CHAPTER 75-03-15
RATESETTING FOR PROVIDERS OF SERVICES TO FOSTER CHILDREN - QUALIFIED RESIDENTIAL TREATMENT PROGRAMS

Section

75-03-15-01. Definitions.

1. "Administration" means the cost of activities performed by the facility employees in which the direct recipient of the activity is the organization itself. These include fiscal activities, statistical reporting, recruiting, and general office management which are indirectly related to services for which a rate is set.

2. "Allowable cost" means the facility's actual cost after appropriate adjustments as required by this chapter.

3. "Base rate" means a fee for service granted to the facility as a combination of allowable administrative and maintenance costs, such as salaries, fringe benefits, property costs, and other costs which allow the facility to operate and provide treatment and services to residents and their families.

4. "Bed hold" means a maximum fourteen-day reimbursable absence that is eligible to be included in census tracking when a resident absconds from placement or needs temporary hospitalization and the facility acknowledges acceptance of the resident back into placement when located or discharged from the hospital.

5. "Chain organization" means two or more program entities which are owned, leased, or, through any other device, controlled by one business entity.

6. "Department" means the North Dakota department of human services.

7. "Depreciable asset" means a capital asset or other asset for which the cost must be capitalized for statement of costs purposes.

8. "Depreciation" means an allocation of the cost of an asset over its estimated useful life.

9. "Difficulty of care" means the individual rate for each resident determined after the completion of the assessment administered by the department or designee.

10. "Facility" means a qualified residential treatment program.

11. "Property costs" means the allowable costs to operate the owned or leased property.

12. "Qualified residential treatment program" means a licensed or approved residence providing an out-of-home treatment placement for residents.

13. "Reasonable cost" means the cost of providing food, clothing, shelter, daily supervision, school supplies, and personal incidentals for residents, employee liability insurance with respect to residents, travel of a resident for visitation, and operation of the facility which must be incurred by an efficient and economically operated facility to provide services in conformity with applicable federal and state laws, regulations, rules, and quality and safety standards. Reasonable cost takes into account that the facility seeks to minimize costs and that actual costs do not exceed what a prudent and cost-conscious buyer pays for a given item or service.

14. "Resident" means an individual under the age of twenty-one admitted to and residing in the facility.

15. "Room and board" means the cost associated with the provision of shelter, food, dietary supplies, and housekeeping services and the maintenance thereof, including depreciation and interest or lease payments of a vehicle used for transportation of residents, included in the facility base rate.

History: Effective November 1, 1985; amended effective March 1, 1999; June 1, 2004; July 1, 2014; October 1, 2019; October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-02. Eligibility for payment - Financial reporting requirements.

1. Facilities are eligible for payment rates contingent upon the following:

   a. The facility has a current license, issued pursuant to the provisions of chapter 75-03-40;

   b. The facility has a contract with the department authorizing payment;

   c. The facility is in compliance with the terms of the contract; and

   d. The facility participates in the financial audit process established by the department.

2. Records.

   a. The facility shall maintain the required resident census records.

   b. The facility shall maintain financial information sufficient to provide a proper audit or review. Financial records must be provided to the department in the form and manner requested by the department.

   c. The facility shall maintain financial records for a period of not less than six years.

3. Accounting and reporting requirements.

   a. Generally accepted accounting principles must be used for purposes of financial reporting.

   b. To properly facilitate auditing by the department, the facility accounting system must be maintained in a manner that ensures program cost accounts are grouped by cost category. If several programs are associated with the facilities' accounting system, the qualified residential treatment program costs must be separate.

c. The facility shall submit required financial information within ninety days of the request of the department.

d. Upon request, the following information must be made available:

(1) A statement of ownership including the name, address, and proportion of ownership of each owner.

(2) Copies of leases, purchase agreements, appraisals, financing arrangements, and other documents related to the lease or purchase of the facility, or a certification that the content of any of these documents remain unchanged since the most recent statement given pursuant to this subsection.

(3) Supplemental information reconciling the costs on the financial statements with costs on the requested financial report.

