



FEB 27 2014 Legal Advisory Unit

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Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

February 27, 2014

Mr. John Walstad, Code Revisor  
North Dakota Legislative Council  
State Capitol  
Bismarck, ND 58505

RE: Proposed Creation of N.D. Admin. Code Chapters 75-03-38 and 75-03-39  
Autism Spectrum Disorder Voucher Program and Autism Services Waiver  
Proposed Amendments to N.D. Admin. Code Chapter 75-04-06 Eligibility for  
Intellectual Disabilities-Developmental Disabilities Case Management Services

Dear Mr. Walstad:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Create and 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 April 2, 2014, beginning at 1:30 p.m. and continuing until 3:00 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,

A handwritten signature in blue ink that reads "Julie Leer".

Julie Leer  
Legal Advisory Unit

JL/rs

cc: Trisha Page, Autism Services

Enclosures



Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

NOTICE OF INTENT TO CREATE  
ADMINISTRATIVE RULES RELATING TO  
N.D.A.C. CHAPTERS 75-03-38 AND 75-03-39  
AUTISM SPECTRUM DISORDER VOUCHER PROGRAM AND AUTISM SERVICES  
WAIVER AND  
TO AMEND N.D.A.C. CHAPTER 75-04-06  
ELIGIBILITY FOR INTELLECTUAL DISABILITIES-DEVELOPMENTAL  
DISABILITIES CASE MANAGEMENT SERVICES

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed creation of N.D. Admin. Code chapters 75-03-38 and 75-03-39 at 1:30 p.m. on Wednesday, April 2, 2014, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed creation of N.D. Admin. Code chapters 75-03-38 and 75-03-39, Autism Spectrum Disorder Voucher Program and Autism Services Waiver, are necessary to comply with House Bill No. 1038 which was passed by the Sixty-third Legislative Assembly in 2013. .

The proposed changes are as follows:

**Chapter 75-03-38** is created to establish the definitions; the eligibility requirements; the application process, including review, approval, and denial of an application; and the appeals process for the autism spectrum disorder voucher pilot project.

**Chapter 75-03-39** is created to define eligibility for services under the autism spectrum disorder birth through seven medicaid waiver.

**Section 75-04-06-06** is repealed to remove eligibility for autism waiver services from the developmental disabilities program, in conjunction with the creation of chapter 75-03-39.

The proposed amendments are 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 county social services offices 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 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, April 14, 2014.

**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 Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 27<sup>th</sup> day of February, 2014.



Jack Dalrymple, Governor  
Maggie D. Anderson, Executive Director

February 27, 2014

RE: Proposed Creation of N.D. Admin. Code Chapters 75-03-38 and 75-03-39  
Autism Spectrum Disorder Voucher Program and Autism Services Waiver  
Proposed Amendment to N.D. Admin. Code Chapter 75-04-06 Eligibility for  
Intellectual Disabilities-Developmental Disabilities Case Management Services

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing creation of N.D. Admin. Code chapters 75-03-38 and 75-03-39, Autism Spectrum Disorder Voucher Program and Autism Services Waiver and amendments to N.D. Admin. Code Chapter 75-04-06 Eligibility for Intellectual Disabilities-Developmental Disabilities Case Management Services. 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 April 14, 2014.

The department has scheduled an oral hearing for April 2, 2014. 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 Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,

A handwritten signature in black ink that reads "Maggie D. Anderson". The signature is fluid and cursive, written over the printed name.

Maggie D. Anderson,  
Executive Director

MDA/rs

Attachments

cc: John Walstad, Legislative Council  
Trisha Page, Autism Services