

October 31, 2023

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

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-03-41  
Supervised Independent Living


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, December 15, 2023, beginning at 3:00 p.m. and continuing until 4:30 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: Kelsey Bless, Children & Family Services  
Brittany Fode, Children & Family Services  
Cory Pedersen, Children & Family Services  
Jessica Thomasson, Executive Director of Human Services Division

Enclosures

**LEGAL**

600 E Boulevard Ave Dept 325 | Bismarck ND 58505-0250

701.328.2311 | Fax 701.328.2173 | 800.472.2622 | 711 (TTY) | [www.hhs.nd.gov](http://www.hhs.nd.gov)

NOTICE OF INTENT TO AMEND  
ADMINISTRATIVE RULES RELATING TO  
N.D. ADMIN. CODE CHAPTER 75-03-41  
SUPERVISED INDEPENDENT LIVING

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 75-03-41 at 3:00 p.m. on Friday, December 15, 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 75-03-41, Supervised Independent Living, are as follows.

**Section 75-03-41-01** is amended to change the definition of “client” and to replace “foster child” with “child in foster care”.

**Section 75-03-41-02** is amended to require an agency submit an initial request for application for a determination of need and outline what shall be contained in this request, to outline the requirements of the department upon receipt of the request, and to require an applicant to submit an application in the form and manner prescribed by the department, which shall initiate a biannual review.

**Section 75-03-41-06** is amended to require the governing body ensure agency program operations are in compliance with law, administrative code, and policy.

**Subsection 3 of section 75-03-41-07** is amended to replace “staff” with “employees and nonemployees”.

**Subsection 1 of section 75-03-41-09** is amended to replace “persons” with “individuals” and “staff” with “employees and nonemployees”.

**Section 75-03-41-10** is amended to remove certain requirements of a quality assurance plan and to remove the requirement to conduct an outcome survey six months after exit.

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**Subsection 1 of section 75-03-41-11** is amended to replace “staff” with “employees”.

**Section 75-03-41-12** is amended to replace “staff” with “employees and nonemployees”.

**Section 75-03-41-13** is amended to modify the degree requirements to allow for a greater population of applicants.

**Section 75-03-41-17** is being repealed and relevant portions were incorporated into section 75-03-41-18.

**Section 75-03-41-18** is amended to ensure supervised independent living programs have the same criminal background check standards as all other foster care settings for consistency, to allow an individual to request a review, and to incorporate relevant portions of section 75-03-41-17.

**Section 75-03-41-20** is amended to offer clarity regarding the requirements of an individual apartment setting, requirements of supervised independent living settings, and allowance for the placement and care agency to approve an eligible client to have a roommate.

**Section 75-03-41-21** is amended to update client eligibility and to remove the specific eligibility for individuals who are pregnant or parenting a child.

**Section 75-03-41-25** is being repealed as the rights of children in foster care are addressed in federal law and supervised independent living program policy.

**Section 75-03-41-26** is amended to remove the language “if the client is in continued foster care services” as this chapter is specific to children in continued foster care, therefore the language is redundant.

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 Tuesday, December 26, 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 31st day of October, 2023.

October 31, 2023

RE: Proposed Amendments to N.D. Admin. Code chapter 75-03-41  
Supervised Independent Living

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 75-03-41, Supervised Independent Living. 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 Tuesday, December 26, 2023.

The department has scheduled an oral hearing for Friday, December 15, 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,



Sara Stolt  
Interim Commissioner

SES/rv

Enclosures

cc: Liz Fordahl, Legislative Council  
Kelsey Bless, Children & Family Services  
Brittany Fode, Children & Family Services  
Cory Pedersen, Children & Family Services  
Jessica Thomasson, Executive Director of Human Services Division

**EXECUTIVE OFFICE**

GOVERNOR  
Doug Burgum

INTERIM COMMISSIONER  
Sara Stolt