

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

<b>N.D. Admin. Code Chapter</b>	)	<b><u>REPORT OF THE</u></b>
<b>75-04-05 Payment for Provider</b>	)	<b><u>DEPT. OF HUMAN SERVICES</u></b>
<b>Agencies of Services to Individuals</b>	)	
<b>with Intellectual Disabilities -</b>	)	<b>December 1, 2020</b>
<b>Developmental Disabilities</b>	)	
	)	
<b>(Pages 64-68)</b>	)	

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For its report, the North Dakota Department of Human Services (Department) states:

1. These rules are not related to a change in state statute or regulation.
2. The proposed amendments to N.D. Admin. Code Chapter 75-04-05, relating to Payment for Provider Agencies of Services to Individuals with Intellectual Disabilities – Developmental Disabilities, are necessary to comply with the provisions of the 21<sup>st</sup> Century Cures Act (Pub. L. 114-255), Electronic Visit Verification.
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 re-drafted rule incorporating any changes occasioned by the comments and the Attorney General's review.

4. A public hearing on the proposed rules was held in Bismarck on September 3, 2020. The record was held open until 5:00 PM on, September 14, 2020, to allow written comments to be submitted. No one attended or provided oral comments 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 \$2,514.65.
6. The proposed rules amend chapter 75-04-05. The following specific changes were made:  
**Section 75-04-05-01** is amended to update the definition of "units of service" so the state can utilize HIPAA compliant billing codes necessary to complete electronic billing transactions. The ability to conduct electronic billing transactions is necessary to comply with the 21<sup>st</sup> Century Cures Act Electronic Visit Verification.
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 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  
November 25, 2020