



Legal Advisory Unit

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Jack Dalrymple, Governor
Carol K. Olson, Executive Director

July 15, 2011

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-06
Ratesetting for Nursing Home Care

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, August 18, 2011, beginning at 2:30 p.m. and continuing until 4:00 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

Jack Dalrymple, 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 HOME CARE

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 at 2:30 p.m. on Thursday, August 18, 2011, 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 chapter 75-02-06, Ratesetting for Nursing Home Care, in part, are necessary to implement the provisions in 2011 HB 1169.

The proposed changes are as follows:

Section 75-02-06-12, is amended to remove late charges as an offset against total allowable cost.

Section 75-02-06-12.1 is amended to increase the allowable education expense limit per employee and to clarify when accrued salaries are a nonallowable cost, in response to 2011 House Bill No. 1169.

Section 75-02-06-16 is amended to update the limit rates used in establishing rates.

Section 75-02-06-17 is amended to define the resident classification categories under Resource Utilization Group – IV, which include changes for the receipt of intravenous medications; splitting the special care category into two categories: special care high and special care low; classification of Parkinson's disease in the new special care low category; identifies treatments that impact the resident's classification only if the treatments are received while a resident; and the nonimpact of a physician's orders or visits on a resident's classification unless the orders relate to an insulin order change for diabetes.

The proposed amendments are 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, August 29, 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 15th day of July, 2011.