

November 14, 2025

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

RE: Proposed Creation of N.D. Admin. Code Chapter 75-03-44
Certified Community Behavioral Health Clinic Certification

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Create 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, December 19, 2025, 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,



Jonathan Alm
Legal Division

JA/rv

cc: Laura Anderson, Behavioral Health Division
Pam Sagness, Executive Director of Behavioral Health Division

Enclosures

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NOTICE OF INTENT TO CREATE ADMINISTRATIVE
RULES RELATING TO N.D. ADMINISTRATIVE CODE
CHAPTER 75-03-44
CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC
CERTIFICATION

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed creation of N.D. Admin. Code chapter 75-03-44 at 10:30 a.m. on Friday, December 19, 2025, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed creation of N.D. Admin. Code chapter 75-03-44, Certified Community Behavioral Health Clinic Certification, are necessary to comply with 2025 Senate Bill No. 2113.

The proposed amendments are as follows:

Section 75-03-44-01 is created to define key terms used throughout the chapter.

Section 75-03-44-02 is created to establish eligibility criteria an applicant shall meet to be eligible for a certified community behavioral health clinic certification.

Section 75-03-44-03 is created to establish a pre-application process for submitting an intent to pursue certification, and to provide that the Department may approve or deny that submittal.

Section 75-03-44-04 is created to establish a process for submitting an application for certification.

Section 75-03-44-05 is created to establish a process for the Department to review an application for certification.

Section 75-03-44-06 is created to establish a process for the Department to issue an initial certification, the time period of that initial certification, and to extend that initial certification period if necessary to complete appropriate review processes.

Section 75-03-44-07 is created to establish a process for the Department to conduct a review during the initial certified community behavioral health clinic certification period, and following the review to either require a corrective action plan or issue a certified community behavioral health clinic certification.

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Section 75-03-44-08 is created to establish that Certified Community Behavioral Health Clinic certification becomes effective upon Department approval, is valid for three years, nontransferable, requires timely notification of significant operational changes, and may be extended by the Department to complete renewal reviews.

Section 75-03-44-09 is created to establish routine certification reviews, permit unscheduled reviews, and to establish requirements for certification reports and renewal procedures.

Section 75-03-44-10 is created to establish a corrective action plan process.

Section 75-03-44-11 is created to establish a certification revocation process.

Section 75-03-44-12 is created to establish staffing requirements for certified clinics.

Section 75-03-44-13 is created to establish standards for licensing and credentialing of providers.

Section 75-03-44-14 is created to establish training standards for certified clinic staff and contracted staff.

Section 75-03-44-15 is created to establish linguistic competence and confidentiality standards for certified clinics.

Section 75-03-44-16 is created to establish requirements relating to availability and accessibility of services.

Section 75-03-44-17 is created to establish timelines for triage, initial contacts, routine services, initial and comprehensive evaluations. The section also contains requirements regarding comprehensive person-centered and family-centered treatment plans.

Section 75-03-44-18 is created to establish standards for access to crisis management services.

Section 75-03-44-19 is created to prohibit denial of services due to inability to pay, require the certified clinic to reduce or waive fees to ensure services are not denied, and requires a publicly posted sliding-fee discount schedule.

Section 75-03-44-20 is created to provide that a certified clinic shall ensure that no individual seeking services is denied behavioral health care services because of place of residence, homelessness, or lack of a permanent residence.

Section 75-03-44-21 is created to establish care coordination standards for certified clinics.

Section 75-03-44-22 is created to establish health information systems requirements for certified clinics.

Section 75-03-44-23 is created to establish requirements for the certified clinic to enter into partnerships with various entities to establish care coordination expectations.

Section 75-03-44-24 is created to establish the makeup of the certified clinical treatment team, to require that treatment planning and care coordination activities be person-centered and family-centered.

Section 75-03-44-25 is created to outline general services that the certified clinic is required to provide access to.

Section 75-03-44-26 is created to require the certified clinic to ensure that all certified community behavioral health clinic services meet person-centered and family-centered recovery-oriented care requirements, and that services for children are family-centered, child-guided, and developmentally appropriate.

Section 75-03-44-27 is created to require the certified clinic to directly provide, or to provide through a designated collaborating organization, crisis, and stabilization behavioral health services.

Section 75-03-44-28 is created to require screening, assessment, evaluations, and diagnosis services be provided by the certified clinics, and to provide standards for those services.

Section 75-03-44-29 is created to require the certified clinic to directly provide person-centered and family-centered treatment planning, individualized treatment plans, and establishes requirements for those treatment plans.

Section 75-03-44-30 is created to require the certified clinic to provide outpatient behavioral health care, either directly or through a designated collaborating organization, and to outline the types of outpatient services to be provided.

Section 75-03-44-31 is created to detail the types of evidence-based services required to be provided by either by the certified clinic or through a designated collaborating organization.

Section 75-03-44-32 is created to provide standards for outpatient clinic primary care screening and ongoing health monitoring and coordination.

Section 75-03-44-33 is created to require the certified clinic or their designated collaborating organization to provide targeted case management services, and to provide requirements for targeted case management services.

Section 75-03-44-34 is created to require the certified clinic or their designated collaborating organization to provide psychiatric rehabilitation services, and identifies the types of services to be provided and to whom they must be provided.

Section 75-03-44-35 is created to establish standards for peer supports, peer counseling, and family and legal representative supports to be provided by either the certified clinic or through a designated collaborating organization.

Section 75-03-44-36 is created to establish requirements for providing intensive and community-based behavioral care for certain members of the United States armed forces and veterans, either through the certified clinic or a designated collaborating organization.

Section 75-03-44-37 is created to establish data collection, reporting, and tracking requirements to promote accountability and inform continuous improvement.

Section 75-03-44-38 is created to require the certified clinic to develop, implement, and maintain an effective, certified clinic-wide continuous quality improvement plan for the services provided.

Section 75-03-44-39 is created to require the certified clinic to collaborate with various tribal entities in their service area and to offer to enter into arrangements to assist in the provision of services to tribal members and to require an annual independent financial audit.

Section 75-03-44-40 is created to establish requirements for governance of the certified clinic, including representation requirements on the governing or advisory board.

Section 75-03-44-41 is created to require that the certified clinic shall maintain enrollment as a Medicaid provider, adhere to applicable accreditation requirements, and participate in state and federal behavioral health directories.

Section 75-03-44-42 is created to require certified clinics to establish formal agreements with designated collaborating organizations and to establish the terms and conditions of those agreements.

The proposed amendments 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, December 29, 2025.

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 14th day of November, 2025.