

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

N.D. Admin. Code Chapter)	<u>REPORT OF THE</u>
75-03-36, Licensed Child-Placing)	<u>DEPT. OF HUMAN SERVICES</u>
Agencies)	December 15, 2011
(Pages 92-99))	

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

1. The proposed amendments to N.D. Admin. Code chapter 75-03-36 are not related to statutory changes made by the Legislative Assembly.
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 September 9, 2011. The record was held open until 5:00 p.m. on September 19, 2011, to allow written comments to be submitted. A summary of the comments received 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 \$2,038.86.
 6. The proposed rules amend chapter 75-03-36 to correct errors and omissions noticed in the chapter after it was originally enacted in April, 2010. The following specific changes were made:
 - Section 75-03-36-07. Section 75-03-36-07 is amended to clarify the policies and procedures to be maintained by a licensed child-placing agency administrator.
 - Section 75-03-36-10. Section 75-03-36-10 is amended to allow flexibility in staff qualifications for a licensed child-placing agency.
 - Section 75-03-36-13. Section 75-03-36-13 is amended to correct an incorrect word in the caption.
 - Section 75-03-36-16.1. Section 75-03-36-16.1 is created to provide guidance when an adoptive placement may be made into a home where the subject of a services required finding resides.
 - Section 75-03-36-22. Section 75-03-36-22 is amended to allow flexibility in the procedure to be followed for a child-

placing agency to cease operations.

Section 75-03-36-25. Section 75-03-36-25 is amended to correct a typographical error.

Section 75-03-36-36. Section 75-03-36-36 is amended to correct a typographical error, to change the requirements from a dental examination twice a year to an annual dental examination, to clarify terms, and to remove the requirement for a case service plan.

Section 75-03-36-37. Section 75-03-36-37 is amended to clarify how often child and family team meetings occur and requiring dental care to be part of a licensed child-placing agency's written plan of care for each child and family.

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 not have a fiscal impact on state revenues and expenditures, including on any funds controlled by the Department.
10. A constitutional takings assessment was prepared and is attached to this report.
11. These rules were not adopted as emergency (interim final) rules.

Prepared by:

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