

Fifty-fifth
Legislative Assembly
of North Dakota

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

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

25-02-04. ~~Superintendent Administrator~~ to possess certain qualifications -

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