



NOV 04 2015

Legal Advisory Unit

(701) 328-2311
Fax (701) 328-2173
Toll Free (800) 472-2622
ND Relay TTY (800) 366-6888

Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

November 4, 2015

Vonette Richter, Assistant Code Revisor
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-02-06 and 75-02-07.1
Ratesetting for Nursing Home Care and Ratesetting for Basic Care Facilities

Dear Ms. Richter:

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 December 10, 2015, beginning at 1:30 p.m. and continuing until 3:00 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,

A handwritten signature in black ink, appearing to read "Julie Leer", with the word "for" written below it.

Julie Leer
Legal Advisory Unit

JL/rs

cc: LeeAnn Thiel, Medical Services

Enclosures



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTERS 75-02-06 AND 75-02-07.1
RATESETTING FOR NURSING HOME CARE AND RATESETTING FOR BASIC
CARE FACILITIES

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 75-02-06 and 75-02-07.1 at 1:30 p.m. on Thursday, December 10, 2015, 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 chapters 75-02-06 and 75-02-07.1, Ratesetting for Nursing Home Care and Ratesetting for Basic Care Facilities, are necessary to comply requirements found in 2015 House Bills No. 1234, 1277, 1353, and 1359.

The proposed changes are as follows:

Section 75-02-06-01 is being amended to remove basic care facilities from the definitions of "institutional leave day" and "therapeutic leave day" as used for nursing facility ratesetting.

Section 75-02-06-02.1 is being amended to correct an outdated reference and identify the ratesetting manual as a source of ratesetting procedures for nursing facilities.

Section 75-02-06-03 is being amended to update the nursing facility per bed cost limitation on single and double occupancy for the rate year beginning July 1, 2015, as required under 2015 House Bill No. 1234.

Section 75-02-06-10 is being amended to reflect language that is being added to section 75-02-07.1-31 requiring an allowable bad debt collection fee to be reasonable.

Section 75-02-06-12 is being amended to restructure subsections 1 and 2, to identify certain sales tax revenue as an offset to cost for nursing facilities as required by 2015 House Bill No. 1277, and to update language.

Section 75-02-06-12.1 is being amended to reflect the changes in section 75-02-06-12 dealing with certain sales tax revenue of a nursing facility as required by 2015 House Bill No. 1277, and to address the changes made to allowable educational costs set forth in 2015 House Bill No. 1353.

Section 75-02-06-16 is being amended to restructure subdivision a or subsection 7 addressing rates for a nursing facility changing ownership.

Section 75-02-06-26 is being amended to remove language that is duplicative of language that exists in the North Dakota Century Code.

Section 75-02-07.1-01 is being amended to include bad debt in the “food and plant costs” definition for a basic care facility.

Section 75-02-07.1-05 is being amended to allow up to thirty, instead of fifteen, days of payment of room and board for medical care leave for a basic care facility, as required by 2015 House Bill No. 1359.

Section 75-02-07.1-08.1 is being amended to address bad debt and bad debt collection fees as food and plant costs.

Section 75-02-07.1-10 is being amended to identify when bad debt expenses are not nonallowable costs for a basic care facility.

Section 75-02-07.1-11 is being amended to is being amended to restructure subsections 1 and 2, to identify certain patronage dividends credited to a basic care facility as an offset to costs, and to update language.

Section 75-02-07.1-22 is being amended to update the direct care and indirect care limit rates for rate years beginning July 1, 2016, and to address calculation of current year limits for basic care facilities as required by 2015 House Bill No. 1359.

Section 75-02-07.1-31 is being created to accommodate bad debts and fees paid for the collection of those bad debts as allowable costs for basic care facilities.

The proposed amendments are 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 Monday, December 21, 2015.

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 4th day of November, 2015.



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

November 4, 2015

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-02-06 and 75-02-07.1
Ratesetting for Nursing Home Care and Ratesetting for Basic Care Facilities

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapters 75-02-06 and 75-02-07.1, Ratesetting for Nursing Home Care and 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 December 21, 2015.

The department has scheduled an oral hearing for December 10, 2015. 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,



Maggie D. Anderson,
Executive Director

MDA/rs

Attachments

cc: Vonette Richter, Legislative Council
LeeAnn Thiel, Medical Services