(4) Copies of leases, purchase agreements, and other documents related to the acquisition of equipment, goods, and services that are claimed as allowable costs.

History: Effective November 1, 1985; amended effective March 1, 1999; July 1, 2014; October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-03. Resident census.

1. A facility shall maintain a daily resident census record. The facility shall count any day for which services are provided, including the day of discharge, as one day for the resident census. The day of admission or death must be counted.

2. A facility shall prepare and maintain resident census records on a daily basis to allow for proper tracking of resident census data. The daily resident census records must include:

a. Identification of the resident;

b. Entries for all days a resident is in placement;

c. Identification of type of day: treatment programming, bed hold, aftercare, or respite care; and

d. Monthly totals by resident in placement and by type of day.

History: Effective November 1, 1985; amended effective March 1, 1999; July 1, 2014; October 1, 2019; October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-04. Payment rate.

1. The department shall determine the payment rates. Payment rates are developed in three parts:

a. A base rate;

b. Difficulty of care rate; and

c. Performance-based contracting options.

2. Base rates established by the department include facility financial components of direct care wage, direct care fringe benefits, property, and administrative and other costs.

3. Difficulty of care is calculated by utilizing the individual resident assessment weighted score from the department-approved assessment tool. The difficulty of care rate is:

   a. Effective the date of admission; and

   b. Reassessed every ninety days in conjunction with the resident continued stay review.

4. Performance-based contracts will detail facility payment rates specific to admission and discharge and aftercare outcomes.

5. The daily rate for each resident accepted by the facility must follow the difficulty of care payment rates developed by the department. The daily rate charged must be consistent for all residents in placement regardless of the resident's custodian, parent, or guardian or payment source. The maximum authorized payment rate for a resident paid by the department will be determined by the resident's weighted score conducted by the qualified individual completing the assessment and the performance-based contracting options.

6. Limitations.

   a. The department may accumulate and analyze statistics on costs incurred by the facilities. The department may use these statistics to establish cost ceilings and incentives for efficiency and economy, based on a reasonable determination of the standards of operations necessary for efficient delivery of needed services. The department may establish limitations and incentives on the basis of the cost of comparable facilities and services and the department may apply these limitations and incentives as ceilings on the overall costs of providing services or on specific areas of operations.

   b. When federal regulations establish a ceiling on foster care rates for these facilities, that ceiling must also be considered the maximum payment under title IV-E of the Social Security Act, [42 U.S.C. 670 et seq.].

   c. Administrative costs must be limited to the percent of total allowable costs exclusive of administrative costs, authorized by the department.

7. The department may apply rate adjustments if required by state or federal law or regulation, appropriation, or as determined necessary by the department.

History: Effective November 1, 1985; amended effective July 1, 1993; March 1, 1999; August 1, 2002; June 1, 2004; July 1, 2014; October 1, 2019; October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-05. Cost allocation.

Cost allocation methods described in this section must be used.

1. Salaries that cannot be reported based on direct costs are to be allocated using time studies. Time studies must be preapproved by the department and must be conducted at least semiannually for a two-week period or quarterly for a one-week period. The time study must represent a typical period of time when employees are performing normal work activities in each assigned area of responsibility. Allocation percentages based on the time studies are to be used starting with the next pay period following completion of the time study or averaged for the report year. The methodology used by the facility may not be changed without approval by the department.

2. Housekeeping costs must be allocated based on usable square footage.

3. Property and facility costs must be allocated based on usable square footage.

4. Administration costs must be allocated on the basis of percentage of the total direct cost of the activity to the total costs, excluding administration.

5. Fringe benefits must be allocated based on the ratio of salaries to total salaries.

6. Dietary costs and food must be allocated based on meals served.

7. Vehicle expenses must be allocated based on mileage logs. Mileage logs must include documentation for miles driven and the purpose of travel. If sufficient documentation is not available to determine to which cost category vehicle expenses are to be allocated, vehicle expenses must be assigned to administration.

8. Costs not direct costed, or allocable using methods identified in subsections 1 through 7, must be included as administration costs.

History: Effective November 1, 1985; amended effective March 1, 1999; October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-06. Private pay rates.

