

HOUSE BILL NO. 1437

Introduced by

Representatives Kreidt, Bellew, Nelson, Pollert, Wieland

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and
2 a new section to chapter 43-34 of the North Dakota Century Code, relating to criminal history
3 record checks of nursing home administrators; and to amend and reenact subsection 1 of
4 section 43-34-02 and sections 43-34-03, 43-34-05, 43-34-11, and 43-34-12 of the North Dakota
5 Century Code, relating to licensing of nursing home administrators.

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

7 **SECTION 1.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota
8 Century Code is created and enacted as follows:

9 The state board of examiners for nursing home administrators for applicants for
10 licensure or licensees under chapter 43-34, except that criminal history record
11 checks need not be made unless required by the board.

12 **SECTION 2. AMENDMENT.** Subsection 1 of section 43-34-02 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 1. Two members of the board must be the state health officer and the executive
15 director of the department of human services or the members' designees.

16 **SECTION 3. AMENDMENT.** Section 43-34-03 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **43-34-03. Qualifications for licensure.** The board ~~has authority to~~ may issue licenses
19 to qualified ~~persons~~ individuals entitling ~~them~~ the individuals to serve and practice nursing
20 home administration or otherwise hold themselves out as duly licensed nursing home
21 administrators, and shall establish qualification criteria for such ~~persons~~ individuals by rule. ~~No~~
22 ~~license may be issued to a person unless the person has met the following conditions:~~

23 1. ~~The person is at least eighteen years of age, of good moral character, and of~~
24 ~~sound physical and mental health.~~

- 1 2. ~~If the applicant for license is deemed not to be qualified by the board after the initial~~
2 ~~evaluation and testing, then the board may prescribe a course of instruction and~~
3 ~~training, which course must be so designed as to content and so administered as~~
4 ~~to present sufficient knowledge of the needs properly to be served by nursing~~
5 ~~homes, laws governing the operation of nursing homes and the protection of the~~
6 ~~interests of patients therein, and the elements of good nursing home~~
7 ~~administration, or have presented evidence satisfactory to the board of sufficient~~
8 ~~education, training, or experience in the foregoing fields to administer, supervise,~~
9 ~~and manage a nursing home.~~
- 10 3. ~~The person has passed an examination administered by the board and designed to~~
11 ~~test for competence in the subject matter referred to in subsection 2.~~

12 ~~All persons applying~~ An applicant for a license must meet the conditions and requirements as
13 may be prescribed by the board by rule. ~~However, a person meeting the standards of good~~
14 ~~moral character, sound physical and mental health, and otherwise suitable, and who was a~~
15 ~~nursing home administrator during all of the calendar year immediately preceding the calendar~~
16 ~~year in which the state licensing program becomes effective, may be granted a waiver for a~~
17 ~~period of two years after July 1, 1969, or until June 30, 1971, whichever is earlier, to allow the~~
18 ~~person or persons to meet the conditions or requirements as set by this board.~~

19 **SECTION 4. AMENDMENT.** Section 43-34-05 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **43-34-05. License fees.** Each ~~person~~ individual licensed as a nursing home
22 administrator ~~is required to~~ shall pay a license fee in an amount to be fixed by the board, which
23 fee may not exceed ~~one~~ two hundred fifty dollars per annum. ~~Any licensee, or applicant for~~
24 ~~license, may take a special examination for the purpose of being eligible for reciprocity with~~
25 ~~other states, upon the payment of an additional fee to be established by the board for that~~
26 ~~purpose.~~

27 **SECTION 5. AMENDMENT.** Section 43-34-11 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **43-34-11. Emergency licenses.** In the event of ~~the death or other~~ an unexpected
30 ~~removal of a licensed~~ vacancy in a nursing home administrator ~~from the administrator's~~
31 position, the owner, the governing body, or other appropriate authority of the nursing home may

1 designate an acting administrator to whom the board may issue an emergency license. This
2 emergency license is in force for a period not to exceed ninety days but may be renewed for an
3 additional ninety days by the board upon good cause shown.

4 **SECTION 6. AMENDMENT.** Section 43-34-12 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-34-12. ~~Reciprocity with other states~~ Licensure of individuals licensed in other**
7 **jurisdictions.** The board may issue a nursing home administrator's license, without
8 examination, to any ~~person~~ individual who holds a current license as a nursing home
9 administrator from another jurisdiction, ~~provided that~~ if the board finds that the standards for
10 licensure ~~at the time the license was issued~~ in the other jurisdiction were are at least the
11 substantial equivalent of those prevailing in this state at the time of application and that the
12 applicant is otherwise qualified.

13 **SECTION 7.** A new section to chapter 43-34 of the North Dakota Century Code is
14 created and enacted as follows:

15 **Criminal history record checks.** The board may require an applicant for licensure
16 under section 43-34-04, 43-34-11, or 43-34-12 or a licensee to submit to a statewide and
17 nationwide criminal history record check. The nationwide criminal history record check must be
18 conducted in the manner provided in section 12-60-24. All costs associated with obtaining a
19 background check are the responsibility of the applicant or licensee.