



MAY 13 2011

Legal Advisory Unit

Fax (701) 328-2173
Legal (701) 328-2311
Appeals (701) 328-2311
ND Relay TTY (800) 366-6888

Jack Dalrymple, Governor
Carol K. Olson, Executive Director

May 12, 2011

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-09
Ratesetting for Psychiatric Residential Treatment Facilities

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 Thursday, June 16, 2011, beginning at 9:00 a.m. and continuing until 10:30 a.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



Jack Dalrymple, Governor
Carol K. Olson, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-02-09
RATESETTING FOR PSYCHIATRIC RESIDENTIAL TREATMENT 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 75-02-09 at 9:00 a.m. on Thursday, June 16, 2011, 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 75-02-09, ratesetting for psychiatric residential treatment facilities, are necessary to clarify language concerning references to and accreditation of psychiatric residential treatment facilities. The amendments also clarify what must be included in a request for reconsideration by a facility of their final rate and provide a deadline for a facility to submit additional documentation if requested by the department.

The proposed changes are as follows:

75-02-09-01 is amended to revise the definition of "adjustment factor", to add definitions for "desk rate", "facility", "fair market value", "in-house day", "leave day", and "private pay resident" and to correct references to psychiatric residential treatment facilities.

75-02-09-02 is amended to correct references to psychiatric residential treatment facilities and to identify impact of failure to file required cost report information.

75-02-09-03 is amended to correct references to psychiatric residential treatment facilities.

75-02-09-04 is amended to correct references to psychiatric residential treatment facilities, to identify the effective date of the desk rate and the final rate, to remove a cost report submitted under chapter 75-03-20 as a basis for establishing a rate for certain facilities, to address aggregate payments, and to address the use of an adjustment factor.

75-02-09-05 is amended to correct references to psychiatric residential treatment facilities, and to clarify resident days and leave days.

75-02-09-06 is amended to correct references to psychiatric residential treatment facilities, to clarify administration costs, and to correct a typo.

75-02-09-07 is amended to correct references to psychiatric residential treatment facilities.

75-02-09-08 is amended to correct references to psychiatric residential treatment facilities.

75-02-09-09 is amended to correct references to psychiatric residential treatment facilities and clarify language relating to bona fide purchases.

75-02-09-10 is amended to correct references to psychiatric residential treatment facilities and to address treatment of interest expense associated with the original borrowing.

75-02-09-11 is amended to correct references to psychiatric residential treatment facilities.

75-02-09-12 is amended to correct references to psychiatric residential treatment facilities.

75-02-09-13 is amended to correct references to psychiatric residential treatment facilities.

75-02-09-14 is amended to correct references to psychiatric residential treatment facilities.

75-02-09-15 is amended to correct references to psychiatric residential treatment facilities.

75-02-09-16 is amended to correct references to psychiatric residential treatment facilities and to address income that may be offset.

75-02-09-17 is amended to correct references to psychiatric residential treatment facilities and to clarify language in the rule.

75-02-09-18 is amended to correct references to psychiatric residential treatment facilities and to clarify what must be included in a request for reconsideration by a facility of their final rate and provide a deadline for a facility to submit additional documentation if requested by the department

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

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, June 27, 2011.

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 12th day of May, 2011.