

AUG 18 2008



Legal Advisory Unit

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John Hoeven, Governor
Carol K. Olson, Executive Director

August 18, 2008

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

RE: Proposed Amendments to N.D. Admin. Code Article 75-05
Human Service Center Licensure Standards

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. Chapter 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 September 22, 2008, beginning at 10:30 a.m. and continuing until 12:00 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 blue ink that reads "Julie Leer".

Julie Leer
Legal Advisory Unit

JL/ca

Cc: Lauren Sauer, MHSAS

Enclosures

John Hoeven, Governor
Carol K. Olson, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. ARTICLE 75-05
HUMAN SERVICE CENTER LICENSURE STANDARDS

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code Article 75-05, at 10:30 a.m. on Monday, September 22, 2008, in Bismarck, N.D. in the Pioneer- Room G-15, located on the ground floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code Article 75-05, Human Service Center Licensure Standards, is revised to reflect current best practice. The proposed amendment do not have an impact on the regulated community in excess of \$50,000.

Section 75-05-00.1-03, Department to conduct human service center licensure review standards is amended to change "biannual" to "biennial".

Section 75-05-00.1-05, Licensure Team is amended to clarify membership of the licensure team.

Section 75-05-00.1-06, Programs and services reviewed is amended to update the major programs and services to be reviewed by the licensure team.

Section 75-05-00.1-07, Licensure team reporting procedures is amended to clarify the licensure team reporting requirements.

Section 75-05-00.1-10, Provisional license is amended to clarify the terms and the use of provisional licenses and to allow the use of restricted licenses.

Section 75-05-00.1-11, Licensure team review followup is amended to update the follow-up process.

Section 75-05-01-01, Definitions is amended to clarify, establish, delete or revise definitions including: "adult diagnosed with a serious mental illness", "adult family foster care licensure services", "core services", "evidence-based practices", "family therapy", "long-term care ombudsman program", "national family caregiver support program", "Older Americans Act", "regional mental retardation-developmental disabilities program administrator", and "vulnerable adult protective services".

Section 75-05-01-02, Administration is repealed.

Section 75-05-01-04, Fiscal Management is repealed.

Section 75-05-01-06, Staff orientation and in-service training is repealed.

Section 75-05-01-10, Clients' rights is amended to replace the word "client" with "consumer".

Section 75-05-01-11, Risk, safety, and security management is repealed.

Section 75-05-02-02, Physical environment is repealed.

Section 75-05-02-03, Janitorial services is repealed.

Section 75-05-03-01, Acute treatment services is amended to clarify what is meant by "outpatient services".

Section 75-05-03-02, Emergency services is amended to clarify what is meant by "emergency services".

Section 75-05-03-03, Extended care services is amended to identify what services are included as part of "extended care services".

Section 75-05-03-04, Medications is amended to update administration and documentation requirements relating to medications.

Section 75-05-03-05, Psychiatric services is amended to add that the time of the psychiatrist and nurse practitioner is combined for the minimum available hours per month.

Section 75-05-03-06, Community consultation and education is amended to clarify the human service center community consultation and education services.

Section 75-05-03-07, Psychological services is amended to add psychometric testing as a psychological service.

Section 75-05-03-08, Regional intervention service is amended to delete the requirement for the regional intervention service to assess all individuals who are under consideration for voluntary admission to the North Dakota state hospital.

Section 75-05-03-09, Substance abuse treatment is created to require each human service center to have an addiction program.

Section 75-05-04-01, Admission process is amended to clarify requirements of the face-to-face interview during the initial admission process and to require a human service center to review alternative options for a person the human service center cannot serve.

Section 75-05-04-03, Individual plans is amended to clarify the documentation and signing requirements for an individual plan of the consumer.

Section 75-05-04-04, Progress notes is amended to define progress notes, what they must address, and how they are to be documented.

Section 75-05-04-05, Individual plan review is amended to clarify requirements for the review of individual plans.

Section 75-05-04-06, Completion of treatment or service is amended to identify what the completion summary must include.

Section 75-05-04-07, Client referrals is amended to identify that the consumer's parent or guardian may sign a release of information.

Section 75-05-04-08, Records maintenance is amended to require that, if a request for records is denied, the reason for the denial must be documented in the consumer's record.

Section 75-05-05-01, Mental retardation-developmental disabilities program – Case management is amended to reflect changes in the Definitions section and to identify the frequency of periodic record reviews.

Section 75-05-05-02, Vocational rehabilitation is amended to update the role of the vocational rehabilitation administrator.

Section 75-05-05-03, Supervision and direction of county social services is amended to explain the designation of a regional representative of county social services and to clarify the responsibilities of the regional representative.

Section 75-05-05-05, Aging Services is amended to update the responsibilities of the aging services program administrator.

Chapter 75-05-06, Human Service Center Essential Client Services and Eligibility is repealed.

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, October 2, 2008.

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 14th day of August, 2008.