



**MAY 06 2010**  
**Legal Advisory Unit**

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John Hoeven, Governor  
Carol K. Olson, Executive Director

May 5, 2010

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

RE: Proposed Amendments to N.D. Admin. Code Section 75-02-02.1-04  
Level of Care Determination

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. section 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 Tuesday, June 8, 2010, 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/kh

Cc: LeeAnn Thiel, Medical Services

Enclosures



John Hoeven, Governor  
Carol K. Olson, Executive Director

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. SECTION 75-02-02.1-04  
LEVEL OF CARE DETERMINATION

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code section 75-02-02.1-04 at 1:30 p.m. on Tuesday, June 8, 2010, 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 75-02-02.1-04, Level of Care Determination, are to clarify the level of care screening process. The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000.

**Section 75-02-02.1-04**, is amended to clarify the screening process to demonstrate medical necessity for nursing care services in nursing facilities, swing-bed facilities, institutions for mental disease, or intermediate care facilities for the mentally retarded.

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 Friday, June 18, 2010.

**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 5<sup>th</sup> day of May, 2010.



John Hoeven, Governor  
Carol K. Olson, Executive Director

May 5, 2010

RE: Proposed Amendments to N.D. Admin. Code Section 75-02-02.1-04  
Level of Care Determination

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code section 75-02-02.1-04, Level of Care Determination. The department has adopted procedures to assure public input into the formulation of the 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 Friday, June 18, 2010.

The department has scheduled an oral hearing on Tuesday, June 8, 2010. 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 style with a large, prominent "C" and "O".

Carol K. Olson,  
Executive Director

CKO/kh

Attachments

Cc: John Walstad, Legislative Council  
LeeAnn Thiel, Medical Services