

July 28, 2026

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

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-03-21 and 75-03-21.1
Licensing of Foster Homes for Adults and Licensing of Agency Foster Homes for
Adults

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 Friday, September 18, 2026, beginning at 12:00 p.m. and
continuing until 1:30 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,



Jason Nisbet
Legal Division

JN/rv

cc: Nancy Maier, Aging Services

Enclosures

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NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES
RELATING TO N.D. ADMINISTRATIVE CODE CHAPTERS
75-03-21 AND 75-03-21.1
LICENSING OF FOSTER HOMES FOR ADULTS AND
LICENSING OF AGENCY FOSTER HOMES FOR ADULTS

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 75-03-21 and 75-03-21.1 at 12:00 p.m. on Friday, September 18, 2026, 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 75-03-21 and 75-03-21.1, Licensing of Foster Homes for Adults and Licensing of Agency Foster Homes for Adults, contain language in chapter 75-03-21 about electronic monitoring that is required to comply with federal law, none of the other changes in the proposed amendments are required by federal or state law.

The proposed amendments are as follows:

Section 75-03-21-01 is amended to update the definitions of “respite care provider in a facility” and “substitute caregiver”.

Section 75-03-21-02 is amended to change “service logs” to “daily service logs”, to require proof of certification in first aid and cardiopulmonary resuscitation, and to clarify when the sixty-day limit for the department to issue or deny a license does not apply.

Section 75-03-21-03 is amended to remove the ability of a provider to receive prior written approval from the department to provide services to adults and children simultaneously, and to outline what must be included in a veterans’ affairs medical foster home program home inspection report if it is to be used in lieu of the licensing procedure.

Section 75-03-21-03.1 is created to establish that license types must be identified as a public pay license or private pay license.

Section 75-03-21-04 is amended to clarify the allowances for use of electronic monitoring devices in facilities with public pay licenses and in facilities with private pay licenses.

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Section 75-03-21-08 is amended to clarify provider qualification requirements, and to allow the department to approve global and eligible individual-specific endorsements to provide certain direct care tasks based on the employee's written verification of completion of a department approved training.

Section 75-03-21-08.1 is repealed.

Section 75-03-21-10.2 is amended to allow providers to utilize qualified service providers to assist with public pay residents if authorized by the department.

Section 75-03-21-19 is amended to allow for a provisional license to be issued when a provider submits a request to transfer a private pay license to a public pay license.

Section 75-03-21.1-01 is amended to add a definition of "accreditation" and to amend the definition of "department".

Section 75-03-21.1-06 is amended to remove the accreditation standards for unrestricted licenses as this has been defined in section 75-03-21.1-01.

Subsection 1 of section 75-03-21.1-07 is amended to remove the accreditation standards for provisional licenses as this has been defined in section 75-03-21.1-01, and to require that an agency obtain accreditation by the expiration of the provisional license.

Section 75-03-21.1-11 is repealed.

Section 75-03-21.1-12.1 is created to permit a provider to continue providing services to individuals for up to two months following termination of Medicaid eligibility and to establish that the individual shall be responsible for the cost of services provided when Medicaid coverage was not in effect.

Section 75-03-21.1-29 is amended to clarify direct service provider qualification requirements, and to allow the department to approve global and eligible individual-specific endorsements to provide certain direct care tasks based on the employee's written verification of completion of a department approved training.

Section 75-03-21.1-30 is repealed.

Subdivision g of subsection 1 of section 75-03-21.1-40 is amended to require cardiopulmonary resuscitation training alongside first-aid training for staff.

The fiscal impact of the proposed amendments cannot be precisely calculated, but may 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 offices and at the state-operated behavioral health clinics. 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 must be received no later than 5:00 p.m. on Monday, September 28, 2026.

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 28th day of July, 2026.

July 28, 2026

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Licensing of Foster Homes for Adults and Licensing of Agency Foster Homes for
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TO WHOM IT MAY CONCERN:

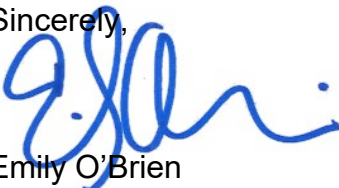
The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapters 75-03-21 and 75-03-21.1, Licensing of Foster Homes for Adults and Licensing of Agency Foster Homes for Adults. The department has adopted procedures to assure public input into the formulation of the rules 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 Monday, September 28, 2026.

The department has scheduled an oral hearing for Friday, September 18, 2026. 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,



Emily O'Brien
Deputy Commissioner

EMO/rv

Enclosures

cc: Liz Fordahl, Legislative Council
Nancy Maier, Aging Services

OFFICE OF THE COMMISSIONER

GOVERNOR
Kelly Armstrong

INTERIM COMMISSIONER
Pat Traynor