



John Hoeven, Governor
Carol K. Olson, Executive Director

June 30, 2009

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

RE: Emergency Rule Making for Proposed Amendments to N.D. Admin. Code
Chapters 75-02-06 - Ratesetting for Nursing Facilities and 75-02-07.1 –
Ratesetting for Basic Care Facilities

Dear Mr. Walstad:

Attached for filing in the office of the Legislative Council are the following:

1. Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. § 28-32-02;
2. Finding and Statement of reason of Carol K. Olson, Executive Director of the North Dakota Department of Human Services, with respect to the declaration of the proposed amendments to N.D.A.C. Chapter 75-02-06 and N.D.A.C. Chapter 75-02-07.1;
3. Interim final rules effective July 1, 2009; and
4. The June 29, 2009, letter from Governor Hoeven approving the request for emergency rulemaking.

Ms. Olson has declared that the proposed amendments require emergency rulemaking. Accordingly, Ms. Olson has declared these proposed amendments to be interim final rules effective July 1, 2009.

The department has determined that appropriate measures to make the proposed interim final rules known to every person who may be affected by them consist of mailing a copy of the proposed rules to each county social service board office, to each regional human service center, and to persons or entities who have expressed an interest in receiving notice of such rulemaking; furnishing this notice to the Legislative Council; and publishing notice of the proposed rulemaking once in each county newspaper of general circulation published in the state of North Dakota.

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

Sincerely,



Julie Leer
Legal Advisory Unit

JL/ca

Cc: Maggie Anderson, Medical Services
Barb Fischer, Medical Services



John Hoeven, Governor
Carol K. Olson, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-02-06
RATESETTING FOR NURSING FACILITIES
AND
N.D.A.C. CHAPTER 75-02-07.1
RATESETTING FOR BASIC CARE FACILITIES

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 75-02-06 and N.D. Admin. Code Chapter 75-02-07.1, at 3:30 p.m. on Wednesday, August 12, 2009, in Bismarck, N.D. in the AV Room – Room 212, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code Chapter 75-02-06, Ratesetting for Nursing Facilities, and N.D. Admin. Code Chapter 75-02-07.1, Ratesetting for Basic Care, are to comply with an appropriations measure passed during the 2009 legislative session and as directed by House Bill No. 1012. The proposed amendment will have an impact on the regulated community in excess of \$50,000.

Section 75-02-06-03, is also amended to recognize the increase in the per bed cost limitations for construction and renovation of nursing facilities occurring after July 1, 2009.

Section 75-02-06-16.2 is created to provide a one-time salary and benefit increase for employees of nursing facilities, effective July 1, 2009.

Section 75-02-07.1-26, is amended to provide a salary and benefit increase for employees of basic care facilities, effective July 1, 2009.

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, August 24, 2009.

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 30th day of June, 2009.



Legal Advisory Unit

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John Hoeven, Governor
Carol K. Olson, Executive Director

**FINDING AND STATEMENT OF REASON
NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
REGARDING PROPOSED AMENDMENTS TO
NORTH DAKOTA ADMINISTRATIVE CODE CHAPTER 75-02-06
RATESETTING FOR NURSING FACILITIES
AND
NORTH DAKOTA ADMINISTRATIVE CODE CHAPTER 75-02-07.1
RATESETTING FOR BASIC CARE FACILITIES**

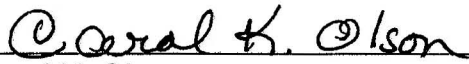
FINDING

I hereby find that emergency rulemaking to amend N.D. Admin. Code Chapter 75-02-06, Ratesetting for Nursing Facilities, and N.D. Admin. Code Chapter 75-02-07.1, Ratesetting for Basic Care Facilities, is necessary to avoid a delay in implementing an appropriations measure.

STATEMENT OF REASON

Emergency rulemaking is necessary for the Department of Human Services to comply with an appropriations measure passed during the 2009 legislative session and as directed by House Bill No. 1012.

Dated this 26 day of June, 2009.



Carol K. Olson
Executive Director