



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  
Section 75-02-02-09.4 – Limitations on Payment for Eye Services

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. Section 75-02-02-09.4;
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.

Mr. John Walstad, Code Revisor  
Emergency Rule Making for Proposed Amendments  
June 30, 2009  
Page 2

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



John Hoeven, Governor  
Carol K. Olson, Executive Director

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. SECTION 75-02-02-09.4  
LIMITATIONS ON PAYMENT FOR EYE SERVICES

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 75-02-02-09.4 at 3:30 p.m. on Tuesday, August 11, 2009, 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 to N.D. Admin. Code Section 75-02-02-09.4, Limitations on Payment for Eye Services, are necessary to comply with an appropriations measure passed during the 2009 legislative session, as directed by House Bill No. 1012. The proposed amendment will have an impact on the regulated community in excess of \$50,000.

**Chapter 75-02-02-09.4**, is amended to change the limits on eye services for adults eligible for the North Dakota Medicaid program. The current limit is one pair of eyeglasses every three years and one refractive eye exam every three years. The new limit would be once every two years for both the exam and the eye glasses.

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 30<sup>th</sup> day of June, 2009.



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 SECTION 75-02-02-09.4  
LIMITATIONS ON PAYMENT FOR EYE SERVICES**

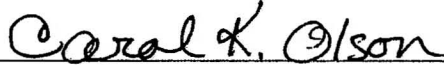
**FINDING**

I hereby find that emergency rulemaking to amend N.D. Admin. Code Section 75-02-02-09.4, Limitations on Payment for Eye Services, 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