

October 25, 2019

Vonette Richter, Legal Division Director
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Creation of N.D. Admin. Code chapter 75-09.1-12
Licensing Standards for Medication Units

Dear Ms. Richter:

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 December 9, 2019, beginning at 3:00 p.m. and continuing until 4:30 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-3311. Thank you.

Sincerely,



Jonathan Alm
Legal Advisory Unit

JA/rs

cc: Pamela Sagness, Behavioral Health

Enclosures

LEGAL ADVISORY UNIT

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

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NOTICE OF INTENT TO CREATE
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-09.1-12
LICENSING STANDARDS FOR MEDICATION UNITS

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed creation of N.D. Admin. Code chapter 75-09.1-12 at 3:00 p.m. on Monday, December 9, 2019, in Bismarck, N.D. in AV Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed creation of N.D. Admin. Code chapter 75-09.1-12, Licensing Standards for Medication Units, is necessary to comply with House Bill No. 1103, passed during the 2019 Legislative Session. The addition of this administrative rule allows for the creation of Medication Units to be licensed by the Behavioral Health Division, increasing access to treatment for individuals with an opioid use disorder.

The proposed changes are as follows:

Section 75-09.1-12-01 is created to provide definitions regarding licensing standards for medication units. Definitions created include “condition”, “corrective action plan”, “department”, “division”, “home-base opioid treatment program”, “interim license”, “medication unit”, “medication unit license”, “patient”, and “recommendation”.

Sections 75-09.1-12-02 is created to provide requirements for medication unit licensure. The section requires the medication unit to hold a current license in good standing as an opioid treatment program under chapter 75-09.1-01. The section also establishes criteria that must be reviewed within an assessment of need for the proposed location of a medication unit, requires the applicant to obtain written approval from the behavioral health division, and establishes what must be contained in the contents of a medication unit application. This section also permits the behavioral health division to grant an interim license to the prospective medication unit and the prospective medication unit to submit certain required documentation. The section also establishes a process for renewing a medication unit license.

Section 75-09.1-12-03 is created to outline when the behavioral health division shall issue a license to a medication unit. The section also establishes a one-year licensure period after initial approval and three-year licensure period for subsequent approvals.

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Section 75-09.1-12-04 is created to outline the situations under which the behavioral health division shall deny an applicant's license.

Section 75-09.1-12-05 is created to outline the licensing review requirements that the behavioral health division shall implement. This includes a review within one year of the initial license and at least every three years thereafter. The section also permits scheduled or unscheduled visits at times other than routine licensing reviews and outlines what must be contained in a licensure review report. The section also describes what a medication unit must do upon receiving a condition and details what must be done in a corrective action plan to address any conditions.

Section 75-09.1-12-06 is created to establish procedures for suspension and revocation of a license for a medication unit. The section also permits an applicant for or a holder of a license to appeal a decision to deny, suspend, or revoke a license.

Section 75-09.1-12-07 is created to provide requirements for the operation of all licensed medication units, including development of policies and processes regarding: medication dosing; development of a policy on the physical operations of a medication unit in conjunction with services at the home-based opioid treatment program; policy identifying criteria for a patient to receive services at the medication unit; identification of services received; patient orientation; treatment plans; a continuity of care process; employee requirements; cleanliness; and protection of patient confidentiality.

Section 75-09.1-12-08 is created to require a medication unit to: maintain health and safety policies and procedures; develop and implement a written emergency plan; have staff certified in basic first aid and basic cardiac life support; have overdose reversal medication readily available; make available first-aid equipment and supplies; and to implement a written policy that addresses the use of nicotine products.

Section 75-09.1-12-09 is created to establish procedures that a home-based opioid treatment program should take if a medication unit closes voluntarily or involuntarily, including procedures relating to continuity of care and providing notice of the anticipated closure.

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 Thursday, December 19, 2019.

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 25th day of October, 2019.

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October 25, 2019

RE: Proposed creation of N.D. Admin. Code chapter 75-09.1-12
Licensing Standards for Medication Units

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing the creation of N.D. Admin. Code chapter 75-09.1-12, Licensing Standards for Medication Units. 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 19, 2019.

The department has scheduled an oral hearing for December 9, 2019. 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/rs

Enclosures

cc: Vonette Richter, Legislative Council
Pamela Sagness, Behavioral Health

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

EXECUTIVE DIRECTOR
Christopher Jones