

FEB 24 2012

Legal Advisory Unit



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Jack Dalrymple, Governor
Carol K. Olson, Executive Director

February 22, 2012

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-03-21
Adult Family Foster 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 Monday, March 26, 2012, beginning at 9:30 a.m. and continuing until 11:00 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: Michelle Gayette, Aging Services

Enclosures

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-03-21
ADULT FAMILY FOSTER 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 75-03-21 at 9:30 a.m. on Monday, March 26, 2012, 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 75-03-21, Adult Family Foster Care, are needed to address changes recommended by a focus group that reviewed the rules, to address changes in practice, and to address obsolete language.

The proposed changes are as follows:

Section 75-03-21-01 is amended to update definitions for the chapter.

Section 75-03-21-02 is amended to increase an application fee and to add a relicensing fee which would be used for education and assistance for foster care licensing; and to require a meal plan as a part of licensing documentation.

Section 75-03-21-03 is amended to identify the limitations of a license and to clarify language.

Section 75-03-21-04 is amended to prohibit the use of video and audio surveillance equipment in the resident's bedroom and bathroom.

Section 75-03-21-05 is amended to update language.

Section 75-03-21-06 is amended to update language.

Section 75-03-21-07 is amended to clarify required insurance coverage.

Section 75-03-21-08 is amended to update language.

Section 75-03-21-08.1 is amended to update language.

Section 75-03-21-09 is amended to prohibit providers from purchasing items from residents without assuring the purchase was at fair market value and to

prohibit providers from soliciting property or possessions from the resident or the resident's family. Additional amendments address the designation of a provider as holder of a resident's power of attorney and the accounting required in that situation, as well as specifies the resident cannot be left alone and updates language.

Section 75-03-21-09.1 is amended to create consistency across programs relative to criminal convictions which have an effect on licensure and operation of a family foster care home for adults.

Section 75-03-21-10 is amended to clarify who is a "resident of the facility" and to update language.

Section 75-03-21-11 is amended to update language.

Section 75-03-21-12 is amended to clarify that proper information about the admission rules to the foster care home be provided to new residents, their families, or both.

Section 75-03-21-13 is amended to require foster care providers to inform the county agency of the provider's intent to terminate care of a resident, and to assist the county in transferring a resident to a more appropriate setting.

Section 75-03-21-15 is amended to update language.

Section 75-03-21-16 is amended to update language.

Section 75-03-21-17 is amended to update language.

Section 75-03-21-19 is amended to update language.

Section 75-03-21-21 is amended to update language.

Section 75-03-21-22 is amended to require a provider who assists a resident with the resident's personal finances, to keep a written accounting of transactions.

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 Thursday, April 5, 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 21st day of February, 2012.