

23.8144.02000

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1165**  
**with Senate Amendments**  
**HOUSE BILL NO. 1165**

Introduced by

Representative M. Ruby

1 A BILL for an Act to create and enact three new sections to chapter 23-01 of the North Dakota  
2 Century Code, relating to powers and duties of the department of health and human services  
3 public health division, central public health laboratory, and surge staffing; to amend and reenact  
4 subdivision p of subsection 1 of section 11-16-01, section 14-13-03, subsection 2 of section  
5 15-52-03, section 16.1-02-06, subsection 2 of section 19-24.1-38, sections 23-01-03.1,  
6 23-01-03.3, 23-01-04.3, 23-01-05, and 23-01-05.1, subsection 3 of section 23-01-05.3, sections  
7 23-01-05.4, 23-01-08, 23-01-08.1, and 23-01-12, subsection 3 of section 23-01-44, sections  
8 23-01.2-01, 23-01.2-03, and 23-01.2-04, subsection 8 of section 23-01.3-01, subsection 1 of  
9 section 23-01.3-06, section 23-01.3-08, subsections 8, 17, and 21 of section 23-02.1-01,  
10 sections 23-02.1-02 and 23-02.1-03, subsection 4 of section 23-07-02.3, sections 23-07-15,  
11 23-07.2-01, and 23-09.4-08, subsection 4 of section 23-10-03, section 23-10-06, subsection 2  
12 of section 23-10-06.1, sections 23-10-12, 23-16-05, 23-16-06, 23-16-10, 23-16-11, 23-17-08,  
13 23-17.6-01, 23-17.6-02, 23-17.6-04, 23-17.6-06, 23-17.7-03, 23-23-03, 23-24-01, 23-24-02,  
14 23-24-02.1, 23-24-06, 23-27-03, and 23-27-04.7, subsection 3 of section 23-27-04.9, sections  
15 23-35.1-02, 23-35.1-03, and 23-36-08, subsection 1 of section 23-38.1-02, section 23-43-01,  
16 subsection 3 of section 23-43-05, section 23-46-02, subsection 1 of section 23-47-03,  
17 subsection 7 of section 25-01-01, subsection 1 of section 25-01-01.1, subsection 3 of section  
18 25-02-01.1, sections 25-03.1-34.1, 25-03.3-01, 25-03.3-12, 25-03.3-13, 25-03.3-14, 25-03.3-17,  
19 25-03.3-18, 25-03.3-18.1, 25-03.3-24, 25-04-08.1, and 25-11-02, subsection 2 of section  
20 37-17.4-01, sections 43-10-02, 43-12.3-01, 43-12.3-02, 43-12.3-03, 43-12.3-04, 43-12.3-05,  
21 43-12.3-06, and 43-12.3-07, subsection 14 of section 43-15-10, sections 43-28.1-01,  
22 43-28.1-03, 43-28.1-05, 43-28.1-07, 43-28.1-08, 43-28.1-09, 43-29.1-01, and 43-29.1-02,  
23 subsection 1 of section 43-29.1-03, sections 43-29.1-04, 43-29.1-05, and 43-29.1-06,  
24 subsection 5 of section 43-29.1-07, section 43-29.1-08, 43-34-02, 43-38-01, 43-38-02, and  
25 43-38-03, subsection 1 of section 43-43-01, sections 43-43-03 and 43-43-05, subsection 10 of

1 section 50-01.1-06, sections 50-06-01.1, 50-06-01.3, and 50-06-01.4, subsection 3 of section  
2 50-06-05.3, sections 50-06-05.5, 50-06-05.8, 50-06-06.6, 50-06-30, 50-06-31, and 50-06-32,  
3 subsection 1 of section 50-06-43.2, subsection 4 of section 50-06.1-01, subsection 7 of section  
4 50-10.1-03, subsection 1 of section 50-11.1-25, sections 50-21-02, 50-21-04, and 50-24.6-02,  
5 subsection 3 of section 50-25.1-04.1, subsection 1 of section 50-28-04, subsection 1 of section  
6 50-28-05, subsection 2 of section 50-35-01, section 54-44.3-31, subsection 1 of section  
7 54-07-01.2, section 54-46-13, subsection 1 of section 54-59-25, and sections 54-59-33 and  
8 57-60-03 of the North Dakota Century Code, relating to the powers and duties of the  
9 department of health and human services, state health officer, state health council and the  
10 executive director of the department of health and human services; and to repeal sections  
11 23-01-01, 23-01-06, and 23-07-07 of the North Dakota Century Code, relating to the health  
12 division, a biennial report, and reporting sexually transmitted diseases.

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

14 **SECTION 1. AMENDMENT.** Subdivision p of subsection 1 of section 11-16-01 of the North  
15 Dakota Century Code is amended and reenacted as follows:

16 p. Institute and defend proceedings under sections 14-09-12 and 14-09-19 and  
17 chapters 14-15, 27-20.1, 27-20.2, 27-20.3, 27-20.4, and 50-01 upon consultation  
18 with the human service zone director or the ~~executive director~~commissioner of  
19 the department of health and human services or designee.

20 **SECTION 2. AMENDMENT.** Section 14-13-03 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **14-13-03. Definitions.**

23 In this chapter, unless the context or subject matter otherwise requires:

- 24 1. "Appropriate authority in the receiving state" as used in paragraph 1 of article V of the  
25 compact with reference to this state means the ~~executive director~~commissioner of the  
26 department of health and human services or designee.
- 27 2. "Appropriate public authorities" as used in article III of the compact with reference to  
28 this state means the department of health and human services, and the department  
29 shall receive and act with reference to notices required by article III.

1       **SECTION 3. AMENDMENT.** Subsection 2 of section 15-52-03 of the North Dakota Century  
2 Code is amended and reenacted as follows:

3       2. The council consists of sixteen members:

4           a. (1) Two members of the senate, one of whom must be from the majority party  
5                 and one of whom must be from the minority party, selected by the chairman  
6                 of the legislative management;

7           (2) Two members of the house of representatives, one of whom must be from  
8                 the majority party and one of whom must be from the minority party, to be  
9                 selected by the chairman of the legislative management; and

10          (3) Two members of the department of health and human services, of which  
11                 one member is ~~appointed~~ by the state health officer or designee;

12          b. One member selected by each of the following:

13           (1) The state board of higher education;

14           (2) The North Dakota medical association;

15           (3) The North Dakota hospital association;

16           (4) The veterans administration hospital in Fargo;

17           (5) The North Dakota center for nursing; and

18           (6) The university of North Dakota center for rural health; and

19          c. Four members selected by the dean of the university of North Dakota school of  
20                 medicine and health sciences, one from each of the four campuses of the school  
21                 of medicine and health sciences with headquarters in Bismarck, Fargo, Grand  
22                 Forks, and Minot.

23       **SECTION 4. AMENDMENT.** Section 16.1-02-06 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25       **16.1-02-06. Reporting deceased individuals and changes of names - Changes to**  
26 **records in the central voter file.**

27       1. The ~~state health officer~~ department of health and human services shall provide for the  
28                 regular reporting to the secretary of state the name, address, date of birth, and county  
29                 of residence, if available, of each individual eighteen years of age or older who has  
30                 died while maintaining residence in this state since the last report. Within thirty days

1 after receiving a report, the secretary of state shall designate each individual included  
2 in the report as "deceased" in the central voter file.

3 2. The ~~state health officer~~department of health and human services shall provide for the  
4 regular reporting to the secretary of state the name, address, date of birth, and county  
5 of residence, if available, of each individual eighteen years of age or older whose  
6 name was changed by marriage since the last report.

7 3. After receiving notice of death of an individual who has died outside the county, the  
8 county auditor shall designate that individual as "deceased" in the central voter file.  
9 Notice must be in the form of a printed obituary or a written statement signed by an  
10 individual having knowledge of the death of the individual.

11 **SECTION 5. AMENDMENT.** Subsection 2 of section 19-24.1-38 of the North Dakota  
12 Century Code is amended and reenacted as follows:

13 2. The chairman of the legislative management shall appoint two members of the  
14 legislative assembly to serve on the advisory board, one member from each chamber.  
15 The legislative council shall pay the compensation and expense reimbursement for the  
16 legislative members. The terms of members of the appointed advisory board are for  
17 two years and members may be reappointed by the appointing entity. The state health  
18 officer or designee shall serve as an ex officio voting member and as chairman of the  
19 advisory board.

20 **SECTION 6. AMENDMENT.** Section 23-01-03.1 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **23-01-03.1. Newborn metabolic and genetic disease screening tests.**

23 1. The department of health and human services shall adopt rules relating to the storage,  
24 maintenance, and disposal of blood spots or other newborn screening specimens.

