

**HOUSE BILL NO. 1045**

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact section 23-01-37 of the North Dakota Century Code,  
2 relating to a life safety survey process of any health care facility licensed by the department of  
3 health and human services.

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

5 **SECTION 1. AMENDMENT.** Section 23-01-37 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **23-01-37. Survey program - Health care facilities construction or renovation projects -**  
8 **Innovation waivers - Continuing appropriation.**

9 1. The department of health and human services shall conduct a life safety survey  
10 process for all health care facilities licensed by ~~the division of health facilities of the~~  
11 department of health and human services during and at the conclusion of a  
12 construction, renovation, or construction and renovation project.

13 a. In conducting a survey under this section, if the department uses a third party to  
14 review construction and renovation plans, the licensed provider shall negotiate  
15 and approve the price of the review services, the department shall contract with  
16 the third party, and the licensed provider shall pay the department for the review  
17 services.

18 b. The department shall deposit in the department's operating account any  
19 payments received from a licensed provider under subdivision a. There is  
20 appropriated to the department on a continuing basis any funds deposited under  
21 subdivision a for the purpose of paying a third-party reviewer.

22 2. The department of health and human services may charge a reasonable fee for the  
23 review of plans for construction, renovation, or construction and renovation projects  
24 performed under this section based on the size of the project. Revenues derived from

1 the fees collected under this subsection must be deposited in the department's  
2 operating fund in the state treasury.

3 3. The department of health and human services ~~may require the licensed provider to~~  
4 ~~use a third-party reviewer depending on the department's workload at the time of~~  
5 ~~project submission. The department~~ shall make an initial determination on a

6 construction, renovation, or construction and renovation project of:

7 a. No more than one million dollars within twenty-eight days of receipt of a complete  
8 application;

9 b. More than one million dollars but no more than four million dollars within forty-two  
10 days of receipt of a complete application; and

11 c. More than four million dollars, and less than fifteen million dollars, within fifty-six  
12 days of receipt of a complete application.

13 d. More than fifteen million dollars by notifying the applicant of the time the  
14 department will require to complete the review, allowing the applicant to  
15 determine whether to use a third-party reviewer.

16 4. Following an initial determination under subsection 3, the department of health and  
17 human services shall make any followup determination on a construction, renovation,  
18 or construction and renovation project within fourteen days of receipt of the licensed  
19 provider's response to the initial determination.

20 5. The department of health and human services may approve a request for a waiver of a  
21 state law or rule relating to an innovative construction, renovation, or construction and  
22 renovation project if the lack of compliance does not adversely affect health or safety.

23 6. The department shall design and operate the program in a manner that will provide  
24 that the surveyor that performs a life safety survey under this section does not violate  
25 the federal requirements associated with Medicare-certified life safety surveys.