

**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)	June 14, 2016
System (Pages 218-225))	
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For its report, the North Dakota Department of Human Services (Department) states:

1. The proposed creation of N.D. Admin. Code chapter 75-09.1-11 is necessary to comply with Section 4 of 2015 Senate Bill No. 2048. The Department previously requested an extension to adopt these rules until July 1, 2016.
2. These rules are not related to changes 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 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 21, 2015. The record was held open until 5:00 p.m. on December 31, 2015, to allow written comments to be submitted. Three individuals attended the public hearing and one comment was provided. Five 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 \$2,279.84.
6. The proposed rules create chapter 75-09.1-11 as follows:
 - Section 75-09.1-11-01** is created to add definitions.
 - Section 75-09.1-11-02** is created to establish application requirements for a licensed program to participate in the substance use disorder treatment voucher system.
 - Section 75-09.1-11-03** is created to establish when a program's right to participate in the substance use disorder treatment voucher system and payment can be denied or revoked.

Section 75-09.1-11-04 is created to establish a review process if a program's application to participate in or payment through the substance use disorder treatment voucher system is denied or revoked.

Section 75-09.1-11-05 is created to require the department to enter into an agreement with an eligible program.

Section 75-09.1-11-06 is created to establish what services qualify for reimbursement.

Section 75-09.1-11-07 is created to establish eligibility requirements for a substance use disorder treatment voucher.

Section 75-09.1-11-08 is created to establish the approval process of an individual's application and voucher.

Section 75-09.1-11-09 is created to establish the denial process of a substance use disorder treatment voucher.

Section 75-09.1-11-10 is created to establish an individual's right to appeal a denial of eligibility for substance use disorder treatment voucher.

Section 75-09.1-11-11 is created to allow the Department to grant exceptions to the eligibility criteria.

Section 75-09.1-11-12 is created to require a program receiving voucher system payments to collect and report process measures and outcomes measures data to the Department.

Section 75-09.1-11-13 is created to establish the reimbursement process for voucher system payments.

Section 75-09.1-11-14 is created to require the Department to provide training and technical assistance to all programs that apply to participate in the substance use disorder voucher system.

7. No written requests for regulatory analysis have been filed by the

Governor or by any agency. The proposed rules are 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 expected fiscal impact resulting from the implementation of chapter 75-09.1-11 is \$375,000 in general fund dollars. The funding was as appropriated in Section 4 of Senate Bill No. 2048 for the 2015-2017 biennium. The appropriation was \$750,000 in general fund dollars; however, was reduced as part of the Department's budget allotment.
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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