



Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

November 15, 2013

Mr. John Walstad, Code Revisor  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-16 and 75-03-17  
Licensing of Group Homes and Residential Child Care Facilities and  
Psychiatric Residential Treatment Facilities for Children

Dear Mr. Walstad:

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 27, 2013, beginning at 1:30 p.m. and continuing until 3:30 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Julie Leer".

Julie Leer  
Legal Advisory Unit

JL/rs

cc: Wendy Borman, MHSA  
Debbie Baier, Medical Services  
Kelsey Bless, CFS  
Dean Sturn, CFS

Enclosures



Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. CHAPTERS 75-03-16 AND 75-03-17  
LICENSING OF GROUP HOMES AND RESIDENTIAL CHILD CARE FACILITIES  
AND PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN

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 75-03-16 and 75-03-17 at 1:30 p.m. on Friday, December 27, 2013, 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 75-03-16 and 75-03-17, Licensing of Group Homes and Residential Child Care Facilities and Psychiatric Residential Treatment Facilities for Children, are necessary to comply with 2013 Senate Bill No. 2068 which provides for conversion of beds between residential child care facilities and psychiatric residential treatment facilities for children to meet capacity needs.

The proposed changes are as follows:

**Section 75-03-16-01** is amended to clarify definitions and language.

**Section 75-03-16-02.6** is created to add a new section regarding residential bed conversion and the number of licensed beds in a facility in response to 2013 Senate Bill No. 2068.

**Section 75-03-16-12.1** is amended to follow federal policy and to clarify language.

**Section 75-03-16-13** is amended to clarify language and remove outdated information.

**Section 75-03-16-19.1** is created to add a new section regarding sentinel event reporting.

**Section 75-03-16-19.2** is created to add a new section regarding suicide prevention.

**Section 75-03-16-23** is amended to follow federal policy regarding medication placed in a lock box if in need of refrigeration, add policy requirements regarding the use of medication, and to clarify language.



**Section 75-03-16-29** is amended to clarify language and add requirements to fire drills, locking outbuildings on the property and pet inoculations.

**Section 75-03-16-31** is created to add a new section regarding outcomes data collection.

**Section 75-03-17-01** is amended to add pertinent definitions and clarify language.

**Section 75-03-17-02** is amended to clarify the procedures for licensure, including requiring facilities to disclose to the department changes in their accreditation status, and requirements for provisional licensing.

**Section 75-03-17-03** is amended to clarify language relative to the organization and administration of facilities, including adding occupancy rate requirements for licensed facilities.

**Section 75-03-17-04** is amended to clarify the required admissions process.

**Section 75-03-17-05** is amended to clarify the diagnosis and treatment requirements for children during placement including therapeutic treatment requirements.

**Section 75-03-17-06** is amended to clarify expectations regarding a facility's use of special treatment procedures.

**Section 75-03-17-07 and 75-03-17-09** are amended to clarify language on medical care requirements and general health requirements, respectively.

**Section 75-03-17-10** is amended to revise the annual training requirements for staff.

**Section 75-03-17-12** is amended to revise the required discharge planning for children.

**Section 75-03-17-13 and Section 75-03-17-14** are amended to clarify language.

**Section 75-03-17-15** is amended to add a minimum requirement of the staff-to-child ratio during awake and sleeping hours along with night time bed checks.

**Section 75-03-17-16** is amended to clarify language, revise the language on what constitutes a direct bearing offense, and to address minimum standards regarding the use of staff.

**Section 75-03-17-16.1** is amended to add a new subsection to require annual training for all staff on child abuse and neglect reporting.

**Section 75-03-17-18** is amended to revise standards for locking outbuildings on the property or campus of the facilities.

**Section 75-03-17-20** is amended to clarify language allowing the department to conduct licensure reviews.

**Section 75-03-17-21** is created to add the procedure for increasing or decreasing the number of licensed beds in a psychiatric residential treatment facility in response to 2013 Senate Bill No. 2068.

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 Monday, January 6, 2014.

**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 15th day of November, 2013.





Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

November 15, 2013

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TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-16 and 75-03-17. 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 January 6, 2014.

The department has scheduled an oral hearing for December 27, 2013. 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: John Walstad, Legislative Council  
Wendy Borman, MHSA  
Debbie Baier, Medical Services  
Kelsey Bless, CFS  
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