



Legal Advisory Unit

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John Hoeven, Governor
Carol K. Olson, Executive Director

September 1, 2009

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-02
Medical Services

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 30, 2009, beginning at 1:30 p.m. and continuing until 3:00 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: Tess Frohlich, Medical Services
Nancy Nikolas, Medical Services

Enclosures



John Hoeven, Governor
Carol K. Olson, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-02-02
MEDICAL 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 at 1:30 p.m. on Wednesday, September 30, 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, Medical 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.

Section 75-02-02-08 is amended to clarify, establish, and revise eligibility criteria for personal care services depending on a recipient's level of care.

Section 75-02-02-09.5 is amended to clarify, establish, and revise eligibility criteria for personal care services depending on a recipient's level of care. In addition, this section is amended to establish that personal care services may be terminated if services are not used within 60 days after the issuance of the authorization to provide personal care services, and to allow the Department to deny or terminate personal care services when service to the client presents an immediate threat to the health or safety of the client, the provider, or others, or when services that are available are not adequate to prevent a threat to the health or safety of the client, provider, or others.

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, October 12, 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 31st day of August, 2009.