

Good morning, Chairman Burckhard and members of the Political Subdivisions Committee. My name is Dave Nelson and I serve as Director of the Life Safety and Construction (LSC) Division of the North Dakota Department of Health (NDDoH). I am here to provide testimony in opposition of Senate Bill No. 2241. The bill establishes deadlines for the review of health facility construction and renovation projects.

In 2019, the North Dakota State Legislature passed a law requiring the NDDoH to complete review of health facility construction or renovation projects costing less than one million dollars within sixty days of the receipt of a complete application. Prior to implementing this new requirement, the NDDoH reviewed plans on a first-come, first-served basis. The 2019 small project prioritization requirement forced larger projects to be delayed while smaller projects were completed. Passage of this bill would cause further delays of large projects because it expands the number of prioritized small projects to those with costs less than five million dollars.

The LSC Division became fully staffed on October 5, 2020. Since that time, projects received that were less than five million dollars have waited for review an average of 32 days. Completion of plan review for these projects has ranged from nine to 38 days. The LSC Division has no control over when plans are submitted, the number of projects submitted or their scope. Our goal is to complete high quality, timely reviews. Implementation of required deadlines that ignore the quantity and scope of projects, but mandate a specific completion time, will result in rushed, error-prone reviews.

During the 2019 – 2021 biennium, in effort to provide options for providers, the NDDoH developed the ability for licensed providers to utilize third-party plan reviewers instead of the NDDoH. A list of state-approved contractors has been created and medical facility operators were notified of this service. The current arrangement requires the licensed provider to contract directly with the third-party plan reviewer. To date, no third-party reviewers have been utilized.

While the option to utilize third-party reviewers is included in SB 2241, this provision is already in place and an available option.

Medical facilities are complex and have very specific requirements. In many cases, patients and residents occupying these buildings are not ambulatory. Unlike many other structures designed to provide rapid exit from the building during times of danger, medical facilities must have floor plans, building assemblies and fire protection systems designed to protect non-ambulatory residents and patients in place while they wait for assistance with their exit. In most cases, medical facilities can not be rapidly evacuated. Medical facility plans need thorough review prior to construction. They need to be expertly inspected during construction to assure these standards are met. The time and effort the LSC Division spends in conducting high-quality plan reviews and inspections minimizes costly changes and delays in opening facilities and enhances life safety for all who occupy these facilities.

The NDDoH is concerned that the passage of this bill will have unintended consequences that will adversely affect the health and safety of the patients, residents and staff occupying medical facilities. For these reasons, we ask you to oppose the passage of Senate Bill No. 2241. This concludes my testimony. I am happy to answer any questions you may have.