

July 27, 2026

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-04-01
Licensing of Programs and Services for Individuals with Intellectual Disabilities –
Developmental Disabilities

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 10:30 a.m. and continuing until 12:00 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: Tina Bay, Developmental Disabilities

Enclosures

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NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES
RELATING TO N.D. ADMINISTRATIVE CODE CHAPTER
75-04-01
LICENSING OF PROGRAMS AND SERVICES FOR
INDIVIDUALS WITH INTELLECTUAL DISABILITIES –
DEVELOPMENTAL DISABILITIES

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 75-04-01 at 10:30 a.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 are as follows:

Section 75-04-01-01 is amended to remove a definition of “family member” and to create definitions of “facility-based” and “non-facility-based.”

Section 75-04-01-02 is amended to require a licensee to sign provider assurances, a provider declaration, and any other agreements required by the department, and to require that a licensee notify the department of any organizational changes.

Section 75-04-01-03 is amended to update application requirements, to clarify the timeline in which the department will notify an applicant of intent to grant or deny an application, and to provide that an application may not be approved until final disposition of a pending criminal case against the applicant.

Section 75-04-01-03.1 is amended to update the provisions associated with a provisional license and a restricted license.

Section 75-04-01-03.2 is created to establish office requirements for applicants and licensees.

Section 75-04-01-04 is amended to clarify when the department may deny or revoke a license.

Section 75-04-01-06 is amended to clarify when certain individuals involved with the applicant or licensee shall complete a department approved criminal background check and when they shall disclose criminal offenses or placement on the Medicaid exclusion list, and to clarify when an applicant or individual may not be employed.

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Section 75-04-01-17 is amended to establish that day habilitation services and prevocational services can be identified and licensed as facility-based or non-facility-based.

Section 75-04-01-20 is amended to add that licensees shall maintain policies and procedures. The section requires policies and procedures for the following areas: to ensure that a system is implemented for monitoring, reporting, and responding to safety and sanitary hazards; to clarify that existing requirements for vehicles providing transportation to eligible individuals apply to vehicles owned by the licensee and to add requirements for vehicles not owned by the licensee; and to establish that safety and sanitary concerns must be corrected in a timely manner. The section also specifies under what circumstances licensees shall submit updated policies and procedures.

Section 75-04-01-38 is amended to remove requirements for bonds and to remove the requirement that the department shall determine the adequacy of the insurance coverages.

Section 75-04-01-39 is amended to update a reference to other sections of the administrative code.

Subsection 5 of section 75-04-01-40 is amended to change the time limit for which a licensee must retain a copy of records.

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 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 27th day of July, 2026.

July 27, 2026

RE: Proposed Amendments to N.D. Admin. Code chapter 75-04-01
Licensing of Programs and Services for Individuals with Intellectual Disabilities –
Developmental Disabilities

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 75-04-01, Licensing of Programs and Services for Individuals with Intellectual Disabilities – Developmental Disabilities. 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
Tina Bay, Developmental Disabilities

OFFICE OF THE COMMISSIONER

GOVERNOR
Kelly Armstrong

INTERIM COMMISSIONER
Pat Traynor