25 2. The ~~health council~~state health officer shall specify a panel of metabolic diseases and  
26 genetic diseases for which newborn screening must be performed. The screening  
27 panel must include disorders and diseases selected ~~by the state health officer~~ with  
28 input from an advisory committee ~~that is approved by the health council~~.

29 **SECTION 7. AMENDMENT.** Section 23-01-03.3 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **23-01-03.3. Long-term care nursing scholarship and loan repayment grant program.**

2       1.    The ~~state health council~~department of health and human services, in cooperation with  
3       the North Dakota long term care association, shall administer the long-term care  
4       nursing scholarship and loan repayment grant program. The purpose of the program is  
5       to provide matching funds to nursing facilities for the facilities to use in recruiting and  
6       retaining nurses by providing scholarships to nursing facility staff and other individuals  
7       to obtain a nursing education and by assisting in the repayment of student loans for  
8       licensed nurses employed in a nursing facility. The department of health and human  
9       services shall adopt rules necessary to administer the program, including rules  
10      establishing criteria regarding eligibility for and distribution of program grants.

11     2.    An applicant for a program grant shall establish that the applicant:

12       a.    Is a licensed nursing facility;

13       b.    Has available matching funds equal to the amount of the grant request; and

14       c.    Meets the eligibility criteria established by rule.

15     3.    An eligible applicant may receive a program grant not exceeding five thousand five  
16      hundred dollars in the first year of the biennium. Any funds appropriated by the  
17      legislative assembly for the grant program which are remaining after the first year of  
18      the biennium may be distributed to eligible applicants in the second year of the  
19      biennium in any amount determined by the ~~state health council~~department of health  
20      and human services.

21      **SECTION 8. AMENDMENT.** Section 23-01-04.3 of the North Dakota Century Code is  
22      amended and reenacted as follows:

23      **23-01-04.3. Alternative health care services pilot project - Application - Notice -**  
24      **Hearing - Approval - Duration.**

25      1.    At any time that the health care needs of a city, township, or other geographic area are  
26      not being adequately met, any person may apply to the ~~state health council~~department  
27      of health and human services for approval to conduct an alternative health care  
28      services pilot project. The application must address the need for and benefits of the  
29      pilot project. It must also contain a detailed description of the nature and scope of the  
30      project, quality control, organization, accountability, responsibility, and financial  
31      feasibility.

1           2.    Upon receipt of an application under subsection 1, the ~~state health council~~department  
2           of health and human services shall schedule a public hearing, send notice to all  
3           interested parties, and give public notice of the hearing by publication in the official  
4           newspaper of each county in the pilot project area. At the hearing, the  
5           ~~council~~department of health and human services shall accept written and oral  
6           testimony. The ~~council~~department of health and human services shall review the  
7           application and all testimony presented at the hearing and approve, disapprove, or  
8           modify and approve the application based on criteria established by the  
9           ~~council~~department of health and human services. The criteria must address the  
10          availability and use of health personnel, facilities, and services.

11          3.    Notwithstanding any other provisions of law, upon approval of an application submitted  
12          under subsection 1, the ~~state health council~~department of health and human services,  
13          in consultation with the state health officer and any other public or private entity  
14          consulted by the ~~state health council~~department of health and human services, shall  
15          set the standards for the delivery of health care services by the pilot project. The  
16          standards may not adversely affect the state's participation in federal Medicare and  
17          Medicaid programs. No more than three separate projects may be operational at any  
18          time and no project may be operational for longer than five years.

19          **SECTION 9. AMENDMENT.** Section 23-01-05 of the North Dakota Century Code is  
20          amended and reenacted as follows:

21          **23-01-05. Health officer - Qualifications, salary, term, duties.**

22          1.    The governor shall appoint the state health officer who at the time of appointment  
23          must be a physician with substantive private or public administrative experience and  
24          public health experience. The state health officer is entitled to receive a salary  
25          commensurate with that individual's training and experience. The governor shall set  
26          the salary of the state health officer within the limits of legislative appropriations to the  
27          department.

28          2.    The state health officer is entitled to receive all necessary traveling expenses incurred  
29          in the performance of official business.

1        3. The state health officer may not engage in any other occupation or business that may  
2            conflict with the statutory duties of the state health officer and holds office for a term of  
3            four years.

4        4. If the office of the state health officer is filled temporarily, the governor shall appoint at  
5            least three licensed physicians recommended by the state medical association to  
6            serve as an advisory committee to the state health officer. Each member of the  
7            advisory committee is entitled to receive reimbursement of expenses in performing  
8            official duties in amounts provided by law for other state officers. The term of the  
9            advisory committee coincides with the term of the state health officer. A committee  
10          member serves at the pleasure of the governor.

11       5. The duties of the state health officer are as follows:

12       1. ~~Enforce all regulations as promulgated by the health council and all rules adopted by~~  
13       ~~the department of health and human services.~~

14       2. ~~Hold public health unit boards of health responsible for enforcement of state rules,~~  
15       ~~serve~~

16       a. Provide strategy and policy advice to improve health and wellness.

17       b. Serve in an advisory capacity tefor local public health unit boards of health, and  
18       provide for coordination oflocal health activitiesofficers.

19       3.~~Establish and enforce minimum standards of performance of the work of the local~~  
20       ~~department of health.~~

21       4. ~~Study health problems and plan for their solution as may be necessary.~~

22       5. ~~Collect, tabulate, and publish vital statistics for each important political or health~~  
23       ~~administrative unit of the state and for the state as a whole.~~

24       6. c. Promote the development of local health services and recommend the allocation  
25       of health funds to local jurisdictions subject to the approval of the health council.

26       7.~~Collect and distribute health education material.~~

27       8. ~~Maintain a central public health laboratory and where necessary, branch laboratories~~  
28       ~~for the standard function of diagnostic, sanitary and chemical examinations, and~~  
29       ~~production and procurement of therapeutic and biological preparations for the~~  
30       ~~prevention of disease and their distribution for public health purposes.~~

- 1           9.   ~~Establish a service for medical hospitals and related institutions to include licensing of~~  
2           ~~such institutions according to the standards promulgated by the health council and~~  
3           ~~consultation service to communities planning the construction of new hospitals and~~  
4           ~~related institutions.~~
- 5           10. ~~Establish a program to provide information to the surviving family of a child whose~~  
6           ~~cause of death is suspected to have been the sudden infant death syndrome.~~
- 7           11. d.   Issue a written order relating to a disease control measure necessary to prevent  
8           the spread of a communicable disease. A disease control measure may include a  
9           special immunization activity and decontamination measure.
- 10          a.   (1)   The state health officer shall limit a written order issued under this section to  
11           the geographical area affected by the communicable disease. The state  
12           health officer may not issue a statewide order under this section unless the  
13           governor has declared a statewide disaster or emergency under chapter  
14           37-17.1 and the governor consents to the order. The statewide order is  
15           limited in duration to the duration of the declared disaster or emergency  
16           unless terminated earlier pursuant to chapter 37-17.1.
- 17          b.   (2)   A written order issued under this section has the same effect as a  
18           physician's standing medical order.
- 19          e.   (3)   The state health officer shall apply to the district court in a judicial district in  
20           which a communicable disease is present for an injunction canceling a  
21           public event or closing a place of business. On application of the state  
22           health officer showing the necessity of the cancellation, the court may issue  
23           an ex parte preliminary injunction, pending a full hearing.
- 24          d.   (4)   Notwithstanding any other provision of law, an order issued pursuant to this  
25           subsection may not:
- 26           (1)   (a)   Substantially burden a person's exercise of religion unless the order is  
27           in furtherance of a compelling governmental interest and is the least  
28           restrictive means of furthering that compelling governmental interest;
- 29           (2)   (b)   Treat religious conduct more restrictively than any secular conduct of  
30           reasonably comparable risk, unless the government demonstrates



1 through clear and convincing scientific evidence that a particular  
2 religious activity poses an extraordinary health risk; or

3 (3) (c) Treat religious conduct more restrictively than comparable secular  
4 conduct because of alleged economic need or benefit.

5 e. (5) A person claiming to be aggrieved by a violation of ~~subdivision a~~paragraph 1  
6 may assert that violation as a claim or defense in a judicial proceeding and  
7 obtain appropriate relief, including costs and reasonable attorney's fees.

