

**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>75-03-43, Certified Peer Support</b>	)	<b><u>DEPT. OF HUMAN SERVICES</u></b>
<b>Specialists</b>	)	<b>June 9, 2020</b>
	)	
<b>(Pages 858-863)</b>	)	

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

1. The proposed creation of N.D. Admin. Code chapter 75-03-43, Certified Peer Support Specialists, is necessary to implement provisions in 2019 Senate Bill No. 2012.
2. These rules are not related to a change in a federal statute or regulation.
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 redrafted rule incorporating any changes occasioned by the comments.

4. A public hearing on the proposed rules was held in Bismarck on March 26, 2020. The record was held open until 5:00 p.m. on April 6, 2020, to allow written comments to be submitted. One individual attended the public hearing and provided a comment and later submitted a written comment expanding the oral comment. Another individual provided an oral comment within the comment period. Three additional 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 \$2,163.17
6. The proposed creation of N.D. Admin. Code chapter 75-03-43 is being made because 2019 Senate Bill No. 2012 required the Department to establish and implement a program for the certification of peer support specialist and outlined the programs requirements. The following sections were created:  
**Section 75-03-43-01** is created to provide definitions regarding certified peer support specialists. Definitions created include

“Certified peer support specialist I”, “Certified peer support specialist II”, “Department”, “Division”, “Peer Support Specialist”, and “Recovery”.

**Section 75-03-43-02** is created to outline the minimal criteria that an applicant shall meet to be eligible to become a certified peer support specialist I and a certified peer support specialist II.

**Sections 75-03-43-03 and 75-03-43-04** are created to outline what information is required with an application for a certified peer support specialist I and II. These sections outline what information the applicant shall submit with their application including an application fee; division’s notification requirements to the applicant and action if the application is incomplete; division’s review to approve or deny the application and applicant’s appeal rights; and to inform the applicant that all accompanying materials are subject to open records requirements.

**Section 75-03-43-05** is created to provide when and for how long certifications are effective, and requires a certified peer support specialist to inform the division of any changes in personal information within sixty days.

**Section 75-03-43-06** is created to outline what must be done by a certified peer support specialist I and II to renew a certification. This section outlines what information the certified peer support specialist I or II shall submit with their recertification application, including an application fee; when a recertification application will be accepted; notice that upon expiration of a certification, the peer support specialist I or II is not eligible to practice as a certified peer support specialist I or II; the division’s notification requirements to the certified peer support specialist I or II, and action if the application

is incomplete; division's review to approve or deny the recertification application and appeal rights; to inform the certified peer support specialist I and II that all accompanying materials are subject to open records requirements; and notice that if a certified peer support specialist I or II certification lapses, the applicant shall apply for certification in accordance with section 75-03-43-03.

**Section 75-03-43-07** is created to require continuing education for certified peer support specialists I and II.

**Section 75-03-43-08** is created to provide that division may revoke the certification of a peer support specialist based on a determination that it is necessary to protect the welfare, health, and safety of residents. The section permits formal complaints against peer support specialists to Department. The section permits a peer support specialist to reapply for certification no sooner than 180 days after a determination of revocation. The section also permits a peer support specialist to appeal a revocation of certification by appealing to Department within thirty days of the decision.

**Section 75-03-43-09** is created to provide that a certified peer support specialist from another state can obtain certification in North Dakota if the department has entered into a reciprocity agreement with the state that issued the individual's certificate.

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 the implementation of the proposed amendments is that the Department's 2019-2021 budget approved by the 2019 Legislative Assembly included appropriation of \$275,000 (general funds) to allow the Department to certify peer support specialists.
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:

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June 4, 2020