

**ARTICLE 33-14**  
**PURCHASE OF RESIDENTIAL CARE FOR THE MENTALLY RETARDED**

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**CHAPTER 33-14-01**  
**POLICY AND DEFINITIONS**

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**33-14-01-01. Policy.**

It is the policy of the state department of health to require the highest standards of services for the mentally retarded in facilities licensed by the department which can reasonably be expected. This article reflects the desire of the division of mental health and retardation of the state department of health to work with those who are developing services and facilities so that modern concepts of care and treatment of the retarded will be incorporated.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 28-32-02

**33-14-01-02. Civil rights.**

The treatment and care center providing programs and services licensed under this article shall provide for protection of the civil rights of the residents as provided for in the Constitution of the United States, the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title III of the Older Americans Amendments of 1975, the Constitution of North Dakota, and all other relevant provisions of federal and state laws.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 28-32-02

**33-14-01-03. Treatment or care center defined.**

As defined by North Dakota Century Code section 25-16-01, the treatment or care center means "any hospital, home, or other premises, owned or operated by a charitable nonprofit corporation or association, especially to provide relief, care, custody, treatment, training or education of the mentally retarded". It is interpreted that this law applies to those centers providing services on a twenty-four-hour basis which are hereafter referred to as residential care.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 28-32-02

#### **33-14-01-04. Types of residential care defined.**

Because the mentally retarded are a group of persons with different types and varying degrees of handicaps, it is essential that there be different types of facilities available to them. The following definitions of residential facilities represents groupings which take into consideration the needs of different age groups as well as variation in degree and type of handicap.

1. "Halfway house, hostel, group home" is a facility which offers to mentally retarded persons training and experience in skills needed for independent placement in the community. These include personal and social skills for the retardate who attends school, is employed or potentially employable, and will profit from short-term training in independent living not to exceed nine residents.
2. "Nursing care center, skilled or intermediate care facility" is a facility for mentally retarded persons who receive nursing care in addition to other needed care and treatment as defined under Article 33-07.
3. "Residential center" is a facility for the twenty-four-hour residential care of mentally retarded persons who require care or supervision. It provides an organized program of services needed by those admitted to the facility exceeding ten or more residents.
4. "Short-term care center", also known as respite, is a facility which provides intermittent care for mentally retarded for short periods of time. It is designed to provide a temporary separation from family or caretaker for mentally retarded persons during crisis periods such as illness or death of family members or caretakers, or to provide temporary relief for parents or caretakers from the care of a mentally retarded person when this is needed. It may also provide short-term care when necessary for diagnosis, observation or treatment of the mentally retarded person.

This type of care may also be provided in any one of the residential care centers defined in this article.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 28-32-02

#### **33-14-01-05. Definitions.**

1. "Dentist" means a person licensed to practice dentistry in North Dakota.
2. "Dietitian" means a professional dietitian who has the basic degree in the dietitian's field and has completed an internship in an approved institution.
3. "Physician" means a person licensed to practice medicine in North Dakota.
4. "Psychologist" means a person licensed to practice psychology in North Dakota.
5. "Registered nurse" means a professionally qualified person who is licensed as a registered nurse in North Dakota.
6. "Screening team" consists of at least three persons (the director of the center, a social worker, and one person appointed by the governing body). Each residential center shall have a screening team and the purpose of the team shall be to establish admission policies for the facility consistent with the program offered.
7. "Social worker" means a professionally qualified person who has completed a two-year graduate curriculum in an accredited school of social work and received a master's degree in social work. In addition, certification by the national association of social workers is required.

8. "Teacher" means a professionally qualified person who possesses a valid North Dakota teaching certificate and a North Dakota special education credential.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 28-32-02