

**BEFORE THE
ADMINISTRATIVE RULES COMMITTEE
OF THE
NORTH DAKOTA LEGISLATIVE COUNCIL**

N.D. Admin. Code Section)	<u>REPORT OF THE</u>
75-02-07.1-14, Ratesetting for)	<u>DEPT. OF HUMAN SERVICES</u>
Basic Care)	December 15, 2011
(Pages 90-91))	

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For its report, the North Dakota Department of Human Services states:

1. The proposed amendments to N.D. Admin. Code section 75-02-07.1-14 are required as a result of a statutory change made by the Legislative Assembly in 2011 House Bill No. 1423.
2. These rules are not related to changes in a federal statute or regulation.
3. The Department of Human Services uses direct and electronic mail as the preferred ways of notifying interested persons of proposed rulemaking. The Department uses a basic mailing list for each rulemaking project that includes the county social service board directors, the regional human service centers, Legal Services offices in North Dakota, all persons who have asked to be on the basic list, and internal circulation within the Department. Additionally, the Department constructs relevant mailing lists for specific rulemaking. The Department also places public announcements in all county newspapers advising generally of the content of the rulemaking, of over 50 locations throughout the state where the proposed rulemaking documents may be reviewed, and stating the location, date, and time of the public hearing.

The Department conducts public hearings on all substantive rule-making. Oral comments are recorded. Oral comments, as well as any written comments that have been received, are summarized and presented to the Department's executive director, together with any response to the comments that may seem appropriate and a re-drafted rule incorporating any changes occasioned by the comments.

4. A public hearing on the proposed rules was held in Bismarck on August 4, 2011. The record was held open until 5:00 p.m. on August 15, 2011, to allow written comments to be submitted. No comments were received. A summary of the comments is attached to this report.
5. The cost of giving public notice, holding a hearing, and the cost (not including staff time) of developing and adopting the rules was \$2,027.64.
6. The proposed rule amends section 75-02-07.1-14. The following specific change was made:

Section 75-02-07.1-14. Section 75-02-07.1-14 is amended to allow a basic care facility that is combined with a hospital to use the same allocation method as a nursing facility that is combined with a hospital or basic care facility.
7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The proposed amendments are not expected to have an impact on the regulated community in excess of \$50,000. A regulatory analysis was prepared and is attached to this report.
8. A small entity regulatory analysis and small entity economic impact statement were prepared and are attached to this report.

9. These rules do have a fiscal impact on state revenues and expenditures, including on any funds controlled by the Department. The total Department costs are anticipated to be \$10,132 of which \$4,598 are general funds and \$5,534 are federal funds.
10. A constitutional takings assessment was prepared and is attached to this report.
11. This rule was adopted as emergency (interim final) rules as directed by 2011 House Bill No. 1423. The rule took effect on July 1, 2011.

Prepared by:

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December 15, 2011