

July 23, 2025

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

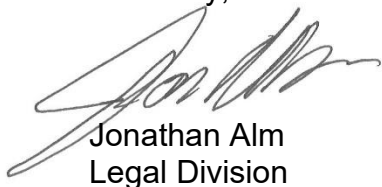
Dear Ms. Fordahl:

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 Monday, September 15, 2025, beginning at 2:00 p.m. and continuing until 3:30 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

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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 2:00 p.m. on Monday, September 15, 2025, 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 necessary, in part, to comply with 2025 Senate Bill No. 2399.

The proposed changes are as follows:

**Section 75-02-09-01** is amended to create definitions of “certificate of need” and “therapeutic leave day”, and to amend the definition of “hospital leave day” to align with other Medicaid ratesetting administrative code.

**Subsection 4 of section 75-02-09-02** is amended to update the numbering of subdivisions in that subsection.

**Subsection 7 of section 75-02-09-04** is amended to adjust the limit on allowable administration costs, as required by 2025 Senate Bill No. 2399.

**Section 75-02-09-05** is amended to allow for payment of therapeutic leave, as permitted by 2025 Senate Bill No. 2399.

The proposed amendments are 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/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

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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, September 25, 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 23rd day of July, 2025.

July 23, 2025

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 Thursday, September 25, 2025.

The department has scheduled an oral hearing for Monday, September 15, 2025. 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,



J. Patrick Traynor  
Interim Commissioner

JPT/rv

Enclosures

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

**OFFICE OF THE COMMISSIONER**

GOVERNOR  
Kelly Armstrong

INTERIM COMMISSIONER  
Pat Traynor