CHAPTER 65.5-01-06
PUBLIC INQUIRY

Section
65.5-01-06-01 Purpose
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65.5-01-06-01. Purpose.

The public inquiry process is available to facilitate communication among the project and members of the public when more informal means of communication are not appropriate. Any issue that is not eligible for treatment within the administrative review process is eligible for handling under the public inquiry process. This includes issues presented by people who are not eligible to utilize the administrative review process, for example, service providers and the general public.

History: Effective June 1, 1998.
General Authority: NDCC 25-01.3-02, 25-01.3-03
Law Implemented: NDCC 25-01.3-02

65.5-01-06-02. Procedures.

1. Any issue related to policy, procedure, or operations of the project may be presented for consideration through the public inquiry process.

2. The public inquiry process is initiated by sending or delivering a written inquiry to the project's executive director. If the inquiry relates to a specific incident, it must be sent or delivered to the executive director within fifteen days of that incident. An inquiry may be submitted at any time for general consideration of policies, procedures, or operations of the project.

3. Upon receipt of a written inquiry, the project will acknowledge receipt within ten days.

4. The project will invite input to its consideration of a public inquiry as follows:

   a. If the inquiry involves a specific incident and a specific service provider:

      (1) The inquirer will be invited to provide additional information directly to the executive director who may designate a project employee to receive that information and to develop any factual inquiry.

      (2) Based upon that inquiry, the executive director will decide upon any appropriate action to be undertaken by the project. Notice of any action will be provided to the inquirer, subject to the project's obligations to protect confidentiality.

      (3) The inquirer may ask the committee to review the executive director's decision. The committee has complete discretion in determining whether to review that decision. If the committee exercises its discretion to review that decision, the committee's review will be limited to determining whether the decision is consistent with policies and procedures of the project. If the committee determines the decision is consistent with the project's policies and procedures, the committee must affirm the decision. If the committee determines the decision is not consistent with the project's policies and procedures, it must direct the executive director to reconsider the decision and revise it to conform to the project's policies and priorities.

   b. If the inquiry involves a general policy, procedure, or operation of the project and does not involve a specific incident or specific service provider:

(1) The project may invite additional information or advice from appropriate people among the general public. This may include written input or meetings at which input may be offered.

(2) Based upon the input received, the executive director will decide upon any appropriate action to be undertaken by the project. Notice of any action will be provided to the inquirer, subject to the project's obligations to protect confidentiality. Notice may be provided to the general public, depending upon the nature of the policy, procedure, or operation that has been considered.

(3) Anyone may ask the committee to review the executive director's decision. The committee has complete discretion in determining whether to review that decision. If the committee exercises its discretion to review that decision, the committee's review will focus on determining the best policies, procedures, and operations to govern the project. The committee has complete discretion in shaping its response to this review.

c. The committee must protect confidentiality to the maximum extent permitted by law, considering a protected individual's right to waive that protection. When committee review of a public inquiry might jeopardize confidentiality, that review must be conducted in a closed meeting that may be attended by only those people who are authorized under law to have access to all the confidential material that may be disclosed during that review.

History: Effective June 1, 1998.
General Authority: NDCC 25-01.3-02, 25-01.3-03
Law Implemented: NDCC 25-01.3-02