

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2317**

Introduced by

Senators Poolman, J. Lee, Wanzek

Representatives Devlin, Pollert, Satrom

1 A BILL for an Act to amend and reenact sections 23-01-37 and 23-09.3-04 of the North Dakota
2 Century Code, relating to health care facilities and licensure of nursing facilities; to provide for a
3 legislative management study; to provide for a report; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 23-01-37 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-01-37. Survey program - Health facilities construction or renovation projects -**
8 **Innovation waivers.**

- 9 1. The state department of health shall conduct a life safety survey process for all health
10 facilities licensed by the division of health facilities of the state department of health
11 during and at the conclusion of a construction, renovation, or construction and
12 renovation project.
- 13 2. The department may charge a reasonable fee for the review of plans for construction,
14 renovation, or construction and renovation projects performed under this section
15 based on the size of the project. Revenues derived from the fees collected under this
16 subsection must be deposited in the department's operating fund in the state treasury.
- 17 3. The state department of health shall make a determination on a construction,
18 renovation, or construction and renovation project of no more than one million dollars
19 within sixty days of receipt of a complete application.
- 20 4. The state department of health may approve a request for a waiver of a state law or
21 rule relating to an innovative construction, renovation, or construction and renovation
22 project if the lack of compliance does not adversely affect health or safety.

1 5. The department shall design and operate the program in a manner that will provide
2 that the surveyor that performs a life safety survey under this section does not violate
3 the federal requirements associated with Medicare-certified life safety surveys.

4 **SECTION 2. AMENDMENT.** Section 23-09.3-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-09.3-04. Department to establish standards - Licensing - Inspection - Survey -**
7 **Prosecute violations.**

8 1. The department shall establish standards for basic care facilities. The department
9 shall inspect all places and grant annual licenses to basic care facilities as conform to
10 the standards established and comply with the rules prescribed, as provided in this
11 chapter. The department may waive all or a portion of a license standard if the
12 department determines the lack of compliance does not adversely affect the health or
13 safety of residents.

14 2. The department shall implement a survey process for basic care facilities which for
15 purposes of the life safety portions of the survey, all surveys must be announced;
16 which for purposes of the health portions of the survey, half of the surveys must be
17 announced; and which for purposes of complaints related to health and life safety, all
18 surveys must be unannounced. As part of the survey process, the department shall
19 develop, in consultation with basic care facilities, and shall implement a two-tiered
20 system of identifying areas of noncompliance with the health portions of the survey.

21 3. The department shall prosecute all violations of this chapter.

22 **SECTION 3. LEGISLATIVE MANAGEMENT STUDY - HEALTH FACILITY**

23 **CONSTRUCTION.** During the 2019-20 interim, the legislative management shall consider
24 studying the state department of health licensing process for health facility construction and
25 renovation projects, including consideration of the appropriate role of the state department of
26 health. The legislative management shall report its findings and recommendations, together with
27 any legislation required to implement the recommendations, to the sixty-seventh legislative
28 assembly.

29 **SECTION 4. REPORT TO LEGISLATIVE MANAGEMENT - HEALTH FACILITY**

30 **CONSTRUCTION AND RENOVATION.** Before July 1, 2020, the state department of health
31 shall report to the legislative management on the implementation of sections 1 and 2 of this Act.

1 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.