

Introduced by

Representatives Kreidt, Metcalf, Pietsch, Weisz

Senator J. Lee

1 A BILL for an Act to create and enact a new section to chapter 50-32 of the North Dakota  
2 Century Code, relating to duties of assisted living facilities; and to provide for a legislative  
3 council study.

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

5 **SECTION 1.** A new section to chapter 50-32 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Assisted living facilities - Duties - Educational requirements.**

- 8 1. Each assisted living facility must have clear, concise, and understandable tenancy  
9 criteria that is fully disclosed to all tenants, in writing, before the tenancy  
10 agreement is signed. Before a facility unit is rented, the facility or landlord shall  
11 evaluate the tenant's ability to meet the facility's tenancy criteria.
- 12 2. Each assisted living facility shall require the administrator of the facility to complete  
13 twelve hours of continuing education per year. The assisted living facility shall  
14 require all direct care staff to receive annual education or training in the areas of:
- 15 a. Resident rights;
- 16 b. Fire and accident prevention and training;
- 17 c. Mental and physical health needs of tenants;
- 18 d. Behavior problems and prevention; and
- 19 e. Control of infection, including universal precautions.
- 20 3. Each assisted living facility shall maintain a record for each tenant. The tenant  
21 record must include:
- 22 a. An initial evaluation to meet tenancy criteria;
- 23 b. The tenancy agreement signed by the tenant or the tenant's legal  
24 representative;

- 1           c. If applicable, a medication administration record that documents medication  
2                   administration consistent with applicable state laws, rules, and practices; and  
3           d. An itemized list of services provided for the tenant.  
4           4. Before hiring, the assisted living facility shall conduct a reference and previous  
5                   employment check and a check of applicable registries of each applicant being  
6                   considered for employment at the facility.  
7           5. At least once every twenty-four months, each assisted living facility shall conduct a  
8                   consumer satisfaction survey. The assisted living facility shall provide each tenant  
9                   with a copy of the results of the survey.

10           **SECTION 2. LEGISLATIVE COUNCIL STUDY - BASIC CARE AND ASSISTED**

11 **LIVING FACILITIES.** During the 2009-10 interim, the legislative council shall study how the  
12 state laws and administrative rules regulate basic care and assisted living facilities. The study  
13 must include consideration of whether the state's designations of basic care and assisted living  
14 as care categories are outmoded or inconsistent with industry categories of care and a review  
15 of the definitions used in services offered by and the licensure and registration process used in  
16 regulating basic care and assisted living facilities. The legislative council shall report its  
17 findings and recommendations, together with any legislation required to implement the  
18 recommendations, to the sixty-second legislative assembly.