

May 6, 2024

Liz Fordahl, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-14, 75-03-14.1, 75-03-17, 75-03-36, 75-03-40, and 75-03-41
Family Foster Home for Children, Shelter Care Program Certification, Psychiatric Residential Treatment Facilities for Children, Licensing of Child-Placing Agencies, Licensing of Qualified Residential Treatment Program Providers, and Supervised Independent Living

Dear Ms. Fordahl:

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, June 17, 2024, beginning at 3:00 p.m. and continuing until 4:30 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,



Jonathan Alm
Legal Division

JA/rv

cc: Kelsey Bless, Children & Family Services
Brittany Fode, Children & Family Services
Cory Pedersen, Children & Family Services
Jessica Thomasson, Executive Director of Human Services Division
Kelli Ulberg, Behavioral Health Division
Laura Anderson, Behavioral Health Division
Pam Sagness, Executive Director of Behavioral Health Division

Enclosures

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NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D. ADMIN. CODE CHAPTERS 75-03-14, 75-03-14.1, 75-03-17, 75-03-36, 75-03-
40, AND 75-03-41
FAMILY FOSTER HOME FOR CHILDREN, SHELTER CARE PROGRAM
CERTIFICATION, PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES FOR
CHILDREN, LICENSING OF CHILD-PLACING AGENCIES, LICENSING OF
QUALIFIED RESIDENTIAL TREATMENT PROGRAM PROVIDERS, AND
SUPERVISED INDEPENDENT LIVING

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 75-03-14, 75-03-14.1, 75-03-17, 75-03-36, 75-03-40, and 75-03-41 at 3:00 p.m. on Monday, June 17, 2024, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapters 75-03-14, 75-03-14.1, 75-03-17, 75-03-36, 75-03-40, and 75-03-41, Family Foster Home for Children, Shelter Care Program Certification, Psychiatric Residential Treatment Facilities for Children, Licensing of Child-Placing Agencies, Licensing of Qualified Residential Treatment Program Providers, and Supervised Independent Living, are as follows:

Subsection 5 of section 75-03-14-04.1 is amended to update what is considered an offense for which an individual may be determined sufficiently rehabilitated by the Department for family foster home for children.

Subsection 8 of section 75-03-14.1-05 is amended to clarify the required contents of the program's file on each nonemployee for shelter care program certification.

Subsection 5 of section 75-03-14.1-05.1 is amended to update what is considered an offense for which an individual may be determined sufficiently rehabilitated by the Department for shelter care program certification.

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Subsection 4 of section 75-03-17-16.2 is amended to update what is considered an offense for which an individual may be determined sufficiently rehabilitated by the Department for psychiatric residential treatment facilities for children.

Subdivision c of subsection 5 of section 75-03-36-02 is amended to remove the requirement that a licensed child-placing agency submit an annual audit of expenditures.

Subsection 5 of section 75-03-36-13 is amended to update what is considered an offense for which an individual may be determined sufficiently rehabilitated by the Department for licensing of child-placing agencies.

Subdivision i of subsection 1 of section 75-03-36-36 is amended to fix a typographical error.

Subsection 5 of section 75-03-40-25 is amended to update what is considered an offense for which an individual may be determined sufficiently rehabilitated by the Department for licensing of qualified residential treatment program providers.

Subsection 1 of section 75-03-40-38 is amended to fix a typographical error.

Subsection 1 of 75-03-41-02 is amended to fix a typographical error.

Subsection 5 of section 75-03-41-18 is amended to update what is considered an offense for which an individual may be determined sufficiently rehabilitated by the Department for supervised independent living.

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 human service zones 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 Health and 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, June 27, 2024.

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 Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 6th day of May, 2024.

May 6, 2024

RE: Proposed Amendments to N.D. Admin. Code chapters 75-03-14, 75-03-14.1, 75-03-17, 75-03-36, 75-03-40, and 75-03-41
Family Foster Home for Children, Shelter Care Program Certification, Psychiatric Residential Treatment Facilities for Children, Licensing of Child-Placing Agencies, Licensing of Qualified Residential Treatment Program Providers, and Supervised Independent Living

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-14, 75-03-14.1, 75-03-17, 75-03-36, 75-03-40, and 75-03-41, Family Foster Home for Children, Shelter Care Program Certification, Psychiatric Residential Treatment Facilities for Children, Licensing of Child-Placing Agencies, Licensing of Qualified Residential Treatment Program Providers, and Supervised Independent Living. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Thursday, June 27, 2024.

The department has scheduled an oral hearing for Monday, June 17, 2024. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Sara Stolt
Deputy Commissioner

Enclosures

cc: Liz Fordahl, Legislative Council
Kelsey Bless, Children & Family Services
Brittany Fode, Children & Family Services
Kelli Ulberg, Behavioral Health Division

OFFICE OF THE COMMISSIONER

GOVERNOR
Doug Burgum

COMMISSIONER
Wayne Salter