



Legal Advisory Unit

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John Hoeven, Governor
Carol K. Olson, Executive Director

August 7, 2008

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-03-21
Licensing of Family Foster Homes for Adults

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 10, 2008, beginning at 3:30 p.m. and continuing until 5:00 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: Judy Tschider, Aging Services

Enclosures



John Hoeven, Governor
Carol K. Olson, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-03-21
LICENSING OF FAMILY FOSTER HOMES FOR ADULTS

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code Chapter 75-03-21, at 3:30 p.m. on Wednesday, September 10, 2008, in Bismarck, N.D. in the AV room – Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments are to clarify and revise rules relating to the Licensing of Family Foster Homes for Adults to reflect changing needs and practice standards. The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Section 75-03-21-02, Application is amended to add a family evacuation disaster plan to the required information and verifications for an application.

Section 75-03-21-04, Facility is amended to require the bedrooms for all residents to provide privacy for the resident.

Section 75-03-21-09.1, Criminal conviction – Effect on licensure and operation of home is amended to clarify the impact of direct-bearing offenses of those that reside in the home or act as a caregiver in the home, and to clarify that the department will determine if individual is sufficiently rehabilitated.

Section 75-03-21-10, Substitute caregiver and respite care provider qualifications is amended to add language requiring adult family foster care respite providers to repeat a criminal background check if there has been a lapse in their qualified service provider enrollment, and increases the number of days an adult family foster care provider is allowed to leave a substitute caregiver or respite care provider in charge of the home.

Section 75-03-21-13, Termination of care is amended to waive the thirty-day written notice requirement to move a recipient out of an adult foster care home in the event of an emergency and avoid the return of an individual to the Adult Family Foster Care setting when it could be detrimental to the individual, the residents or the provider.

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, September 22, 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 7th day of August, 2008.



John Hoeven, Governor
Carol K. Olson, Executive Director

August 7, 2008

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-03-21
Licensing of Family Foster Homes for Adults

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code Chapter 75-03-21, Licensing of Family Foster Homes for Adults. The department has adopted procedures to assure public input into the formulation of such 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 September 22, 2008.

The department has scheduled an oral hearing on September 10, 2008. 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,

A handwritten signature in black ink that reads "Carol K. Olson". The signature is written in a cursive, flowing style.

Carol K. Olson,
Executive Director

CKO/ca

Attachments

Cc: John Walstad, Legislative Council
Judy Tschider, Aging Services