8 12. ~~Make bacteriological examination of bodily secretions and excretions and of waters~~  
9 ~~and foods.~~

10 13. ~~Make preparations and examinations of pathological tissues submitted by the state~~  
11 ~~health officer, by any county superintendent of public health, or by any physician who~~  
12 ~~has been regularly licensed to practice in this state.~~

13 14. ~~Make all required analyses and preparations, and furnish the results thereof, as~~  
14 ~~expeditiously and promptly as possible.~~

15 15. ~~Cause sanitary statistics to be collected and tabulated, and cause to be ascertained by~~  
16 ~~research work such methods as will lead to the improvement of the sanitation of the~~  
17 ~~various parts of the state.~~

18 16. ~~From time to time, cause to be issued bulletins and reports setting forth the results of~~  
19 ~~the sanitary and pathological work done in the laboratories embodying all useful and~~  
20 ~~important information resulting from the work carried on in the laboratories during the~~  
21 ~~year, the substance of such bulletins and reports to be incorporated in the annual~~  
22 ~~report of the state health officer.~~

23 17. ~~Establish by rule a schedule of reasonable fees that may be charged for laboratory~~  
24 ~~analysis. No charge may be made for any analysis conducted in connection with any~~  
25 ~~public health incident affecting an entire region, community, or neighborhood.~~

26 18. a. ~~Establish a review process for instances in which the department is requested to~~  
27 ~~conduct an epidemiological assessment of a commercial building. The~~  
28 ~~epidemiological assessment must include:~~

29 (1) ~~A statement of whether there are known environmental causes;~~

30 (2) ~~If there are known environmental causes identified, a recommendation of~~  
31 ~~how they can be remediated or mitigated; and~~

- 1                 ~~(3) If there are no known environmental causes identified, a statement that no-~~  
2                     ~~known causes exist.~~
- 3                 ~~b. Costs for remediation, mitigation, and consultant services are the responsibility of~~  
4                     ~~the building owner. Proof of remediation of any identified environmental concern-~~  
5                     ~~related to the epidemiological assessment is the burden of the building owner~~
- 6                 ~~e. Perform all duties required or provided by law.~~

7                 **SECTION 10. AMENDMENT.** Section 23-01-05.1 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9                 **23-01-05.1. Organ or tissue transplant assistance administration - Standing**  
10 **appropriation.**

11                 The ~~executive director~~ of the department of health and human services shall select a private  
12 nonprofit patient-oriented organization incorporated in this state for the purpose of administering  
13 financial assistance to organ or tissue transplant patients who are residents of this state. The  
14 department of health and human services shall adopt rules governing administration of this  
15 section. The organization selected shall administer and provide grants from available funds to  
16 alleviate demonstrated financial needs of transplant patients for any costs associated with  
17 transplant operations, under guidelines based on current social service eligibility requirements.  
18 There is hereby created as a special fund in the state treasury an organ transplant support fund,  
19 the principal and income of which is hereby appropriated to the organization selected under this  
20 section. The organization administering the fund may solicit contributions from private or  
21 governmental sources and such contributions may be deposited in the fund.

22                 **SECTION 11. AMENDMENT.** Subsection 3 of section 23-01-05.3 of the North Dakota  
23 Century Code is amended and reenacted as follows:

- 24                 3. Notwithstanding any other provision of law, a health care provider, elementary or  
25 secondary school, early childhood facility, public or private postsecondary educational  
26 institution, city or county board of health, district health unit, and the ~~state health-~~  
27 ~~officer~~department of health and human services may exchange immunization data in  
28 any manner with one another. Immunization data that may be exchanged under this  
29 section is limited to the date and type of immunization administered to a patient and  
30 may be exchanged regardless of the date of the immunization.

1       **SECTION 12. AMENDMENT.** Section 23-01-05.4 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **23-01-05.4. Department to employ state forensic examiner - Qualifications - Duties.**

4       The department of health and human services may employ and establish the qualifications  
5 and compensation of the state forensic examiner. The state forensic examiner must be a  
6 physician who is board-certified or board-eligible in forensic pathology, who is licensed to  
7 practice in this state, and who is in good standing in the profession. The state forensic examiner  
8 shall:

- 9       1. Exercise all authority conferred upon the coroner under chapter 11-19.1 and any other  
10       law;
- 11       2. Consult with local coroners on the performance of their duties as coroners;
- 12       3. Conduct investigations into the cause of death of and perform autopsies on any  
13       deceased human body whenever requested to do so by the acting local county  
14       coroner or the local state's attorney;
- 15       4. Provide training and educational materials to local county coroners, law enforcement,  
16       and any other person the state forensic examiner deems necessary;
- 17       5. Maintain complete records of the cause, manner, and mode of death necessary for  
18       accurate health statistics and for public health purposes; and
- 19       6. Perform other duties assigned by the ~~state health officer~~commissioner of the  
20       department of health and human services.

21       **SECTION 13.** A new section to chapter 23-01 of the North Dakota Century Code is created  
22 and enacted as follows:

23       **Powers and duties of the public health division.**

24       The public health division shall:

- 25       1. Enforce rules adopted by the department of health and human services.
- 26       2. Hold public health unit boards of health responsible for enforcement of state rules,  
27       serve in an advisory capacity to public health unit boards of health, and provide for  
28       coordination of health activities.
- 29       3. Establish and enforce minimum standards of performance of the work of the local  
30       department of health.
- 31       4. Study health problems and plan for their solution as may be necessary.

- 1       5. Establish a service for medical hospitals and related institutions to include licensing of
- 2           the institutions according to the standards promulgated by the department and
- 3           consultation service to communities planning the construction of new hospitals and
- 4           related institutions.
- 5       6. Maintain a central public health laboratory and where necessary, branch laboratories.
- 6       7. Perform all duties required or provided by law.

7       **SECTION 14.** A new section to chapter 23-01 of the North Dakota Century Code is created  
8 and enacted as follows:

9       **Powers and duties of the central public health laboratory.**

10      The central public health laboratory:

- 11      1. Must be maintained for the standard function of diagnostic, sanitary and chemical
- 12           examinations, and production and procurement of therapeutic and biological
- 13           preparations for the prevention of disease and their distribution for public health
- 14           purposes.
- 15      2. Shall make bacteriological examination of bodily secretions and excretions and of
- 16           waters and foods.
- 17      3. Shall make preparations and examinations of pathological tissues submitted by the
- 18           state health officer, by any county superintendent of public health, or by any physician
- 19           who has been regularly licensed to practice in this state.
- 20      4. Shall make all required analyses and preparations, and furnish the results thereof, as
- 21           expeditiously and promptly as possible.
- 22      5. Shall cause sanitary statistics to be collected and tabulated, and cause to be
- 23           ascertained by research work such methods as will lead to the improvement of the
- 24           sanitation of the various parts of the state.
- 25      6. From time to time, shall cause to be issued bulletins and reports setting forth the
- 26           results of the sanitary and pathological work done in the laboratories embodying all
- 27           useful and important information resulting from the work carried on in the laboratories
- 28           during the year.
- 29      7. Shall establish by rule a schedule of reasonable fees that may be charged for
- 30           laboratory analysis. A charge may not be made for any analysis conducted in

1 connection with a public health incident affecting an entire region, community, or  
2 neighborhood.

3 8. Shall establish a review process for instances in which the department of health and  
4 human services is requested to conduct an epidemiological assessment of a  
5 commercial building.

6 a. The epidemiological assessment must include:

7 (1) A statement of whether there are known environmental causes;

8 (2) If there are known environmental causes identified, a recommendation of  
9 how the causes can be remediated or mitigated; and

10 (3) If there are no known environmental causes identified, a statement that no  
11 known causes exist.

12 b. Costs for remediation, mitigation, and consultant services are the responsibility of  
13 the building owner. Proof of remediation of any identified environmental concern  
14 related to the epidemiological assessment is the burden of the building owner.

15 **SECTION 15.** A new section to chapter 23-01 of the North Dakota Century Code is created  
16 and enacted as follows:

17 **Surge staffing.**

18 The department of health and human services may employ staff to deploy to local hospitals,  
19 basic care facilities, long-term care facilities, and other health care settings to cover staff  
20 shortages. The hospital or facility must be responsible for insuring the staff members while the  
21 staff work at the hospital or facility. For indemnification and liability purposes, the staff member  
22 must be considered an employee of the hospital or facility during deployment at the hospital or  
23 facility. The department of health and human services may adopt rules to effectuate this section.

24 **SECTION 16. AMENDMENT.** Section 23-01-08 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **23-01-08. Directors of divisions - Deputy - Appointment, salary, duties.**

27 The ~~executive director~~commissioner of the department of health and human services or  
28 designee shall appoint directors of the various divisions of the department and shall determine  
29 the salary, within the limits of legislative appropriations to the department and in conformity with  
30 the state merit system, to be received by such persons. The duties of such director must be  
31 those prescribed by the ~~executive director~~commissioner of the department of health and human

1 services or designee. The ~~executive director of the department of health and human services or~~  
2 ~~designee~~state health officer may appoint a deputy state health officer. A deputy state health  
3 officer who does not hold a health-related degree may not individually issue an order regarding  
4 public health unless the order is cosigned by a physician who is employed by the department or  
5 cosigned by the state epidemiologist. The deputy state health officer serves at the pleasure of  
6 the ~~executive director of the department of health and human services~~state health officer.

