

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~~ The department ~~to shall~~ establish standards for
9 basic care facilities. The department shall inspect all places and grant annual licenses to basic
10 care facilities as conform to the standards established and comply with the rules prescribed, as
11 provided in this chapter. The department shall implement a survey process for basic care
12 facilities which for purposes of the life safety portions of the survey, all surveys must be
13 announced; which for purposes of the health portions of the survey, half of the surveys must be
14 announced; and which for purposes of complaints related to health and life safety, all surveys
15 must be unannounced. As part of the survey process, the department shall develop, in
16 consultation with basic care facilities, and shall implement a two-tiered system of identifying
17 areas of noncompliance with the health portions of the survey. The department shall prosecute
18 all violations of this chapter.

19 **SECTION 2. STATE DEPARTMENT OF HEALTH - REPORT TO LEGISLATIVE**
20 **COUNCIL.** Before August 1, 2008, the state department of health shall provide a report to the
21 legislative council regarding the impact of implementation of this Act, including whether the
22 department will be recommending any legislative changes to the basic care survey process.