

August 1, 2023

Liz Fordahl, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 33-07-01.1
Hospitals

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Friday, September 22, 2023, beginning at 1:00 p.m. and continuing until 2:30 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Division

JA/rv

cc: Bridget Weidner, Health Facilities
Tim Wiedrich, Health Response & Licensure
Dirk Wilke, Executive Director of Public Health Division

Enclosures

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NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D. ADMIN. CODE CHAPTER 33-07-01.1
HOSPITALS

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 33-07-01.1 at 1:00 p.m. on Friday, September 22, 2023, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 33-07-01.1, Hospitals, create a new category of hospital as established by the Consolidated Appropriations Act of 2021 and in response to 2023 House Bill Nos. 1050 and 1165. Federal law does not mandate the proposed rules.

The proposed changes are as follows:

Section 33-07-01.1-01 is amended to provide that American society of addiction medicine level 3.7 substance use treatment programs licensed by department, that are independent from a medical hospital, aren't covered by medical hospital licensure laws in response to 2023 House Bill No. 1050. The section is amended to add the definition of "rural emergency hospital", to revise the definition of "department", to remove the definition of "qualified activities coordinator", and to update language.

Section 33-07-01.1-02 is amended to add a defined term to require the department to issue sperate license for building on separate premises.

Section 33-07-01.1-04 is amended to replace "person" with "individual" and to replace "his or her" with "their".

Section 33-07-01.1-08 is amended to provide that a hospital has been subjected to department's decision to initiate a ban or limitation on admissions, a suspension or revocation of a license, or denial to license, has the right to request a hearing before the office of administrative

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hearing, to replace “health council” with “department” in response to 2023 House Bill No. 1165, and to replace “person” with “individual”.

Section 33-07-01.1-09 is amended to remove the requirements related to when a physician assistant admits a patient, to add language specifying that rural emergency hospitals are subject to governing body requirements for primary care hospitals, and to replace “his or her” with “their”.

Section 33-07-01.1-12 is amended to replace “person” with “individual”.

Section 33-07-01.1-14 is amended to replace “person” with “individual”.

Section 33-07-01.1-15 is amended to add language specifying that rural emergency hospitals are subject to medical staff requirements for primary care hospitals and to correct errors in the numbering of subdivisions.

Section 33-07-01.1-16 is amended to add language specifying that rural emergency hospitals are subject to nursing services requirements for primary care hospitals.

Section 33-01-01.1-19 is amended to update a reference to match the current structure of the department and to replace “person” with “individual”.

Subdivision i of subsection 1 of section 33-07-01.1-20 is amended to replace “person” with “individual”.

Section 33-07-01.1-23 is amended to replace “film” with “images”.

Section 33-07-01.1-25 is amended to remove a requirement that sterile burn sheets be available for the provision of emergency services, to add language specifying that rural emergency hospitals are subject to emergency services requirements for primary care hospitals, and to replace “person” with “individual”.

Section 33-07-01.1-32 is amended to replace “person” with “individual”.

Section 33-07-01.1-33 is amended to replace “person” with “individual”.

Section 33-07-01.1-34 is amended to update the reference of “mothers” to “patients”.

Section 33-07-01.1-34.1 is amended to update the reference of “women” and “mother” to “patient” and to update language.

Section 33-07-01.1-36 is amended to replace “person” with “individual” or “patient” and to update the reference of “women” and “mother” to “individuals” and “parent”.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules, may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, October 2, 2023.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 1st day of August, 2023.

August 1, 2023

RE: Proposed Amendments to N.D. Admin. Code chapter 33-07-01.1
Hospitals

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 33-07-01.1, Hospitals. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Monday, October 2, 2023.

The department has scheduled an oral hearing for Friday, September 22, 2023. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Christopher Jones
Commissioner

CDJ/rv

Enclosures

cc: Liz Fordahl, Legislative Council
Bridget Weidner, Health Facilities
Tim Wiedrich, Health Response & Licensure
Dirk Wilke, Executive Director of Public Health Division

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

COMMISSIONER
Christopher Jones