CHAPTER 33-03-25
ALTERNATIVE HEALTH CARE SERVICES PROJECTS

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33-03-25-01. Definitions.

1. "Alternative health care services pilot project" means any health care service subject to licensure or certification by the department in which the state health council must waive any existing North Dakota law or rule in order for the project to be developed or operated. This may include, but not be limited to, state laws or rules governing the standards of practice regulating health professionals such as physicians, nurses, pharmacists, or other health professionals; changes in state tax laws, health care reimbursement through state programs, health facility and health program standards, and other changes judged appropriate by the council. The intent of the alternative health care services pilot project is to provide a means for testing new and experimental ways of providing health care services.

2. "Council" means the state health council.

3. "Department" means the state department of health.

4. "Waiver" means that applicable state laws or rules relative to the creation or operation of a pilot project providing alternative health care services do not need to be met for a period of time as specified by the council, but not exceeding the duration of the approved pilot project.

History: Effective December 1, 1991.
General Authority: NDCC 23-01-04.3
Law Implemented: NDCC 23-01-04.3

33-03-25-02. Term of pilot project.

The term of the project must begin on the date of the council's initial approval. Any project approved by the council must be for a term of up to one year with renewals for a maximum term of five years.

History: Effective December 1, 1991.
General Authority: NDCC 23-01-04.3
Law Implemented: NDCC 23-01-04.3

33-03-25-03. Process.

1. Forms for applying as a pilot project must be available from the department. Completed applications must be submitted to the department.

2. The department shall review the application within sixty days of its receipt. The review must evaluate the project for compliance with section 33-03-25-05 and with federal and state laws and rules. Following its review, the department shall send the application and review to the

council. Upon submission of the application to the council, the department shall issue notices of a public hearing on the application.

a. The notice must be at least thirty days prior to the public hearing and must appear in the official newspaper of each county served by the pilot project.

b. At the same time the department issues the notice of a public hearing, the notice and a copy of the application must be sent to public or private agencies or boards that have been identified by the department as having a responsibility for licensure, certification, or regulation of people or programs directly affected by the proposed project and to any other person requesting a copy of the application or notice.

c. The public hearing must occur at the next regularly scheduled council meeting.

3. The council shall make a decision on the application within one hundred eighty days after the public hearing.

History: Effective December 1, 1991.
General Authority: NDCC 23-01-04.3
Law Implemented: NDCC 23-01-04.3

33-03-25-04. Criteria.

Criteria to be considered must include:

1. The number of people who will be served.

2. The size of the geographical area, its location, and its designation as a health professional shortage area.

3. Evidence that the project will contain the cost of health care and provide a high quality of care.

4. Evidence that the project provides financial and geographical access to needed health care services.

5. Evidence that the project is primary care focused with referral and emergency provisions.

6. Evidence of unmet health care needs which require the waivers requested.

History: Effective December 1, 1991.
General Authority: NDCC 23-01-04.3
Law Implemented: NDCC 23-01-04.3

33-03-25-05. Standards.

1. Unless waived by the council, a pilot project must be in compliance with all state laws and rules.

2. Each pilot project must maintain safety and quality associated with the provision of health care services.

3. Personnel operating or providing health services must be competent and knowledgeable in terms of the services provided.

4. Backup personnel must be available to provide emergency medical assistance.

5. The physical plant must be appropriate for the services provided.

History: Effective December 1, 1991.

General Authority: NDCC 23-01-04.3
Law Implemented: NDCC 23-01-04.3

33-03-25-06. Report from pilot project.

As a condition of approval, the applicant must agree to report at least quarterly to the department and provide information specified by the council and department.

History: Effective December 1, 1991.
General Authority: NDCC 23-01-04.3
Law Implemented: NDCC 23-01-04.3

33-03-25-07. Onsite review and continued approval.

The department shall conduct an onsite review following initiation of the pilot project and at least one annual unannounced onsite review to evaluate the pilot project. Based on the onsite reviews and other information, the department shall provide an annual report to the council on each pilot project. Based on its review and other information, the council shall renew its approval of the pilot project, require modification of the pilot project, or deny continued operation of the pilot project.

History: Effective December 1, 1991.
General Authority: NDCC 23-01-04.3
Law Implemented: NDCC 23-01-04.3

33-03-25-08. Council report.

The council shall provide a written report of its findings concerning each pilot project and will make recommendations to the next legislative assembly concerning any necessary changes in North Dakota statutes.

History: Effective December 1, 1991.
General Authority: NDCC 23-01-04.3
Law Implemented: NDCC 23-01-04.3

33-03-25-09. Termination.

Any project may be terminated at any time by the council or at the request of the legal agent of the project. The council may base its decision upon evidence that people have been or will be harmed by further operation or use of the pilot project, upon evidence that the project is excessively costly to operate or use, upon evidence that the project is not meeting its expressed purpose or meeting the needs of the people served, or upon other evidence considered by the council sufficient to justify termination. Discontinuance of a pilot project must be accomplished in an orderly fashion in a timeframe and manner approved by the department.

History: Effective December 1, 1991.
General Authority: NDCC 23-01-04.3
Law Implemented: NDCC 23-01-04.3