

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

N.D. Admin. Code Chapter)	<u>REPORT OF THE</u>
75-09.1-11, Substance Use)	<u>DEPT. OF HUMAN SERVICES</u>
Disorder Treatment Voucher System)		March 4, 2020
(Pages 220-221))	

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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 75-09.1-11 are necessary to comply with legislative intent regarding Department’s budget, 2019 Senate Bill No. 2012.
2. These rules are not related to a change in a federal statute or regulation.
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 human service zone directors (formerly known as 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. No comments were received at the public hearing held in Bismarck on December 9, 2019. The record was held open until December 19, 2019, to allow written comments to be submitted. One written comment was received during the comment period. A 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 \$2450.58.
6. The rules were amended to comply with legislative intent regarding Department's budget for the substance use disorder treatment voucher program. The following specific changes were made:
Section 75-09.1-11-01 is amended to define vouchers as funding issued by Department to any licensed substance abuse treatment program, excluding human service centers and North Dakota state hospital. The section is also amended to change an existing reference to 2015 Session Law in "Law Implemented" to North Dakota Century Code § 50-06-42.
Sections 75-09.1-11-02, 75-09.1-11-03, 75-09.1-11-04, 75-09.1-11-05, 75-09.1-11-06, 75-09.1-11-08, 75-09.1-11-09, 75-09.1-11-10, 75-09.1-11-11, 75-09.1-11-12, 75-09.1-11-13, and 75-09.1-11-14 are amended to change an

existing reference to 2015 Session Law in "Law Implemented" to North Dakota Century Code § 50-06-42.

Section 75-09.1-11-07 is amended to provide language stating that individuals fourteen years of age or older are eligible for a substance use disorder treatment voucher. The section is also amended to change an existing reference to 2015 Session Law in "Law Implemented" to North Dakota Century Code § 50-06-42.

7. No written requests for regulatory analysis have been filed by the Governor or by any agency. The impact of 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. The Department received an additional appropriation of \$2,902,840 (general funds) for the 2019-2021 biennium for the continued operation of the substance use disorder treatment voucher system. The Department estimates the fiscal impact for expanding eligibility to individuals fourteen years of age or older is \$37,029.
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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February 28, 2020