



Legal Advisory Unit

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Jack Dalrymple, Governor
Carol K. Olson, Executive Director

November 18, 2011

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-10 Basic Care Assistance Program and Proposed Creation of N.D. Admin. Code Chapter 75-03-24 Expanded Service Payments to the Elderly and Disabled

Dear Mr. Walstad:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend and Create 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, December 29, 2011, beginning at 2:00 p.m. and continuing until 3:30 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: Nancy Nikolas-Maier, Medical Services
Carol Cartledge, Public Assistance

Enclosures



Jack Dalrymple, Governor
Carol K. Olson, Executive Director

November 18, 2011

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-10 Basic Care Assistance Program and proposed Creation of N.D. Admin. Code Chapter 75-03-24 Expanded Service Payments to the Elderly and Disabled

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapter 75-02-10 Basic Care Assistance Program and proposed creation of N.D. Admin. Code chapter 75-03-24 Expanded Service Payments to the Elderly and Disabled. 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 Monday, January 9, 2012.

The department has scheduled an oral hearing on Thursday, December 29, 2011. 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".

Carol K. Olson,
Executive Director

CKO/kh

Attachments

Cc: John Walstad, Legislative Council
Nancy Nikolas-Maier, Medical Services
Carol Cartledge, Public Assistance



Jack Dalrymple, Governor
Carol K. Olson, Executive Director

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-02-10 BASIC CARE ASSISTANCE PROGRAM AND TO
CREATE ADMINISTRATIVE RULES RELATING TO N.D.A.C CHAPTER
75-03-24 EXPANDED SERVICE PAYMENTS FOR THE ELDERLY AND DISABLED

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 75-02-10 and proposed creation of N.D. Admin. Code chapter 75-03-24 at 2:00 p.m. on Thursday, December 29, 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 75-02-10, Basic Care Assistance Program and proposed creation of N.D. Admin. Code chapter 75-03-24, Expanded Service Payments for the Elderly and Disabled, are necessary to comply with SB 2077 passed during the 2011 legislative session..

The proposed changes are as follows:

Section 75-02-10-01 is amended to identify that definitions found in North Dakota Century Code chapter 50-24.5 apply to chapter 75-03-24 and to remove duplicate definitions.

Section 75-02-10-02 is amended to identify benefits available for recipients of aid to vulnerable aged, blind, and disabled individuals.

Section 75-02-10-06.1 relating to adaptive assessment services is repealed.

Chapter 75-03-24 is created to establish a separate set of rules applicable to the Expanded Service Payments to the Elderly and Disabled program and includes definitions, eligibility criteria, authorization of services, application, duty to establish eligibility, services covered, residency, and appeals.

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, January 9, 2012.

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 18th day of November, 2011.