Repealed effective October 1, 2021.

75-03-15-07. Allowable costs.

1. **Maintenance rate.** Rates include allowable costs described in this subsection.

   a. Salary and fringe benefits for direct care employees, which must be limited to:

      (1) The direct care supervisors;

      (2) Direct care employees;

      (3) Family engagement specialists performing aftercare services;

      (4) Cooks;

      (5) Janitors and housekeepers;

      (6) Laundry; and

      (7) Nurses when performing daily supervision, physical examinations, and medical care treatment for residents. If the nurse is providing other services within the facility, a time study will need to be completed. The portion that is daily supervision, resident physical examinations, and medical care treatment may be included in the calculation of the daily rate for maintenance.

   b. Food. Actual food costs. The value of donated food may not be included in food costs.

   c. Operating supplies. The cost of supplies necessary to maintain the household for the residents. Costs include cleaning supplies, paper products, and hardware supplies.

   d. Personal supplies and allowances. The cost of supplies used by an individual resident, including medicine chest supplies, personal hygiene items, sanitary needs, and moneys given periodically to residents for personal use. Personal supplies and allowances do not include payment, whether in cash or in kind, for work performed by the residents or for bonuses or rewards paid based on behavior.

e. School supplies. The cost of school supplies, books, activity fees, class dues, and transportation to school.

f. Clothing. The cost of clothing to maintain a wardrobe for any resident.

g. Recreation. Costs incurred for providing recreation to residents, including magazine and newspaper subscriptions, sports equipment, games, dues for clubs, and admission fees to sporting, recreation, and social events.

h. Utilities. The cost of heat, lights, water, sewage, garbage, and common area cable or satellite TV.

i. Telephone. The cost of local service to the living quarters. Long distance calls are allowable only if specifically identified as being related to maintenance and are not service or administrative in nature. Cellular telephones or electronic communication systems, including associated monthly service fees which are less than the capitalization threshold, and are purchased by the facility for use by direct care or aftercare employees to communicate for the purpose of resident safety, programming, transportation, and supervision while on shift are allowable telephone costs.

j. Repairs. The cost of routine repairs and upkeep of property and equipment used for the residents. The facility shall capitalize and depreciate repair or maintenance costs in excess of five thousand dollars per project on equipment or over the remaining useful life of the equipment or building or over one-half of the original estimated useful life, whichever is greater.

k. Travel. All costs related to transporting residents, exclusive of transportation for evaluations and social service activities. Transportation costs may include actual vehicle expenses or actual costs not to exceed the amount established by the internal revenue service.

l. Leases and rentals. The cost of leasing assets from a nonrelated organization. If the lease cost cannot be directly associated with a function, the department shall allocate the cost in accordance with section 75-03-15-05.

m. Depreciation expense. Depreciation expense on all capitalized equipment and property which was not purchased with funds made available through other government programs or grants is allowable.

n. Insurance. The cost of insuring property and equipment used in the maintenance of residents and liability insurance for direct care employees.

o. Medical. Costs for necessary medical-related items for residents which are not covered by the resident's private insurance or governmental medical care programs, provided that facility records demonstrate that the facility has made reasonable attempts to secure insurance or program benefits. Costs may include physical examinations, drugs, dental work, corrective appliances, and required medical care and treatment for residents.

p. Administration. Costs of administration which do not exceed limitations, provided that the department, in its discretion, may exclude costs of administration based upon a lack of appropriated funds.

2. **Administration costs.** Costs for administration include only those allowable costs for administering the overall activities of the facility identified as follows:

   a. Compensation for employees, such as facility administrators, accounting employees, clerical employees, administrative support staff, data processing employees, purchasing employees, security employees, clinical team members, such as social workers, treatment coordinators, psychologists, psychiatrists, nursing costs not covered under the maintenance rate, and other professional clinical or treatment employees;

   b. Office supplies and forms;

   c. Insurance, except property insurance directly identified to other cost categories, and insurance included as a fringe benefit;

   d. The cost of telephone service not specifically included in other cost categories;

   e. Postage and freight;

