023. 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 Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Christopher Jones
Commissioner

CDJ/rv

Enclosures

cc: Liz Fordahl, Legislative Council
LeeAnn Thiel, Medical Services
Krista Fremming, Assistant Director of Medical Services Division
Sarah Aker, Executive Director of Medical Services Division

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

COMMISSIONER
Christopher Jones