

## **CHAPTER 75-09.1-11**

### **SUBSTANCE USE DISORDER TREATMENT VOUCHER SYSTEM**

#### **Section**

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**SECTION 1.** Section 75-09.1-11-01 is amended as follows:

**75-09.1-11-01. Definitions.**

As used in this chapter, unless the context or subject matter otherwise requires:

1. "ASAM criteria" means the current edition of the criteria of the American society of addiction medicine.
2. "Certified peer support specialist" means a human being meeting the requirements of certified peer support specialist I or certified peer support specialist II in compliance with chapter 75-03-43.
3. "Comprehensive biopsychosocial clinical assessment" means an assessment that integrates information regarding the biological, psychological, and social factors of an individual's life in determining the nature of the individual's substance use disorder and criteria for treatment.
4. "Department" means the North Dakota department of health and human services.
5. "Individual" means an individual who meets the identified eligibility criteria for services under the substance use disorder treatment voucher system.

6. "Institution for mental diseases" means a hospital, nursing facility, or other institution of more than sixteen beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care, and related services.
7. "Medical expenses" means approved and incurred direct costs of a program associated with the management of a medical condition or illness to an individual whose medical assistance coverage is suspended while the individual is in an institution for mental diseases.
8. "Outcomes measures" means the events or conditions that indicate the effectiveness of the substance use disorder treatment services.
- 7.9. "Process measures" means the steps and actions taken to implement the substance use disorder treatment services.
- 8.10. "Program" means an individual, partnership, association, corporation, or limited liability company that establishes, conducts, or maintains a substance abuse treatment program license in compliance with chapter 75-09.1-01 or similar license from a bordering state for the care of individuals with a substance use disorder. "Program" does not include a DUI seminar, which is governed by chapter 75-09.1-09 or a substance abuse treatment program operated by a state agency.
- 9.11. "Voucher" means funding issued by the department to a licensed substance abuse treatment program, excluding ~~human service centers~~~~state-operated behavioral health clinics~~ and the state hospital, for the purpose of providing eligible individuals substance use disorder treatment and recovery services.

**History:** Effective July 1, 2016; amended effective April 1, 2020; July 1, 2022; April 1, 2024; July 1, 2026.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-42

**SECTION 2.** Section 75-09.1-11-04 is amended as follows:

**75-09.1-11-04. Program review.**

1. A program whose application to participate in or payment through the substance use disorder treatment voucher system or request for reimbursement of medical expenses is denied or revoked may request a review of the decision by filing, within thirty days of the date of the department's notice of denial or revocation, a written notice with the department which includes a statement of each disputed item and the reason for the dispute.

2. A provider may not request review under this section if the denial or revocation is of a result of an exhaustion of appropriated funds for the substance use disorder treatment voucher system or reimbursement of medical expenses, provider no longer being licensed under article 75-09.1, submission of an invalid voucher or request for reimbursement of medical expenses, or the provider's application being considered withdrawn.
3. Within thirty days after requesting a review, a provider shall provide to the department all documents, written statements, exhibits, and other written information that supports the request for review.
4. The department shall assign a provider's request for review to someone other than an individual who was involved in the denial or revocation. A provider who has requested review may contact the department for an informal conference regarding the review any time before the department has issued its final decision.
5. The department shall make and issue its final decision within seventy-five days of receipt of the notice of request for review. The department's final decision must conform to the requirements of North Dakota Century Code section 28-32-39. A provider may appeal the final decision of the department to the district court in the manner provided in North Dakota Century Code section 28-32-42, and the district court shall review the department's final decision in the manner provided in North Dakota Century Code section 28-32-46. The judgment of the district court in an appeal from a request for review may be reviewed in the supreme court on appeal by any party in the same manner as provided in North Dakota Century Code section 28-32-49.
6. Upon receipt of notice that the provider has appealed its final decision to the district court, the department shall make a record of all documents, written statements, exhibits, and other written information submitted by the provider, affiliate, or the department in connection with the request for review and the department's final decision on review, which constitutes the entire record. Within thirty days after an appeal has been taken to district court as provided in this section, the department shall prepare and file in the office of the clerk of the district court in which the appeal is pending the original or a certified copy of the entire record, and that record must be treated as the record on appeal for purposes of North Dakota Century Code section 28-32-44.