   f. Professional fees for legal, accounting, and data processing;

   g. Computer software costs, except costs that must be capitalized, and computer maintenance contracts;

   h. Central or home office costs;

   i. Employee recruitment costs;

   j. Management consultants and fees;

   k. Dues, license fees, and subscriptions;

   l. Travel not specifically included in other costs categories;

   m. The cost of heating and cooling, electricity, and water, sewer, and garbage for space used to provide administration;

   n. The cost of routine repairs and maintenance of property and equipment used to provide administration;

   o. The cost of facility operation associated with the space used to provide administration;

   p. Property costs. Depreciation, interest, taxes, and lease costs on equipment and buildings for space used to provide administration; or

   q. Training. Staff professional development costs, excluding salary and fringe benefits, but including registration, travel, and per diem expenses when addressing allowable training topics noted in 45 CFR 1356.60.

History: Effective November 1, 1985; amended effective March 1, 1999; June 1, 2004; July 1, 2014; October 1, 2019; October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-08. Rehabilitation costs.

Repealed effective October 1, 2021.

75-03-15-09. Nonallowable costs.

Repealed effective October 1, 2021.

75-03-15-10. Revenue offsets.

The department shall require facilities to submit financial records inclusive of revenue offsets for financial auditing and rate adjustments. Facilities shall identify income to offset costs, where applicable, so that state financial participation does not supplant or duplicate other funding sources. Any income, whether in cash or in any other form which is received by the facility, with the exception of the established rate and income from payment made under the Job Training Partnership Act, must be offset up to the total of the appropriate actual costs. If actual costs are not identifiable, income must be offset in total to the appropriate cost category. If costs relating to income are reported in more than one cost category, the income must be offset in the ratio of the costs in each of the cost categories. Treatment appropriate to some sources of income is provided in this section:

1. **Clothing.** Facilities receiving initial clothing allowances separately from the state or other sources shall reduce costs by the amount of the reimbursement.

2. **Food income.** Facilities receiving revenue for food and related costs from other programs, including the United States department of agriculture or the department of public instruction or amounts from or paid on behalf of employees, guests, or nonresidents for meals or snacks shall reduce allowable food costs by the revenue received.

3. **Insurance recovery.** A facility shall offset any amount received from insurance for a loss incurred against the appropriate cost category, regardless of when the cost was incurred, if the facility did not adjust the basis for depreciable assets.

4. **Refunds and rebates.** A facility shall offset any refund or rebate received for a reported cost to the appropriate cost.

5. **Transportation income.** A facility shall offset any amount received for use of the facility's vehicles to transportation costs.

6. **Vending income.** A facility shall offset income from the sale of beverages, candy, or other items to the cost of the vending items or, if the cost is not identified, the facility shall offset all vending income to maintenance costs.

7. **Gain on the sale of assets.** A facility shall offset gain from the sale of an asset against depreciation expenses.

8. **Rental income.** A facility shall offset revenue received from outside sources for the use of facility buildings or equipment to property expenses.

9. **Grant income.** A facility shall offset grants, gifts, and awards from the federal, state, or local agencies to the costs which are allowed under the grant.

10. **Other cost-related income.** A facility shall offset miscellaneous income, including amounts generated through the sale of a previously expensed item, e.g., supplies or equipment, to the cost category where the item was expensed.

11. **Other income from government sources.** The department may determine that other income to the facility from local, state, or federal units of government is an offset to costs.

History: Effective November 1, 1985; amended effective March 1, 1999; June 1, 2004; July 1, 2014; October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03

Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-11. Related organization.

1. Costs applicable to services, facilities, and supplies furnished to a facility by a related organization may not exceed the lower of the costs to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere primarily in the local market. The facility shall identify such related organizations and costs, and shall submit allocations with the requested financial record.

2. A facility may lease buildings or equipment from a related organization. In that case, the rent or lease expense paid to the lessor is allowable in an amount not to exceed the actual costs associated with the asset if the rental of the buildings or equipment is necessary to provide programs and services to residents. The actual costs associated with the asset are limited to depreciation, real estate taxes, property insurance, and plant operation expenses incurred by the lessor.