7 **SECTION 17. AMENDMENT.** Section 23-01-08.1 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **23-01-08.1. Criminal history background checks.**

10 The department of health and human services may require a final applicant for a job  
11 opening or a current employee with the department, as designated by the ~~state health-~~  
12 ~~officer~~commissioner of the department of health and human services, complete a state and  
13 national criminal history record check as provided under section 12-60-24.

14 **SECTION 18. AMENDMENT.** Section 23-01-12 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **23-01-12. Hospital records to be kept at direction of ~~state health officer~~department.**

17 When any person is admitted into a lying-in hospital or other institution, public or private, to  
18 which persons resort for the treatment of disease or for confinement, or to which persons are  
19 committed by process of law, the superintendent, manager, or other person in charge of such  
20 institution shall make a record of all the personal and statistical particulars relative to such  
21 person. The record must be in such form as is directed by the ~~state health officer~~department of  
22 health and human services. In the case of any person admitted or committed for medical  
23 treatment of disease, the physician in charge shall specify for entry in the records the nature of  
24 the disease and where, in the physician's opinion, it was contracted. The personal particulars  
25 and information required for compliance with the provisions of this section must be obtained  
26 from the individual personally if practicable, and when the information cannot be obtained from  
27 the individual, from the individual's relatives or friends or from any other person acquainted with  
28 the facts.

29 **SECTION 19. AMENDMENT.** Subsection 3 of section 23-01-44 of the North Dakota  
30 Century Code is amended and reenacted as follows:

- 1           3. The department of health and human services may authorize a qualified entity to  
2           operate a program in a county if:
- 3           a. The area to be served is at risk of an increase or potential increase in prevalence  
4           of viral hepatitis or human immunodeficiency virus;
- 5           b. A syringe exchange program is medically appropriate as part of a comprehensive  
6           public health response; and
- 7           c. The qualified entity conducted a public hearing and submitted a report of the  
8           findings and an administration plan for the program to the ~~state health-~~  
9           ~~officer~~ department of health and human services.

10           **SECTION 20. AMENDMENT.** Section 23-01.2-01 of the North Dakota Century Code is  
11           amended and reenacted as follows:

12           **23-01.2-01. Trauma system established –~~Duties of health council.~~**

13           The ~~health council, in conjunction with the~~ department of health and human services, may  
14           establish and maintain a comprehensive trauma system for the state. The trauma system may  
15           include standards for the following components:

- 16           1. A system plan.
- 17           2. Prehospital emergency medical services.
- 18           3. Hospitals, for which the standards must include:
- 19           a. Standards for designation, redesignation, and dedesignation of trauma centers.
- 20           b. Standards for evaluation and quality improvement programs for designated  
21           trauma centers. The standards must require each trauma center to collect quality  
22           improvement data and to provide specified portions to the department for use in  
23           state and regional trauma quality improvement programs.
- 24           c. Qualifications for trauma center personnel.
- 25           4. A trauma registry. Data in the trauma registry is not subject to subpoena or discovery  
26           or introduction into evidence in any civil action. Designated trauma centers must  
27           participate in the trauma registry. A hospital not designated as a trauma center must  
28           provide to the registry a minimum set of data elements for all trauma patients ~~as-~~  
29           ~~determined by the health council.~~
- 30           5. A trauma quality improvement program to monitor the performance of the trauma  
31           system. The proceedings and records of the program are not subject to subpoena or

1           discovery or introduction into evidence in any civil action arising out of any matter that  
2           is the subject of consideration by the program.

3           **SECTION 21. AMENDMENT.** Section 23-01.2-03 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **23-01.2-03. Trauma center designation.**

- 6           1. Effective January 1, 2011, a hospital that offers emergency services to the public shall  
7           meet trauma center designation standards and participate in the trauma system.
- 8           2. The department of health and human services shall adopt rules that allow provisional  
9           trauma designation status for a hospital that is partially compliant with trauma  
10          designation standards. When issuing a provisional trauma designation, the ~~state-~~  
11          ~~health council~~department of health and human services shall allow a reasonable  
12          amount of time, determined by the department, for a hospital to fully meet all trauma  
13          designation standards.

14          **SECTION 22. AMENDMENT.** Section 23-01.2-04 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16          **23-01.2-04. Medical director.**

17          The ~~executive director~~commissioner of the department of health and human services or  
18          designee shall appoint an emergency medical services and trauma medical director to provide  
19          medical oversight and consultation in the development and administration of the state  
20          emergency medical services and trauma systems. The medical director must be a physician  
21          licensed in the state and must be contracted and paid by the department of health and human  
22          services.

23          **SECTION 23. AMENDMENT.** Subsection 8 of section 23-01.3-01 of the North Dakota  
24 Century Code is amended and reenacted as follows:

- 25          8. "Public health authority" means the department of health and human services' public  
26          health division, department of environmental quality, a local public health unit, and any  
27          authority or instrumentality of the United States, a tribal government, a state, or a  
28          political subdivision of a state, a foreign nation, or a political subdivision of a foreign  
29          nation, which is:
- 30          a. Primarily responsible for public health matters; and



- 1           b. Primarily engaged in activities such as injury reporting, public health surveillance,  
2           and public health investigation or intervention.

3           **SECTION 24. AMENDMENT.** Subsection 1 of section 23-01.3-06 of the North Dakota  
4 Century Code is amended and reenacted as follows:

- 5           1. Notwithstanding any other law, a public health authority, or the agent of any such  
6           entity, may disclose protected health information to a law enforcement authority if the  
7           ~~state health officer~~department of health and human services determines that:  
8           a. The protected health information is necessary to a legitimate law enforcement  
9           inquiry that has begun or may be initiated into a particular violation of a criminal  
10          law or public health law being conducted by the authority; and  
11          b. The investigative or evidentiary needs of the law enforcement authority cannot be  
12          satisfied by nonidentifiable health information or by any other information.

13          **SECTION 25. AMENDMENT.** Section 23-01.3-08 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15          **23-01.3-08. Status of information in possession of a local public health authority.**

16          Any protected health information that is created or received by a local public health  
17 authority, and that is submitted or is required to be submitted to the department of health and  
18 human services' public health division, is confidential and subject to the protection of, and may  
19 be disclosed only as authorized by, this chapter.

20          **SECTION 26. AMENDMENT.** Subsections 8, 17, and 21 of section 23-02.1-01 of the North  
21 Dakota Century Code are amended and reenacted as follows:

- 22          8. "Filing" means the presentation of a record, report, or other information provided for in  
23 this chapter of a birth, death, fetal death, adoption, marriage, divorce, or other event  
24 as specified by the ~~state health officer~~department of health and human services for  
25 registration by the state registrar.  
26          17. "Registration" means the acceptance by the state registrar and incorporation into  
27 official records, reports, or other records provided for in this chapter, of birth, death,  
28 fetal death, marriage, divorce, or other records as may be determined by the ~~state~~  
29 ~~health officer~~department of health and human services.  
30          21. "System of vital records registration" includes the registration, collection, preservation,  
31 amendment, and certification of birth, death, fetal death, marriage, divorce, or other

1 records as may be determined necessary by the ~~state health officer or the state health-~~  
2 ~~officer's designee~~ department of health and human services.

3 **SECTION 27. AMENDMENT.** Section 23-02.1-02 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **23-02.1-02. Office of statistical services.**

6 There is hereby established in the department of health and human services an office of  
7 statistical services, which shall install, maintain, and operate a system of health statistics  
8 tabulation and analysis and a system of vital records registration throughout the state. The  
9 ~~executive director~~ commissioner of the department of health and human services or designee  
10 may create within the office of statistical services such working divisions as may be necessary  
11 to comply with the provisions of this chapter and shall appoint the directors of such divisions in  
12 accordance with the merit system laws and regulations of the state of North Dakota.

