

July 31, 2024

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-09  
Ratesetting for Psychiatric Residential Treatment Facilities

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 Tuesday, September 3, 2024, beginning at 1:00 p.m. and continuing until 2:30 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: LeeAnn Thiel, Medical Services  
Sarah Aker, Executive Director of Medical Services Division

Enclosures

**LEGAL**

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D. ADMIN. CODE CHAPTER 75-02-09  
RATESETTING FOR PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES

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 chapter 75-02-09 at 1:00 p.m. on Tuesday, September 3, 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 chapter 75-02-09, Ratesetting for Psychiatric Residential Treatment Facilities, are as follows:

**Section 75-02-09-01** is amended to update the definitions for “adjustment factor”, “department”, “desk rate”, “rate year”, and “report year” and to add definitions for “capital asset”, “chain organization”, “depreciation guidelines”, “direct costing”, “historical costs”, “hospital leave day”, and “working capital debt” to be in alignment with other ratesetting administrative code chapters.

**Section 75-02-09-02** is amended to update the number of years that records must be kept to align with other ratesetting administrative code chapters. The due date of the cost report is updated for clarity.

**Subsection 2 of section 75-02-09-04** is amended to update the effective date of the desk rate for clarity and to allow the Department to provide notice by electronic mail of any desk adjustments based on the desk review.

**Section 75-02-09-05** is amended to allow for payment of up to fifteen days of hospital leave and to include monthly totals in the daily census records.

**Section 75-02-09-06** is amended to add clarification on what costs are allowable under administration and to allow some training costs under direct care.

**Section 75-02-09-07** is amended to update allocation methods to align with other rate setting administrative code chapters.

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**Section 75-02-09-08** is amended to add clarification that Medicaid noncovered services are not allowable costs and to replace “persons” with “individuals”.

**Section 75-02-09-15** is amended to replace “person” or “persons” with “individual” or “individuals”.

**Section 75-02-09-19** creates a new section on participation requirement to align with other rate setting administrative code chapters.

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 Friday, September 13, 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 24th day of July, 2024.

July 31, 2024

RE: Proposed Amendments to N.D. Admin. Code chapter 75-02-09  
Ratesetting for Psychiatric Residential Treatment Facilities

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 75-02-09, Ratesetting for Psychiatric Residential Treatment Facilities. 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 Friday, September 13, 2024.

The department has scheduled an oral hearing for Tuesday, September 3, 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

SES/rv

Enclosures

cc: Liz Fordahl, Legislative Council  
LeeAnn Thiel, Medical Services  
Sarah Aker, Executive Director of Medical Services Division

**OFFICE OF THE COMMISSIONER**

GOVERNOR  
Doug Burgum

COMMISSIONER  
Wayne Salter