

Testimony

Administrative Rules Committee

Wednesday, December 12, 2007

North Dakota Department of Health

Good morning, Chairman Fischer and members of the committee. My name is Bruce Pritschet, and I am the director of the Division of Health Facilities for the North Dakota Department of Health. I am here today to provide information about the revisions of North Dakota Administrative Code Section 33-03-24.1 related to Licensure of Basic Care Facilities, specifically the announcing of surveys.

In response to the Committee's specific questions:

1. The changes in the rules resulted from statutory changes made by the Legislative Assembly in the 2007 session requiring all Basic Care Life Safety Code surveys to be announced and half of the Basic Care Health Program surveys to be announced (House Bill 1488).
2. These changes are not related to any federal statute or regulation.
3. Initially, the Department of Health sought and received permission from the State Health Council to take the rule changes out to public hearing. The department published a Notice of Public Hearing in each of the county newspapers throughout North Dakota. In addition, basic care facility providers and the sponsors and cosponsors of the legislation were notified of the changes. The public hearing was held on August 1, 2007. No written or oral comments pertaining to the proposed rule changes were received. The rules were adopted by the State Health Council contingent upon the Attorney General's review of legality. The department subsequently received an approval letter from the Attorney General's office indicating the proposed revisions were approved as to their legality.
4. No written or oral comments, objections, or complaints were received by the department pertaining to the proposed rules changes.
5. The approximate cost of public notice, public hearing, and developing and implementing the rules was \$800.
6. The purpose of the rule changes was to repeal the language in N.D.A.C. 33-03-24.1-03(9) which stated the department would conduct unannounced

basic care surveys. This language conflicted with the new statutory language resulting from the 2007 session requiring all Basic Care Life Safety Code surveys to be announced and half of the Basic Care Health Program surveys to be announced.

7. No regulatory analysis was done nor was it required by NDCC 28-32.
8. No regulatory analysis was done nor was it required by NDCC 28-32. A small entity regulatory analysis and economic impact statement was prepared. Please refer to the attachment.
9. A constitutional takings assessment was not prepared nor required by NDCC 28-32.
10. This rule revision did not go through emergency rulemaking.

This concludes my comments. I am happy to answer any questions you may have.