13 **SECTION 28. AMENDMENT.** Section 23-02.1-03 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **23-02.1-03. Director of the office of statistical services and associative duties, state**  
16 **and deputy state registrars.**

17 The ~~executive director~~ commissioner of the department of health and human services or  
18 designee shall appoint a director of the office of statistical services, in accordance with the merit  
19 system laws and regulations of the state of North Dakota, who must be the ex officio state  
20 registrar of vital statistics. The deputy state registrar of vital statistics must also be appointed by  
21 the ~~executive director~~ commissioner of the department of health and human services or  
22 designee. The director of the office of statistical services shall administer and enforce this  
23 chapter and the rules and regulations issued hereunder, and issue instructions for the efficient  
24 administration of a statewide system of health statistics tabulation and analysis and a statewide  
25 system of vital records registration. The director of the office of statistical services may delegate  
26 such functions and duties vested in the director to the officers and employees of the office of  
27 statistical services as the director deems necessary and expedient.

28 **SECTION 29. AMENDMENT.** Subsection 4 of section 23-07-02.3 of the North Dakota  
29 Century Code is amended and reenacted as follows:

30 4. If the governor declares an emergency or a disaster based on an epidemic under  
31 chapter 37-17.1, the state health officer shall consider whether to issue a temporary

1           order ~~or the health council shall consider whether to adopt rules or emergency rules to~~  
2           include this infectious disease as a reportable disease or condition or as a post-  
3           mortem communicable disease.

4           **SECTION 30. AMENDMENT.** Section 23-07-15 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **23-07-15. Removal of individual with reportable disease or condition - Removal of**  
7 **body of individual who died of reportable disease or condition - Prohibited - Declaration**  
8 **of emergency or disaster - Rulemaking authority.**

- 9           1. Unless the person has a permit from the local board of health or department of health  
10           and human services, a person may not remove or cause to be removed from without  
11           this state into this state, from one building to another within this state, or from or to any  
12           railroad car or motor vehicle, an individual with a reportable disease or condition, or  
13           the body of an individual who died of a reportable disease or condition.
- 14           2. If the governor declares an emergency or a disaster based on an epidemic under  
15           chapter 37-17.1, the ~~health council~~department of health and human services shall  
16           consider whether to adopt rules or emergency rules ~~directing the department of health-~~  
17           ~~and human services~~ to notify emergency medical services personnel of the presence  
18           of a reportable disease or condition and any person taking possession of a dead body  
19           of a post-mortem communicable disease. Notwithstanding state laws to the contrary,  
20           rules adopted under this section may provide for the disclosure of personally  
21           identifiable information.

22           **SECTION 31. AMENDMENT.** Section 23-07.2-01 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24           **23-07.2-01. Definitions.**

25           As used in this chapter, unless the context or subject matter otherwise requires:

- 26           1. "~~Hemophilia, "hemophilia"~~ means a bleeding tendency resulting from a genetically  
27           determined deficiency or abnormality of a blood plasma factor or component.
- 28           2. "~~State health officer" means the state health officer as defined in this title.~~

29           **SECTION 32. AMENDMENT.** Section 23-09.4-08 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **23-09.4-08. Penalty.**

2       1. Any person who operates or manages a residential care facility for children with  
3       autism spectrum disorder without first obtaining a license as required by this chapter is  
4       guilty of a class B misdemeanor.

5       2. Any person who violates any provision of this chapter or any rule adopted under this  
6       chapter may be assessed a civil penalty not to exceed one thousand dollars for each  
7       violation and for each day the violation continues, plus interest and any costs incurred  
8       by the department to enforce this penalty. The civil penalty may be imposed by a court  
9       in a civil proceeding or by the ~~state health officer~~department through an administrative  
10      hearing under chapter 28-32. The assessment of a civil penalty does not preclude the  
11      imposition of other sanctions authorized by rules adopted under this chapter.

12      **SECTION 33. AMENDMENT.** Subsection 4 of section 23-10-03 of the North Dakota  
13      Century Code is amended and reenacted as follows:

14      4. The department shall waive the license fee for any mobile home park, recreational  
15      vehicle park, or campground owned by the state, a municipality, or a nonprofit  
16      organization. The department shall waive all or a portion of the license fee for any  
17      mobile home park, recreational vehicle park, or campground that is subject to local  
18      sanitation, safety, and inspection requirements accepted by the department under  
19      section 23-10-02.1. A prorated annual license fee may be charged for new mobile  
20      home parks, recreational vehicle parks, and campgrounds. The ~~health-~~  
21      ~~council~~department may adopt rules establishing the amount and the procedures for  
22      the collection of annual license fees. The fees must be based on the cost of reviewing  
23      construction plans, conducting routine and complaint inspections, reinspection, and  
24      necessary enforcement action. License fees collected pursuant to this section must be  
25      deposited in the department's operating fund in the state treasury and any expenditure  
26      from the fund is subject to appropriation by the legislative assembly.

27      **SECTION 34. AMENDMENT.** Section 23-10-06 of the North Dakota Century Code is  
28      amended and reenacted as follows:

29      **23-10-06. License issuance - Fee.**

30      An applicant seeking licensure shall apply to the department on forms prescribed by the  
31      department. The applicant shall enclose with the application an application fee as determined

1 by rule. The department shall issue a license to an applicant who meets all of the requirements  
2 of this chapter and any rules adopted by the ~~health council~~department.

3 **SECTION 35. AMENDMENT.** Subsection 2 of section 23-10-06.1 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5 2. A license may be renewed by December thirty-first by submitting a renewal  
6 application, a renewal fee established rule, provided the licensee is in compliance with  
7 this chapter and any rules established by the ~~health council~~department.

8 **SECTION 36. AMENDMENT.** Section 23-10-12 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **23-10-12. Revocation of license - Penalty for operating without license.**

11 The department may deny an application or take disciplinary action, up to and including  
12 revocation, against any applicant or licensee upon the failure of the applicant or licensee to  
13 comply with this chapter or with any of the rules adopted by the ~~health council~~ and regulations  
14 promulgated by the department. Before the department takes disciplinary action against a  
15 license, the department shall notify the licensee in writing of the reason disciplinary action is  
16 being considered and shall provide a reasonable amount of time for correction to be made.  
17 Action taken under the authority granted in this section must comply with chapter 28-32. Any  
18 person who maintains or operates a mobile home park, recreational vehicle park, or  
19 campground without first obtaining a license, or who operates the same after revocation of the  
20 license, is guilty of an infraction.

21 **SECTION 37. AMENDMENT.** Section 23-16-05 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **23-16-05. Inspections, consultations, and approval of plans.**

24 The department of health and human services shall make or cause to be made such  
25 inspections as may be prescribed by regulation. The ~~health council~~department of health and  
26 human services may prescribe by regulations that any licensee or prospective applicant  
27 desiring to make a substantial alteration or addition to its facilities or to construct new facilities  
28 shall, before commencing such alteration, addition, or new construction, submit plans and  
29 specifications therefor to the department of health and human services for preliminary  
30 inspection, recommendation, and approval.

1       **SECTION 38. AMENDMENT.** Section 23-16-06 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **23-16-06. Authority to issue, deny, suspend, or revoke licenses.**

4       1. The department of health and human services shall issue licenses for the operation of  
5 institutions subject to this chapter which are found to comply with the provisions of this  
6 chapter and rules adopted by the department. ~~The state health officer with the~~  
7 ~~approval of the health council~~department of health and human services may, ~~after a~~  
8 hearing, suspend or revoke licenses issued hereunder on any of the following  
9 grounds:

10       4. a. Violation of any of the provisions of this chapter or the rules and regulations  
11 promulgated pursuant thereto.

12       2. b. Permitting, aiding, or abetting the commission of any unlawful act.

13       3. c. Conduct or practices detrimental to the health or safety of patients and  
14 employees of said institutions; provided that this provision may not be construed  
15 to have any reference to practices authorized by law; and provided further that no  
16 license may be suspended or revoked for any trivial violation.

17       2. No application for a license may be denied, or any licenses suspended or revoked,  
18 except after a hearing ~~before the health council held pursuant to~~ written notice to the  
19 applicant or licensee, served by registered or certified mail, which notice must  
20 concisely state the grounds for such denial or for such proposed suspension or  
21 revocation and ~~must fix the time and place of hearing which may not be less than thirty~~  
22 ~~days after the date of the mailing of such notice. After such hearing, the council shall~~  
23 ~~make an order, either denying the application for license or granting the same, or~~  
24 ~~suspending or revoking such license, or dismissing the proceedings to suspend or~~  
25 ~~revoke as the merits of the case warrant. The council shall send a copy of its order to~~  
26 ~~the applicant or licensee by registered or certified mail, which must contain its findings~~  
27 ~~and conclusions, and such order, except an order of dismissal, becomes final thirty~~  
28 ~~days after the date of mailing unless the applicant or licensee appeals therefrom in the~~  
29 ~~manner provided by section 23-16-10.~~

30       **SECTION 39. AMENDMENT.** Section 23-16-10 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **23-16-10. Appeal.**

2       An appeal may be taken to the district court from any order of the state health officer or  
3 health council denying an application for a license to operate a medical hospital or related  
4 institution, or suspending or revoking a license, or from any order denying an application for a  
5 construction project. Any such appeal must be taken to the office of administrative hearings in  
6 the manner provided in chapter 28-32.

