

July 22, 2021

Jill Grossman, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Creation of N.D. Admin. Code chapter 75-03-14.1
Shelter Care Program Certification

Dear Ms. Grossman:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to create 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 7, 2021, beginning at 9:00 a.m. and continuing until 10:30 a.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 Advisory Unit

JA/rv

cc: Cory Pedersen, Children and Family Services
Kelsey Bless, Children and Family Services
Dean Sturn, Children and Family Services
Brittany Fode, Children and Family Services
Jessica Thomasson, Executive Policy Director

Enclosures

LEGAL ADVISORY UNIT

600 E Boulevard Ave Dept 325 | Bismarck ND 58505-0250

701.328.2311 | Fax 701.328.2173 | 800.472.2622 | 711 (TTY) | www.nd.gov/dhs

NOTICE OF INTENT TO CREATE
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-03-14.1
SHELTER CARE PROGRAM CERTIFICATION

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address the proposed creation of N.D. Admin. Code chapter 75-03-14.1 at 9:00 a.m. on Tuesday, September 7, 2021, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed creation of N.D. Admin. Code chapter 75-03-14.1, regarding shelter care program certification, is being made as a result of 2021 House Bill No. 1091.

The proposed changes are as follows:

Section 75-03-14.1-01 is created to provide definitions for “agency”, “attendant care”, “incident”, “resident”, “sentinel event”, “shelter care home”, and “shelter care program”.

Section 75-03-14.1-02 is created to identify what documentation an agency needs to supply when applying for shelter care program certification. The section also details the process for the Department to process an application. The section also specifies that shelter care program certification is nontransferable and is valid only on the premises, and that certification is available for a maximum period of two years. The section also requires that the agency submit an annual application to the Department, which will initiate an onsite visit each year.

Section 75-03-14.1-03 is created to provide that the Department shall establish fee for service for shelter care programs, and also that the shelter care program shall enter into a financial contract with entities case planning for the prospective resident.

Section 75-03-14.1-04 is created to establish guidelines for shelter care program operations. This includes requirements regarding funding, proper staffing, financial records, supervision of residents, provision of a twenty-four-hour crisis line, and the requirement that the shelter care program establish policy and procedures specific to operations of the shelter care program. The section also requires disaster planning, and policies in case the shelter care program should cease operations. Additionally, the section requires the shelter care program to notify the Department of the corrective

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action they are taking to comply with any resulting recommendations from the institutional child protection team.

Section 75-03-14.1-05 is created to provide that the shelter care program shall define the roles and responsibilities of employees to assure the health and safety of the resident. The section requires that a shelter care program have policies and procedures relating to an initial background check, as well as annual child abuse and neglect checks. The section outlines the qualifications for and required duties of a supervisor and for all other shelter care employees. The section also details the required minimum employee-to-resident ratios. The section also outlines what documents are required to be maintained in an individual file on each employee.

Section 75-03-14.1-06 is created to detail required employee training and initial employee orientation topics.

Section 75-03-14.1-07 is created to require that the shelter care program comply with all state, county, and local building and zoning codes and ordinances, as well as sanitation laws. The section outlines the various requirements for the building and grounds to ensure compliance.

Section 75-03-14.1-08 is created to require that the shelter program have written resident admission and discharge policies. These are to include eligibility and criteria for admitting a resident, procedures for initial screening upon admission, and a discharge report to be issued to the custodian, parent, or guardian. The section also states that a shelter care program placement of an individual may not exceed seven days from date of admission unless an extension request is approved by Department.

Section 75-03-14.1-09 is created to detail what items must be included within the resident file.

Section 75-03-14.1-10 is created to establish that the Department can issue a correction order to the shelter care program for lack of compliance with the rules, the time period to correct the violation, and the Department's ability to grant extensions.

Section 75-03-14.1-11 is created to outline the incident and sentinel event policy to be used by the shelter care program.

Section 75-03-14.1-12 is created to provide that the Department may deny or revoke a shelter care program certification. The section requires that the shelter

care program be notified of the revocation, and that at that point the shelter care program may not accept any additional clients and must make arrangements in cooperation with each resident's custodian, parent, or guardian for alternative placement. The section also permits a shelter care program to appeal a decision to deny or revoke a shelter care program certification.

The proposed rules 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 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 17, 2021.

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 22nd day of July, 2021.

July 22, 2021

RE: Proposed creation of N.D. Admin. Code chapter 75-03-14.1
Shelter Care Program Certification

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing the creation of N.D. Admin. Code chapter 75-03-14.1, Shelter Care Program Certification. 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 17, 2021.

The department has scheduled an oral hearing for Tuesday, September 7, 2021. 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,



Christopher Jones,
Executive Director

CDJ/rv

Enclosures

cc: Jill Grossman, Legislative Council
Cory Pedersen, Children and Family Services
Kelsey Bless, Children and Family Services
Dean Sturn, Children and Family Services
Brittany Fode, Children and Family Services
Jessica Thomasson, Executive Policy Director

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

EXECUTIVE DIRECTOR
Christopher Jones