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Legal Advisory Unit

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Jack Dalrymple, Governor  
Carol K. Olson, Executive Director

February 29, 2012

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-05  
Provider Integrity

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, April 3, 2012, 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: Cindy Sheldon, Medical Services

Enclosures

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. CHAPTER 75-02-05  
PROVIDER INTEGRITY

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 75-02-05 at 2:00 p.m. on Tuesday, April 3, 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 75-02-05, Provider Integrity, are necessary to incorporate Medicaid federal language and requirements, and to further refine the program integrity and fraud and abuse rules.

The proposed changes are as follows:

**Section 75-02-05-01** is amended to clean up outdated language.

**Section 75-02-05-02** is amended to clean up outdated language.

**Section 75-02-05-03** is amended to add definitions and clarify existing definitions.

**Section 75-02-05-04** is amended to clean up outdated language, to establish a seven year record retention requirement for providers, to clarify the responsibility for costs associated with producing records, and to clarify that providers cannot bill recipients for services rendered if the provider has not followed all Medicaid requirements.

**Section 75-02-05-05** is being amended to clean up outdated language and to identify that the Medical Services Division can terminate a provider if the provider is suspended, excluded, terminated or sanctioned by another state's Medicaid program.

**Section 75-02-05-06** is being amended to clean up outdated language, and to further define the investigation process.

**Section 75-02-05-07** is being amended to clean up outdated language, to incorporate an educational program requirement for applicable providers, to incorporate impositions of sanctions for providers, and to further define the types of sanctions the Medical Services Division may impose on providers.

**Section 75-02-05-08** is being repealed as the requirements of that section are being incorporated into section 75-02-05-07.

**Section 75-02-05-09** is being amended to clean up outdated language, and to clarify provider appeal rights.

**Section 75-02-05-10** is being repealed as the requirements of that section are being incorporated into section 75-02-05-07.

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 Friday, April 13, 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 29<sup>th</sup> day of February, 2012.