

Introduced by

Representatives Kreidt, Nelson, Pollert, Price

Senator J. Lee

1 A BILL for an Act to amend and reenact section 23-09.3-04 of the North Dakota Century Code,  
2 relating to state department of health surveys of basic care facilities; and to provide for a report  
3 to the legislative council.

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

5 **SECTION 1. AMENDMENT.** Section 23-09.3-04 of the North Dakota Century Code is  
6 amended and reenacted as follows:

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

8 **Prosecute violations.** ~~It is the duty of the~~

- 9 1. The department to shall establish standards for basic care facilities. The  
10 department shall inspect all places and grant annual licenses to basic care  
11 facilities as conform to the standards established and comply with the rules  
12 prescribed, as provided in this chapter.
- 13 2. The department shall implement a survey process for basic care facilities which for  
14 purposes of the life safety portions of the survey, all surveys must be announced;  
15 which for purposes of the health portions of the survey, half of the surveys must be  
16 announced; and which for purposes of complaints related to health and life safety,  
17 all surveys must be unannounced. As part of the survey process, the department  
18 shall develop and implement, in consultation with basic care facilities, a two-tiered  
19 system of identifying and correcting deficiencies issued as part of the survey  
20 process. The deficiencies system must provide that the department issue:
- 21 a. A written plan of correction for a deficiency that has a direct negative impact  
22 on a resident; and
- 23 b. A written recommendation for a deficiency that does not have a direct  
24 negative impact on a resident.

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

2           **SECTION 2. STATE DEPARTMENT OF HEALTH - REPORT TO LEGISLATIVE**

3   **COUNCIL.** Before May 1, 2008, the state department of health shall provide a report to the  
4 legislative council regarding the impact of implementation of this Act, including whether the  
5 department will be recommending any legislative changes to the basic care survey process.