History: Effective November 1, 1985; amended effective March 1, 1999; June 1, 2004; July 1, 2014; October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-12. Home office costs.

1. Home offices of chain organizations vary greatly in size, number of locations, employees, mode of operations, and services furnished to member facilities. Although the home office of a chain is normally not a facility in itself, the home office may furnish to the individual facility central administration or other services, including centralized accounting, purchasing, employees, or management services. Only the home office's actual costs of providing these services are includable in the facility's allowable costs under the program.

2. Costs that are not allowed in the facility may not be allowed as home office costs that are allocated to the facility.

3. Any service provided by the home office which is included in costs as payments by the facility to an outside vendor or which duplicates costs for services provided by the facility is considered a duplication of costs and is not allowed.

4. If a home office makes a loan to or borrows money from one of the components of its chain organization, the interest paid is not an allowable cost and interest income is not used to offset interest expense.

History: Effective November 1, 1985; amended effective March 1, 1999; July 1, 2014.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-12.1. Startup costs.

Repealed effective October 1, 2021.

75-03-15-13. Taxes.

1. Taxes assessed against the facility in accordance with the levying enactments of several states and lower levels of government and for which the facility is liable for payment are allowable costs.

2. Whenever exemptions to taxes are legally available, the facility shall take advantage of exemptions. If the facility does not take advantage of available exemptions, the expense incurred for taxes may not be recognized as an allowable cost under the program.

3. Special assessments in excess of one thousand dollars, which are paid in a lump sum, must be capitalized and depreciated. Special assessments not paid in a lump sum may be expensed as billed by the taxing authority.

History: Effective November 1, 1985; amended effective March 1, 1999; June 1, 2004; October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-13.1. Depreciation.

1. **General principles.** Ratesetting principles require that payment for services must include depreciation on all depreciable type assets that are used to provide necessary services. This includes assets that may have been fully or partially depreciated on the books of the facility, but are in use at the time the facility enters the program. If any depreciated personal property asset is sold or disposed of for an amount different than its undepreciated value, the difference represents an incorrect allocation of the cost of the asset to the facility and the facility shall include it as a gain or loss on the requested financial record.

2. **Depreciation methods.**

   a. A facility shall use the straight-line method of depreciation. All accelerated methods of depreciation, including depreciation options made available for income tax purposes, such as those offered under the asset depreciation range system, are unacceptable. The facility shall apply the method and procedure for computing depreciation on a basis consistent from year to year, and shall maintain detailed schedules of individual assets. If the books of account reflect depreciation different from that submitted on the requested financial records, the facility shall prepare a reconciliation.

   b. A facility shall use a composite useful life of ten years for all equipment and land improvements and four years for vehicles. A facility shall depreciate buildings and improvements to buildings over the length of the mortgage or a minimum of twenty-five years, whichever is greater.

3. **Acquisitions.**

   a. If a depreciable asset has, at the time of its acquisition, a historical cost of at least five thousand dollars for each item, the facility shall capitalize and depreciate the cost over the estimated useful life of the asset, except as provided in subsection 3 of section 75-03-15-13. A facility shall capitalize costs, including architectural, consulting, legal fees, and interest, incurred during the construction of an asset, as a part of the cost of the asset.

   b. A facility shall capitalize and depreciate repair or maintenance costs in excess of five thousand dollars per project on equipment or buildings over the remaining useful life of the equipment or building or one-half of the original estimated useful life, whichever is greater.

4. **Recordkeeping.** Proper records must provide accountability for the fixed assets and must also provide adequate means by which depreciation may be computed and established as an allowable child-related cost. Tagging of major equipment items is not mandatory, but alternate records must exist to satisfy audit verification of the existence and location of the assets.

5. **Donated assets.** For purposes of this chapter, a facility may record and depreciate donated assets based on their fair market value. If the facility's records do not contain the fair market value of the donated asset as of the date of the donation, the donated item must be appraised. The appraisal must be performed by a recognized appraisal expert and must be accepted for depreciation purposes. The facility may elect to forego depreciation on donated assets, negating the need for a fair market value determination.

