

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

N.D. Admin. Code Article)	<u>REPORT OF THE</u>
75-05, Human Service Center)	<u>DEPT. OF HUMAN SERVICES</u>
Licensure Standards)	June 9, 2020
)	
(Pages 864-879))	

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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 article 75-05, Human Service Center Licensure Standards, are necessary to implement 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 20, 2020. The record was held open until 5:00 p.m. on March 30, 2020, to allow written comments to be submitted. No one attending the public hearing provided comments. 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 \$2,190.89
6. The proposed amendments to update N.D. Admin. Code article 75-05 are necessary to implement 2019 Senate Bill No. 2124. The following specific changes were made:
Section 75-05-00.1-05 is amended to expand the licensing review team to include a registered nurse; to change the name of a reference from "division of mental health and substance abuse services" to "behavioral health division"; and to remove aging services, children and family services, developmental disabilities, and vocational rehabilitation divisions from

conducting licensing reviews, as those divisions' practices are quality assurance and not a licensing function.

Section 75-05-00.1-06 is amended to change a reference from "consumer" to "client" to be consistent with practice, to remove a reference to "Specialized services" since that section is being repealed, and to include "Administration and center management" to be consistent with current practice.

Section 75-05-00.1-07 is amended to change licensure team reporting procedures, by removing language that required a team member not involved onsite in the licensing review to write a licensing report.

Section 75-05-00.1-09 is amended to add a requirement for human service centers receiving a condition to submit a correction action plan to the licensing team within thirty days from receipt identifying how the program will become compliant with standards, and to implement the correction plan sixty days later. This allows for human service centers to be certain their changes in procedures are consistent with standards to bring the program in compliance.

Section 75-05-00.1-10 is amended to change "shall" to "may" because depending on the restriction, there are times when there is nothing onsite for the licensing team to review so an onsite review is not warranted.

Section 75-05-00.1-11 is amended to change "shall" to "may" to allow the licensure team to conduct an onsite review, request documentation, or both to show that the corrective action plan has been implemented and the human service center is complying with standards.

Section 75-05-01-01 is amended to remove language within the definition for "addiction evaluation" limiting professionals allowed to complete an addiction evaluation and updating language to be consistent with the Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5). This section is also amended to remove definitions no longer used in this chapter, and to add a definition of "recovery center" to update terminology from "psychosocial rehabilitation center" to a "recovery center". The definition of "Multidisciplinary team" is amended to clarify language.

Section 75-05-03-01 is amended to replace the word "abuse" with "use" to accurately align with terminology changes in the Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5) which removed substance abuse as a diagnosis.

Section 75-05-03-03 is amended to remove a requirement to have a global assessment of functioning score less than fifty and replace with "a functional impairment". The global assessment functioning score was a scale located in the Diagnostic and Statistical Manual of Mental Disorders IV; the most current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5) removed the global assessment of functioning score. This section is also amended to change language from "psychosocial rehabilitation center" to "recovery center" to update terminology.

Section 75-05-03-09 is amended to change “substance abuse treatment” to “substance use and other addictive disorders”. The change updates language to meet terminology used in the current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM 5) and allows for treatment of other diagnosable addictive disorders, rather than restricting to only substance related addictive disorders.

Section 75-05-04-03 is amended to remove subsection 3 language to create consistency with the removal of vocational rehabilitation services and developmental disabilities from Article 75-05. This section is also amended to remove language to address a barrier that human service centers do not have authority over. Subsection 6 is also being removed to eliminate a repetitive requirement, as the requirement to initiate a treatment plan is already addressed in subsection 1 of this section.

Section 75-05-04-05 is amended to create consistency with the removal of vocational rehabilitation services and developmental disabilities from Article 75-05.

Chapter 75-05-05 is repealed to create consistency with the removal of vocational rehabilitation services, developmental disabilities, and aging services divisions from Article 75-05, Human Service Center Licensure Standards, as those functions are no longer performed by the human service center. The repeal of County Social Services aligns with 2019 Senate Bill No. 2124, social service redesign.

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:

Jonathan Alm
Legal Advisory Unit
North Dakota Department of Human Services
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