7       **SECTION 40. AMENDMENT.** Section 23-16-11 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9       **23-16-11. Penalties.**

- 10       1. Any person establishing, conducting, managing, or operating any institution subject to  
11 this chapter, without first obtaining a license as required by this chapter, or who  
12 violates any of the provisions of this chapter is guilty of an infraction.
- 13       2. In addition to any criminal sanctions that may be imposed pursuant to law, any person  
14 maintaining or operating a nursing facility licensed by the department of health and  
15 human services who is found guilty of knowingly violating any provision of this title or  
16 any rules adopted under this title, or any person maintaining or operating a nursing  
17 facility found to have deficiencies during a survey of the nursing facility, may be  
18 assessed a civil penalty not to exceed one thousand dollars for each violation and for  
19 each day the violation continues plus interest and any costs incurred by the  
20 department of health and human services to enforce this penalty. This civil penalty  
21 may be imposed by a court in a civil proceeding or by the ~~state health-~~  
22 ~~officer~~department of health and human services through an administrative hearing  
23 under chapter 28-32. If a civil penalty levied by the department of health and human  
24 services after an administrative hearing is not paid within thirty days after a final  
25 determination that a civil penalty is owed, unless the determination of a civil penalty is  
26 appealed to a district court, the civil penalty and any costs incurred by the department  
27 of health and human services to enforce the penalty may be withheld from payments  
28 due to the person or nursing facility from the department of health and human  
29 services. Any funds received as penalties must be applied to protect residents of the  
30 nursing facility, to relocate residents, to maintain operation of the nursing facility, and  
31 to reimburse residents for loss of personal funds.

1       **SECTION 41. AMENDMENT.** Section 23-17-08 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **23-17-08. Establishment of advisory committee.**

4       The chiropractic board of examiners shall request the governor to appoint an advisory  
5 committee consisting of the ~~executive director~~commissioner of the department of health and  
6 human services or designee, one chiropractic hospital superintendent, and one person  
7 interested in chiropractic hospitals. One member is to serve for three years, one for two, and  
8 one is to serve for one year from the date of their appointment or until their successors are duly  
9 appointed. Following this first appointment, the term of office must be for three years. This  
10 advisory committee shall act in an advisory capacity to the chiropractic board of examiners in  
11 dealing with matters pertaining to particular problems of chiropractic hospitals and sanatoriums  
12 and other related institutions.

13       **SECTION 42. AMENDMENT.** Section 23-17.6-01 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15       **23-17.6-01. Definitions.**

16       In this chapter, unless the context and subject matter otherwise require:

- 17       1. "Department" means the department of health and human services.
- 18       2. "Extended stay center" means a facility that provides extended stay services.
- 19       3. "Extended stay services" means postsurgical and postdiagnostic medical and nursing  
20       services provided to a patient recovering from a surgical procedure performed in an  
21       ambulatory surgical center.
- 22       4. "Operating room" has the meaning given that term in rules adopted by the ~~health-~~  
23       ~~council~~department.

24       **SECTION 43. AMENDMENT.** Section 23-17.6-02 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **23-17.6-02. Registration required - Rules.**

27       A person may not conduct, maintain, or operate an extended stay center without a  
28 certificate of registration issued by the department. The ~~health-council~~department shall adopt  
29 rules for the application, issuance, and renewal of a certificate of registration.

30       **SECTION 44. AMENDMENT.** Section 23-17.6-04 of the North Dakota Century Code is  
31 amended and reenacted as follows:



1       **23-17.6-04. Standards of registration.**

- 2       1. An extended stay center shall meet the following minimum standards for registration:
- 3           a. Must be affiliated with one or more facilities certified by the centers for Medicare  
4                 and Medicaid services as an ambulatory surgical center;
- 5           b. Must have no more than two recovery beds for each operating room in the  
6                 affiliated ambulatory surgical center, not to exceed a total of sixteen recovery  
7                 beds;
- 8           c. Shall discharge patients within forty-eight hours from the time of admission to the  
9                 extended stay center;
- 10          d. Shall conform to all patient safety and facility requirements adopted by the health-  
11                 council department by rule;
- 12          e. Shall use admission criteria based only on the extended stay center's:
- 13                 (1) Medical screening criteria;
- 14                 (2) Evidence-based surgery guidelines; or
- 15                 (3) Patient safety standards;
- 16          f. Orally and in writing, shall clearly notify patients with Medicare coverage of the  
17                 services provided by the extended stay center which are not covered by  
18                 Medicare; and
- 19          g. Shall report data and metrics to the department as prescribed by rule, including  
20                 the:
- 21                 (1) Types of procedures performed at the affiliated ambulatory surgical center  
22                         for which patients are transferred to the extended stay center for recovery;
- 23                 (2) Average duration of patient stays at the extended stay center;
- 24                 (3) Medical acuity of the patients served by the extended stay center; and
- 25                 (4) Frequency and cause of patient transfers from the extended stay center to a  
26                 hospital.
- 27       2. An extended stay center only may accept a patient from an ambulatory surgical center.  
28       Each ambulatory surgical center must:
- 29           a. Be separated physically from the extended stay center operations;
- 30           b. Have demonstrated safe operating procedures in an outpatient surgery setting for  
31                 no less than twenty-four consecutive months; and

- 1           c. Be certified by the centers for Medicare and Medicaid services as participating in  
2           the ambulatory surgical center quality reporting program administered by the  
3           centers for Medicare and Medicaid services.

4           **SECTION 45. AMENDMENT.** Section 23-17.6-06 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **23-17.6-06. Rulemaking.**

7           The ~~health council~~department shall adopt necessary rules relating to the extended stay  
8 centers, including rules governing:

- 9           1. Licensure qualifications of professional and ancillary personnel;  
10          2. Standards for the organization and quality of patient care performed at the extended  
11           stay center;  
12          3. Procedures for maintaining records;  
13          4. Procedures for application, issuance, and renewal of certificate of registration;  
14          5. Procedures for denial, suspension, or revocation of certificate of registration; and  
15          6. Reviews of registered extended stay centers.

16          **SECTION 46. AMENDMENT.** Section 23-17.7-03 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18          **23-17.7-03. License issuance and renewal - Evaluation and inspection - Rules.**

- 19          1. Upon receipt of an initial or renewal license application on forms established by the  
20           department, the department or the department's authorized representative shall  
21           evaluate and inspect the residential end-of-life facility. The department shall issue or  
22           renew a license for an applicant that submits a complete application, submits the  
23           appropriate fee, and meets the minimum requirements of this chapter.  
24          2. In consultation with stakeholders, the ~~state health council~~department shall adopt rules:  
25           a. For the application, issuance, and renewal of a license under this chapter;  
26           b. Establishing minimum standards for licensure of a residential end-of-life facility;  
27           and  
28           c. Establishing the fee for issuance of a license and renewal of a license of a  
29           residential end-of-life facility.

30          **SECTION 47. AMENDMENT.** Section 23-23-03 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1        **23-23-03. Enforcement by ~~health officer~~department - Seizure - Inspection - Injunction.**

2        It is the duty of the ~~state health officer~~department of health and human services to enforce  
3 the provisions of this chapter, and for that purpose the investigators, inspectors,  
4 representatives, and agents of the department of health and human services shall have the full  
5 power and authority of peace officers in this state, and shall have the power and authority to  
6 administer oaths, to enter upon premises at all times for the purpose of making inspections, to  
7 seize evidence, to interrogate all persons, and to require the production of books, papers,  
8 documents, or other evidence. The ~~state health officer~~department of health and human services  
9 may institute, in its own name, proceedings to enjoin and restrain violations of this chapter,  
10 regardless of whether the defendant has been convicted of violation of the penal provisions  
11 thereof, and may not be required to pay any costs or filing fees or furnish any bond in  
12 connection therewith.

13        **SECTION 48. AMENDMENT.** Section 23-24-01 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15        **23-24-01. Definitions.**

16        As used in this chapter unless the context or subject matter otherwise provides:

- 17        1. "Board" means the board of commissioners of a vector control district.
- 18        2. "~~District~~" means ~~a vector control district established for the control of public health~~  
19        ~~vectors.~~
- 20        ~~3.~~ "Department" means the department of health and human services.
- 21        3. "Health officer" means the state health officer.
- 22        4. "Potential or emergency health hazard" means a potential or existing infestation by  
23        public health vectors that is detrimental to human health and well-being.
- 24        5. "Public health vectors" means all species of mosquitoes and flies.