6. **Basis for depreciation.**

   a. Determination of the cost basis of a facility and its depreciable assets, which have not been involved in any programs which are funded in whole or in part by the department, depends on whether or not the transaction is a bona fide sale. If the issue arises, the purchaser has the burden of proving that the transaction was a bona fide sale. Purchases where the buyer and seller are related organizations are not bona fide.

      (1) If the sale is bona fide, the cost basis must be the cost to the buyer.

      (2) If the sale is not bona fide, the cost basis must be the seller's cost basis less accumulated depreciation.

   b. The cost basis of a facility, including depreciable assets which are purchased as an ongoing operation, must be the seller's cost basis less accumulated depreciation.

   c. The cost basis of a facility, including depreciable assets which have been used in any programs which are funded in whole or in part by the department, must be the cost basis used by the other program less accumulated depreciation.

   d. Sale and leaseback transactions must be considered a related party transaction. The cost basis of a facility, including depreciable assets purchased and subsequently leased to a provider who operates the facility, must be the seller's cost basis less accumulated depreciation.

History: Effective March 1, 1999; amended effective July 1, 2014; October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-14. Cost allowability and limitations.

Any questions regarding cost allowability and limitations are governed by title IV-E of the Social Security Act [42 U.S.C. 670 et seq.] and 45 CFR part 74, unless further limited by this chapter. The department sets rates under this chapter for not-for-profit organizations only and purchases facility services for children in foster care only from facilities in North Dakota for which rates have been set under this chapter.

History: Effective November 1, 1985; amended effective March 1, 1999; July 1, 2014.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-15. Variance.

1. Upon written application, and good cause shown to the satisfaction of the department, the department may grant a variance from the provisions of this chapter upon terms the department may prescribe, except no variance may permit or authorize a danger to the health or safety of residents and no variance may be granted except at the discretion of the department.

2. A facility may request excess maintenance cost variance specific to a resident need beyond the difficulty of care rate upon terms the department may prescribe. No variance may be granted except at the discretion of the department.

3. A refusal to grant a variance is not subject to a request for review or an appeal.

History: Effective November 1, 1985; amended effective March 1, 1999; July 1, 2014; October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2

75-03-15-16. Review and appeals.

1. **Review.**

   a. A facility may request a review of denial of payment by filing a written request for review with the department within thirty days of the date of the department's denial of payment. The written request for review must include the notice and a statement of each disputed item with the reason or basis for the dispute. A facility may not request review for a full or partial denial, recoupment, or adjustment of a claim due to required federal or state changes, payment system defects, or improper claims submission or of the rate paid for a particular service or difficulty of care rate.

   b. Within thirty days after requesting a review, a facility shall provide to the department all documents, written statements, exhibits, and other written information that support the facility's request for review, together with a computation and the dollar amount that reflects the facility's claim as to the correct computation and dollar amount for each disputed item.

   c. The department shall make and issue a decision within seventy-five days, or as soon thereafter as possible, of receipt of notice of request for review.

2. **Appeals.** A facility may appeal the final decision of the department to the district court in the manner provided in North Dakota Century Code section 28-32-42, and the district court shall review the department's final decision in the manner provided in North Dakota Century Code section 28-32-46. The judgment of the district court in an appeal from a request for review may be reviewed in the supreme court on appeal by any party in the same manner as provided in North Dakota Century Code section 28-32-49.

3. Upon receipt of notice that the facility has appealed its final decision to the district court, the department shall make a record of all documents, written statements, exhibits, and other written information submitted by the facility or the department in connection with the request for review and the department's final decision on review, which constitutes the entire record. Within thirty days after an appeal has been taken to district court as provided in this section, the department shall prepare and file in the office of the clerk of the district court in which the appeal is pending the original and a certified copy of the entire record, and that record must be treated as the record on appeal for purposes of North Dakota Century Code section 28-32-44.

History: Effective March 1, 1999; amended effective October 1, 2021.
General Authority: NDCC 50-06-16, 50-11-03
Law Implemented: NDCC 50-06-05.1, 50-11-03.2