

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

N.D. Admin. Code Chapter)	<u>REPORT OF THE</u>
75-03-21, Licensing of Foster)	<u>DEPT. OF HUMAN SERVICES</u>
Care Homes for Adults)	June 9, 2020
)	
(Pages 843-845))	

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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 75-03-21, relating to Licensing of Foster Care Homes for Adults, are necessary to comply with 2019 Senate Bill No. 2124.
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, 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 redrafted rule incorporating any changes occasioned by the comments.

4. A public hearing on the proposed rules was held in Bismarck on March 26, 2020. The record was held open until 5:00 p.m. on April 6, 2020, to allow written comments to be submitted. No comments were received at the public hearing. No written comments were received within 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 \$2,177.13.
6. The proposed amendments to N.D. Admin. Code Chapter 75-03-21 are necessary to comply with 2019 Senate Bill No. 2124. The following specific changes were made:
Section 75-03-21-02 is amended to modify language to state that an application to operate a facility should be submitted to the Department, rather than the county, in response to 2019 Senate Bill No. 2124 and to remove language regarding application fee requirements.
Section 75-03-21-09.1 is amended to be consistent with criminal conviction requirements for Qualified Service

Providers in N.D. Admin. Code Chapter 75-03-23, to provide additional opportunities for the Department to consider a provider or applicant sufficiently rehabilitated, and to rearrange and properly title existing statutory references. Adult foster care providers are also required to be enrolled as Qualified Service Providers.

Section 75-03-21-13 is amended to remove language that referred to the responsibilities of the County in response to 2019 Senate Bill No. 2124.

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. The anticipated fiscal impact resulting from the implementation of the proposed amendments is nominal.
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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June 4, 2020