



Jack Dalrymple, Governor
Carol K. Olson, Executive Director

March 27, 2012

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-02
Medical Services

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, April 23, 2012, beginning at 10:00 a.m. and continuing until 11:30 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". The signature is written in a cursive, flowing style.

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 75-02-02
MEDICAL SERVICES

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 75-02-02 at 10:00 a.m. on Monday, April 23, 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 Code chapter 75-02-02, Medical Services, are to provide needed updates to outdated language and to accommodate program practices.

The proposed changes are as follows:

Section 75-02-02-03.2 is amended to clarify the definition of "certification of need", to define "licensed practitioner", to replace the definition of "residential treatment center for children" with "psychiatric residential treatment center", and to remove the definition of "secretary".

Section 75-02-02-08 is amended to clarify language, identify guidelines for inpatient prospective payment system hospitals who are reimbursed based on diagnostic-related groups, to clarify coverage of exercise and weight loss programs, fertility services, certain physician-administered drugs in outpatient settings, chiropractic treatment, and pharmacy services. Also moved some language to other sections of chapter 75-02-02.

Section 75-02-02-09 is amended to clarify eligibility for nursing facility level of care for patients on ventilators and patients with traumatic brain injury.

Section 75-02-02-09.1 is amended to exclude Indians being served by Indian Health Services or referred for contract health services, and terminally ill patients receiving hospice from the copayment requirements; and to clarify copayments.

Section 75-02-02-09.3 is amended to clarify payments for replacement dentures.

Section 75-02-02-09.4 is amended to include language moved from section 75-02-02-08 dealing with determinations of medical necessity.

Section 75-02-02-09.5 is amended to clarify provider limitations for providing certain personal care services, to add language regarding the maximum units that can be authorized for laundry, shopping, and housekeeping, and to require applicants to provide information needed to process an application.

Section 75-02-02-10 is amended to clarify responsibilities of the independent review team.

Section 75-02-02-10.1 is amended to clarify language and identify when services are not payable.

Section 75-02-02-10.2 is amended to clarify "ambulatory behavioral health care."

Section 75-02-02-11 is amended to clarify the definition of "coordinated services provider", to clarify the process for assigning a coordinated services provider, and to clarify appeal rights of a person in the coordinated services provider program.

Section 75-02-02-12 is amended to define "screening" and to clarify language.

Section 75-02-02-13 is amended to define "out-of-state provider", to clarify the definition of "primary care provider", and to clarify terms and payments to out-of-state providers.

Section 75-02-02-13.1 is amended to clarify who may be a transportation provider, who may be paid for transportation services, when travel expense is not paid, and limitations on payment of travel expenses.

Section 75-02-02-13.2 is amended to clarify payment of travel expenses for an institutionalized person and who may be paid those expenses.

Section 75-02-02-14 is amended to clarify language.

Section 75-02-02-27 is amended to identify what medications the department may not prior authorize.

Section 75-02-02-28 is amended to remove duplicative language.

Section 75-02-02-30 is created from language that was removed from section 75-02-02-08 dealing with primary care providers.

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, May 3, 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 26th day of March, 2012.