25        **SECTION 49. AMENDMENT.** Section 23-24-02 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27        **23-24-02. Petition for establishment of vector control districts - Hearing thereon and**  
28 **investigation - District when created.**

29        Whenever there is filed with the ~~state health council~~department a petition signed by the  
30 governing body of a county, city, or township or by twenty percent or more of the freeholders  
31 within the limits of a proposed vector control district, the ~~state health council~~department shall fix

1 a time and place for a public hearing on such petition. The place of hearing must be convenient  
2 and accessible for a majority of the freeholders of the proposed district. Not less than ten days  
3 prior to the date of hearing, notice thereof must be published in at least one newspaper of  
4 general circulation in the proposed district. Prior to such hearing the ~~state health-~~  
5 ~~officer~~department shall make or cause to be made an investigation of the need for the  
6 establishment of the proposed vector control district and shall submit his report to the  
7 ~~council~~department. If the ~~state health council~~department finds that it is not feasible, desirable, or  
8 practical to establish the proposed district, it shall make an order denying the petition and state  
9 therein the reasons for its action. If, however, the ~~council~~department finds the problems of  
10 vector control or other reasons make the establishment of the proposed district desirable,  
11 proper, and necessary, it shall grant the petition and create such district and establish the  
12 boundaries thereof.

13 **SECTION 50. AMENDMENT.** Section 23-24-02.1 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **23-24-02.1. Petition for withdrawing from a vector control district - Hearing and**  
16 **investigation - Boundary modification.**

17 Any county, city, or township or portion of a county, city, or township may withdraw from a  
18 vector control district whenever a petition signed by the governing body of the county, city, or  
19 township or at least twenty percent of the residents of the county, city, or township, or portion  
20 thereof, desiring to withdraw from the district, is approved by the ~~state health-~~  
21 ~~council~~department. Prior to approving a petition to withdraw from the district, the ~~state health-~~  
22 ~~council~~department shall fix a time and place for a public hearing on the petition. The place of the  
23 hearing must be convenient and accessible for a majority of the residents of the district. At least  
24 ten days prior to the date of the hearing, the ~~state health council~~department shall publish a  
25 notice of the hearing in at least one newspaper of general circulation in the district. Prior to the  
26 hearing the ~~state health officer~~department shall investigate the petition to withdraw and shall  
27 ~~submit a report to the council~~. If the ~~state health council~~department finds that it is not feasible,  
28 desirable, or practical to allow the petitioning entity to withdraw from the district, it shall make an  
29 order denying the petition and state the reasons for its action. If the ~~council~~department finds that  
30 the petitioning entity is no longer benefited by being included within the boundaries of the  
31 district or if other reasons make the withdrawal of the petitioning entity desirable, proper, and

1 necessary, it shall grant the petition and modify the boundaries of the district. No person may be  
2 a member of the board of commissioners if that person is no longer a resident of the vector  
3 control district after the boundaries have been modified. A new member must be appointed to  
4 replace any such member in the manner provided for original appointments.

5 **SECTION 51. AMENDMENT.** Section 23-24-06 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **23-24-06. Oath of office - Organization of board of commissioners - Appointment of**  
8 **employees - Meetings.**

9 Upon receiving notice of appointment as a member of the board of commissioners of a  
10 vector control district, such appointee shall take the oath of office prescribed for civil officers.  
11 Such oath must be filed with the secretary of the board after organization thereof as herein  
12 provided. Notice of the appointment of a member or members of a board of commissioners  
13 must be mailed to the governing body of the county, city, or township included within said  
14 district. Such notice must state the name and post-office address of each appointee and the  
15 date of the appointment and must request approval of the same. The commissioners appointed  
16 after their approval shall meet to organize at a time and place designated by the ~~state health-~~  
17 ~~council~~department and shall organize by selecting a chairman of the board and naming a  
18 temporary secretary pending appointment of a permanent secretary. A majority of the  
19 commissioners constitutes a quorum for the transaction of business as may come before the  
20 board but any number may adjourn a meeting for want of a quorum. The board shall appoint a  
21 secretary and treasurer and such other employees as may be deemed needed for efficient  
22 conduct of the district's business and shall fix their compensation. The office of secretary and  
23 treasurer may be held by the same person. Officers and employees shall hold office during the  
24 pleasure of the board. The board shall provide an office suitable for its use as a meeting place  
25 and for conducting the affairs of the district. It shall adopt such rules or regulations for  
26 transacting the business of the district as it may deem necessary, including the time and place  
27 of holding regular meetings of the board. Special meetings may be called by the secretary on  
28 order of the chairman of the board or on written request of two members of the board. Notice of  
29 the special meeting must be mailed to each member of the board at least five days before any  
30 such meeting, provided that a special meeting may be held whenever all members of the board  
31 are present or consent thereto in writing.

1       **SECTION 52. AMENDMENT.** Section 23-27-03 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **23-27-03. License fees.**

4       The fee for an emergency medical services operation license to operate an emergency  
5 medical services operation or a substation ambulance services operation must be set ~~by the~~  
6 ~~state health council~~ at a sum of not more than twenty-five dollars annually, as may be required  
7 to defray the costs of administration of the licensing program. This operation license fee does  
8 not apply to licensure or certification of emergency medical services personnel. All license fees  
9 must be paid to the department of health and human services and deposited with the state  
10 treasurer and credited to the state general fund.

11       **SECTION 53. AMENDMENT.** Section 23-27-04.7 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13       **23-27-04.7. County reporting - Use of property tax levies.**

14       The board of county commissioners of every county in this state shall conduct an annual  
15 review of the emergency medical services coverage within that county and shall submit an  
16 annual report ~~to the state health officer~~ in a format approved by the department of health and  
17 human services. A taxing district that levies a special emergency medical services or  
18 ambulance service levy shall allocate all of the special tax levy revenue collected in a particular  
19 township to the ambulance service that serves the largest area within that township.

20       **SECTION 54. AMENDMENT.** Subsection 3 of section 23-27-04.9 of the North Dakota  
21 Century Code is amended and reenacted as follows:

22       3. Licensed or certified emergency medical services personnel may perform laboratory  
23 testing authorized by rule adopted by the ~~health council~~department.

24       **SECTION 55. AMENDMENT.** Section 23-35.1-02 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **23-35.1-02. Regional public health network - Joint powers agreement - Review by**  
27 **~~state health officer~~department - Criteria.**

28       Before a group of public health units may be designated as a regional public health network  
29 and eligible for state funding, the ~~state health officer~~department shall review the joint powers  
30 agreement the public health units entered and verify that:

31       1. The regional public health network consists of:

- 1           a. At least two public health units serving a minimum population of fifteen thousand;  
2           or  
3           b. A minimum of three public health units.
- 4        2. The joint powers agreement requires that the participating public health units:
- 5           a. Assess the health of the population;  
6           b. Identify workplan activities that meet the needs of the region;  
7           c. Comply with requirements adopted by ~~the health council~~ by rule;  
8           d. Meet department maintenance of effort funding requirements, which must be  
9           calculated based on each unit's dollar or mill levy public health unit contribution in  
10          the most recent calendar year; and  
11          e. Share core public health activities and measure outcomes in accordance with  
12          subsection 3.
- 13       3. The joint powers agreement requires:
- 14          a. Evidence that network activities align with prevailing health status and community  
15          needs;  
16          b. Shared or expanded services, including the core public health activities of:  
17             (1) Preventing epidemics and spread of disease;  
18             (2) Protecting against environmental hazards;  
19             (3) Preventing injuries;  
20             (4) Promoting health behaviors;  
21             (5) Responding to disasters; and  
22             (6) Assuring the quality and accessibility of health services;  
23          c. Assurance of network performance measurement to demonstrate capacity,  
24          process, or health outcomes;  
25          d. Criteria for the future participation of public health units that were not parties to  
26          the original joint powers agreement;  
27          e. An application process by which public health units that were not parties to the  
28          original joint powers agreement may become participating districts; and  
29          f. A process by which public health units that were not parties to the original joint  
30          powers agreement may appeal a decision to deny an application to participate in  
31          the agreement to the ~~state health officer~~department.

1           4.    The joint powers agreement provides for the structure of the governing body of the  
2                    network.

3           **SECTION 56. AMENDMENT.** Section 23-35.1-03 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **23-35.1-03. Regional public health network - Annual plan.**

6           A regional public health network shall prepare an annual plan regarding the provision of the  
7 core public health activities and shall submit the plan to the ~~state health officer~~department for  
8 approval.

