

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

N.D. Admin. Code Chapter)	<u>REPORT OF THE</u>
75-03-25, Ombudsman Program)	<u>DEPT. OF HUMAN SERVICES</u>
(Pages 392-398))	March 14, 2016
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For its report, the North Dakota Department of Human Services (Department) states:

1. The proposed amendments to N.D. Admin. Code chapter 75-03-25 are necessary to comply with 2015 Senate Bill No. 2065.
2. These rules are related to changes in a federal statute or regulation, specifically title 45 Code of Federal Regulations, part 1327, subpart A relating to state long-term care ombudsman program.
3. The Department 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 December 8, 2015. The record was held open until 5:00 p.m. on December 18, 2015, to allow written comments to be submitted. No one attended or provided comments at the public hearing. No written comments were received within the comment period. The "Summary of 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 \$2,300.89.
6. The proposed rules amend chapter 75-03-25. The following specific changes are made:
 - Section 75-03-25-01. Section 75-03-25-01 is amended to change "community ombudsman" to "volunteer ombudsman"; to update the definitions of "complaint" and "immediate family"; and to remove definitions of "designated representative" and "second degree of kinship".
 - Section 75-03-25-02. Section 75-03-25-02 is repealed as the State Long Term Care Ombudsman position is no longer an appointed position.

Section 75-03-25-03. Section 75-03-25-03 is amended to match the changes in defined terms in Section 75-03-25-01; to correct a spelling error; and to update the language.

Section 75-03-25-04. Section 75-03-25-04 is repealed because local ombudsmen are no longer appointed positions.

Section 75-03-25-05. Section 75-03-25-05 is amended to match the changes in defined terms in Section 75-03-25-01 and to update the language.

Section 75-03-25-06. Section 75-03-25-06 is amended to match the changes in defined terms in Section 75-03-25-01 and to update the language to ensure consistency with federal regulations.

Section 75-03-25-07. Section 75-03-25-07 is amended to match the changes in defined terms in Section 75-03-25-01 and to address changes made in 2015 Senate Bill No. 2065.

Section 75-03-25-08. Section 75-03-25-08 is amended to match the changes in defined terms in Section 75-03-25-01.

Section 75-03-25-09. Section 75-03-25-09 is amended to match the changes in defined terms in Section 75-03-25-01 and to address changes made in 2015 Senate Bill No. 2065.

Section 75-03-25-10. Section 75-03-25-10 is amended to match the changes in defined terms in Section 75-03-25-01 and to update the language to ensure consistency with federal regulations.

Section 75-03-25-11. Section 75-03-25-11 is amended to clarify language and to update the language to ensure consistency with federal regulations.

Section 75-03-25-14. Section 75-03-25-14 is amended to

address changes made in 2015 Senate Bill No. 2065.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The rule 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 are not expected to 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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March 10, 2016