**History:** Effective July 1, 2016; amended effective July 1, 2026.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-42

**SECTION 3.** Section 75-09.1-11-08 is amended as follows:

**75-09.1-11-08. Approval of an individual's application and voucher.**

1. An individual or a program shall submit the individual's voucher application and proper documentation to the department requesting a substance use disorder treatment voucher for screening, assessment, treatment, or recovery support services. A licensed professional operating within their scope of practice or a certified peer support specialist acting consistent with training and certification who is employed by a program approved to participate in the substance use disorder treatment voucher system can provide services under the voucher system. Documentation submitted by the program must be in the form and manner prescribed by the department and must be in compliance with established requirements for each voucher request.
2. An approved substance use disorder voucher must be activated for ninety days. If the service is not initiated within ninety days the voucher will no longer be valid and a new voucher will need to be requested. Vouchers will allow payment at the rate established by the department for the specific ASAM service indicated. A new voucher will have to be activated for each service identified under section 75-09.1-11-06.
3. Within five working days of receiving a request for a voucher, the department shall notify the program submitting the request and the individual completing the application of the application approval. The department shall notify the individual of the programs that provide the specific service covered by the voucher.

**History:** Effective July 1, 2016; amended effective July 1, 2022; July 1, 2026.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-42

**SECTION 4.** Section 75-09.1-11-09 is amended as follows:

**75-09.1-11-09. Denial of substance use disorder treatment voucher.**

1. The department shall notify the program or individual submitting the voucher application and the individual requesting the voucher within five working days of receipt of a request for voucher that the voucher application is denied. The department shall notify the program or individual that submitted the voucher within five working days of a voucher revocation. The department shall deny the individual's voucher application if:
  - a. The individual is not eligible pursuant to section 75-09.1-11-07; or

- b. The program or individual submits a voucher application for a service that is not identified as a service provided under section 75-09.1-11-06.
2. The department shall inform the individual requesting the voucher of the reason for the denial and that the individual may appeal the denial if appealable.

**History:** Effective July 1, 2016; amended effective July 1, 2026.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-42

**SECTION 5.** Section 75-09.1-11-14 is amended as follows:

**75-09.1-11-14. Training and technical assistance.**

The department shall provide training and technical assistance to all programs that apply to participate in the substance use disorder voucher system. All approved programs shall participate in the following training:

1. The implementation of the substance use disorder voucher system;
2. Determining individual eligibility;
3. The process and documentation required to submit requests for substance use disorder voucher approval;
4. The process and documentation required to submit billing for services that may be paid through the substance use disorder voucher system;
5. The process and documentation required to submit a request for reimbursement of medical expenses that may be paid by the department if the provider is also an institution for mental diseases;
6. Department-approved standards regarding best practices; and
- 6.7. Reporting requirements.

**History:** Effective July 1, 2016; amended effective July 1, 2026.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-42

**SECTION 6.** Section 75-09.1-11-15 is created as follows:

**75-09.1-11-15. Medical expenses reimbursement.**

1. A program that is also an institution for mental diseases may submit a

request for reimbursement of medical expenses if:

- a. The individual is deemed eligible for the substance use disorder treatment voucher in accordance with subsection 5 of section 75-09.1-11-07;
  - b. The individual's suspension of medical assistance is due to the individual being in an institution for mental diseases;
  - c. The program properly documents and submits a request for medical expenses reimbursement in the form and manner prescribed by the department;
  - d. The program allows the department access to necessary records to determine if the reimbursement of medical expenses is appropriate;
  - e. The program submits a new request for reimbursement of medical expenses for each request;
  - f. The approved payment being made by the department is to reimburse the program's actual cost; and
  - g. The department's approved payment does not exceed the total amount appropriated for medical expenses reimbursement.
2. Payment on a request for reimbursement of medical expenses may be denied if:
- a. A revocation of the program's participation in the voucher system has occurred prior to the date the medical expenses were incurred by the program;
  - b. The program fails to comply with the terms and conditions of the signed agreement between the program and the department;
  - c. The program fails to comply with or enforce the program's policies submitted as required by subsection 3 of section 75-09.1-11-02;
  - d. The program does not have a valid substance abuse treatment program license on the date the medical expenses were incurred by the program;
  - e. The program fails to properly document and submit a request for reimbursement of medical expenses in accordance with this section;

- f. The program submits a request for reimbursement of medical expenses that is not an approved expense;
  - g. Appropriated funds for the reimbursement of medical expenses have been exhausted;
  - h. The program is not an institution for mental diseases; or
  - i. The program fails to comply with this section.
- 3. The department shall issue a payment for reimbursement of medical expenses if the request and payment is in accordance with this section and within the limits of appropriated funds for the reimbursement of medical expenses.

**History:** Effective July 1, 2026.

**General Authority:** NDCC 50-06-16

**Law Implemented:** NDCC 50-06-42