

Fifty-fifth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2149**

Introduced by

Senator Nething

1 A BILL for an Act to amend and reenact sections 25-01-03 and 25-02-04 of the North Dakota  
2 Century Code, relating to the qualifications and appointment of a medical director for the state  
3 hospital.

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

5 **SECTION 1. AMENDMENT.** Section 25-01-03 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **25-01-03. Supervising officer to appoint superintendent of institutions - Salaries -**

8 **Removal.** The supervising officer shall appoint a superintendent for each of the institutions  
9 under its control, except for the state hospital, where the supervising officer shall appoint a  
10 superintendent ~~and a medical director~~ in consultation with a state hospital governing body. The  
11 tenure of office of each superintendent is two years from the date of the superintendent's  
12 appointment, and the superintendent must possess qualifications required by this title. Any  
13 superintendent may be removed by the supervising officer for misconduct, neglect of duty,  
14 incompetency, or other proper cause showing the superintendent's inability or refusal properly  
15 to perform the duties of office, but a removal at a time other than a termination of the  
16 superintendent's two-year tenure may be had only after an opportunity is given to the person to  
17 be heard before a board consisting of the governor, attorney general, and supervising officer of  
18 the institution on preferred written charges. A removal when made, however, is final. The  
19 supervising officer shall fix the compensation of each superintendent within the limits prescribed  
20 in this title and within the appropriations made by the legislative assembly for compensation.

21 **SECTION 2. AMENDMENT.** Section 25-02-04 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **25-02-04. Superintendent to possess certain qualifications - Medical director -**

24 **Employees.** The superintendent of the state hospital must be a skilled health care

1 administrator with professional training and experience relating to the management of facilities  
2 for mentally ill and chemically dependent persons and relating to the needs of the mentally ill  
3 and chemically dependent persons. A The medical director, who must be a licensed physician  
4 and board-certified psychiatrist, shall appoint and employ recommend appointment of all  
5 physicians and clinical staff, define their qualifications and duties, and be responsible for the  
6 organization and delivery of medical and clinical services at the state hospital. The state  
7 hospital governing body has final approval of all physician and clinical staff appointments to the  
8 state hospital. The medical director must be appointed by the superintendent in consultation  
9 with the supervising officer and with the approval of the governing body. If the superintendent  
10 is not a licensed physician and board-certified psychiatrist, the medical director, or a qualified  
11 designee of the medical director, shall act as the superintendent's designee in all matters in  
12 which the superintendent's opinion on medical or clinical treatment is required by law. Every  
13 physician on the professional staff must have a license issued by the state board of medical  
14 examiners. ~~The superintendent shall employ such other personnel as may be necessary and~~  
15 ~~shall define their qualifications and duties.~~