9           **SECTION 57. AMENDMENT.** Section 23-36-08 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11           **23-36-08. Limitation on liability.**

12           Subject to any other requirements of section 32-12.2-02, the owner of an animal may bring  
13 a claim for money damages, and may recover an amount up to the replacement value of the  
14 animal, if the owner establishes that before the animal was seized and tested for rabies under  
15 this chapter, the ~~state health officer, or the state health officer's designee~~department, knew or  
16 recklessly failed to determine that the animal, at the time of the exposure, was lawfully owned  
17 and licensed and that:

- 18           1.    The animal had not bitten, scratched, or otherwise possibly exposed another animal or  
19                    an individual to rabies; or
- 20           2.    The animal was a domestic animal and there was not probable cause to believe the  
21                    animal was rabid.

22           **SECTION 58. AMENDMENT.** Subsection 1 of section 23-38.1-02 of the North Dakota  
23 Century Code is amended and reenacted as follows:

- 24           1.    The department of health and human services shall establish a cardiac ready  
25                    community grant program advisory committee with members appointed by the  
26                    ~~executive director~~commissioner of the department of health and human services or  
27                    designee. The advisory committee shall advise the department of health and human  
28                    services in the development of the cardiac ready community grant program and the  
29                    membership must include a representative of the department of health and human  
30                    services, one cardiac ready community member, one representative of the emergency  
31                    medical services association, one representative of the American heart association,



1           one representative of the cardiac task force, one representative of the stroke task  
2           force, one representative of the emergency services advisory committee, one survivor  
3           advocate, and the department of health and human services emergency medical  
4           services and trauma medical director.

5           **SECTION 59. AMENDMENT.** Section 23-43-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **23-43-01. Stroke system –~~Duties of state health officer.~~**

8           The ~~state health officer~~department of health and human services shall establish and  
9 maintain a comprehensive stroke system for the state. The program must comply with this  
10 chapter; be based on department-approved, nationally recognized guidelines and protocols;  
11 and provide specific patient care and support services criteria stroke centers shall meet to  
12 ensure stroke patients receive safe and effective care, and must modify the state's emergency  
13 medical response system to assure stroke patients are quickly identified and transported to and  
14 treated in facilities that have specialized programs for providing timely and effective treatment  
15 for stroke patients. The stroke system must include standards for the following components:

- 16           1. A system plan.
- 17           2. Prehospital emergency medical services.
- 18           3. Hospitals, for which the standards must include:
  - 19               a. Standards for designation, redesignation, and removal of designation.
  - 20               b. Standards for evaluation and quality improvement programs for designated  
21               facilities. The standards must require each facility to collect quality improvement  
22               data and to provide specified portions to the department of health and human  
23               services for use in state and regional stroke quality improvement programs.
- 24           4. A stroke registry. Data in the stroke registry is not subject to subpoena or discovery or  
25           introduction into evidence in any civil action. A designated facility shall participate in  
26           the stroke registry. A hospital not designated shall provide to the stroke registry a  
27           minimum set of data elements for all stroke patients as determined by the stroke  
28           system of care advisory task force.
- 29           5. A stroke quality improvement program to monitor the performance of the stroke  
30           system. The proceedings and records of the stroke quality improvement program are  
31           not subject to subpoena or discovery or introduction into evidence in any civil action

1            arising out of any matter that is the subject of consideration by the stroke quality  
2            improvement program.

3            **SECTION 60. AMENDMENT.** Subsection 3 of section 23-43-05 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5            3. The stroke system of care task force shall make recommendations to the department  
6 of health and human services ~~and health council~~. Upon receiving such  
7 recommendations, the department of health and human services may adopt rules  
8 implementing the recommendations.

9            **SECTION 61. AMENDMENT.** Section 23-46-02 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11            **23-46-02. Emergency medical services advisory council.**

12            1. The department of health and human services shall establish an emergency medical  
13 services advisory council.

14            2. The council must include ~~at:~~

15            a. At least three representatives appointed by an emergency medical services  
16 organization,~~one;~~

17            b. One individual to represent basic life support and one, appointed by the  
18 commissioner of the department of health and human services or designee;

19            c. One individual to represent advanced life support, both appointed by the  
20 executive director/commissioner of the department of health and human services  
21 or designee, and other; and

22            d. Other members designated by the executive director/commissioner of the  
23 department of health and human services or designee, not to exceed a total of  
24 fourteen members.

25            3. The department of health and human services ~~and the state health officer~~ shall  
26 consider the recommendations of the council on ~~the:~~

27            a. The plan for integrated emergency medical services in the state,~~development;~~

28            b. Development of emergency medical services funding areas,~~development;~~

29            c. Development of the emergency medical services funding areas application  
30 process and budget criteria;~~i~~ and ~~other~~

1           d. Other issues relating to emergency medical services as determined by the  
2           ~~executive director~~commissioner of the department of health and human services  
3           or designee or the state health officer.

4           4. Council members are entitled to reimbursement for expenses in the manner provided  
5           in section 44-08-04. The department of health and human services shall establish by  
6           policy the length of terms and the method for rotation of membership.

7           **SECTION 62. AMENDMENT.** Subsection 1 of section 23-47-03 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9           1. The ~~executive director~~commissioner of the department of health and human services  
10           or designee shall appoint the members of the acute cardiovascular emergency  
11           medical system of care advisory committee. The state health officer, or the officer's  
12           designee, is an ex officio member of the advisory committee. The ~~executive-~~  
13           ~~director~~commissioner of the department of health and human services or designee  
14           shall appoint to the committee members who represent referring and receiving  
15           hospitals, physicians who treat patients, and members who represent emergency  
16           medical services operations that provide services in rural and urban areas of the state.  
17           Members of the acute cardiovascular emergency medical system of care advisory  
18           committee serve at the pleasure of the ~~executive director~~commissioner of the  
19           department of health and human services.

20           **SECTION 63. AMENDMENT.** Subsection 7 of section 25-01-01 of the North Dakota  
21 Century Code is amended and reenacted as follows:

22           7. "Supervising officer" means the ~~executive director~~commissioner of the department of  
23           health and human services or designee or the superintendent of public instruction, as  
24           the case may be.

25           **SECTION 64. AMENDMENT.** Subsection 1 of section 25-01-01.1 of the North Dakota  
26 Century Code is amended and reenacted as follows:

27           1. There must be maintained in the department of health and human services a state  
28           council on developmental disabilities consisting of:  
29           a. One representative of each of the following departments, divisions, institutions,  
30           and organizations designated by the head of such agency or organization:  
31           (1) Office of superintendent of public instruction.

- 1                   (2) Job service North Dakota.
- 2           b. Three representatives of the department of health and human services to include
- 3                   at least:
- 4                   (1) One representative from the life skills and transition center designated by its
- 5                               superintendent; and
- 6                   (2) One representative from the department's public health division.

7           **SECTION 65. AMENDMENT.** Subsection 3 of section 25-02-01.1 of the North Dakota

8 Century Code is amended and reenacted as follows:

- 9           3. The governing body must be composed of the ~~executive director~~commissioner of the
- 10                   department of health and human services or designee; the director of the division of
- 11                   behavioral health of the department or designee, who shall serve as chairman of the
- 12                   governing body; the state hospital superintendent; the state hospital medical director;
- 13                   a representative of the department's fiscal administration division; a behavioral health
- 14                   consumer selected by the mental health association; and a legislator selected by the
- 15                   legislative management. The governing body may include other persons as appointed
- 16                   by the governing body.

17           **SECTION 66. AMENDMENT.** Section 25-03.1-34.1 of the North Dakota Century Code is

18 amended and reenacted as follows:

19           **25-03.1-34.1. Exchange of individuals with a substance use disorder.**

20           The ~~director~~commissioner of the department of health and human services or designee, a

21 county, a city, or a local law enforcement agency may enter into reciprocal agreements with the

22 appropriate authorities of any other state regarding the mutual exchange, return, and

23 transportation of individuals with a mental illness or substance use disorder who are treated or

24 confined in hospitals of one state for treatment of a substance use disorder or mental illness but

25 who have legal residence in another state.

26           **SECTION 67. AMENDMENT.** Section 25-03.3-01 of the North Dakota Century Code is

27 amended and reenacted as follows:

28           **25-03.3-01. Definitions.**

29           In this chapter, unless the context otherwise requires:

- 30           1. "Committed individual" means an individual committed for custody and treatment
- 31                   pursuant to this chapter.

- 1           2.   ~~"Executive director" means the executive director of the department of health and~~  
2           ~~human services or the executive director's designee.~~
- 3           ~~3.~~    "Intellectual disability" means mental retardation as defined in the "Diagnostic and  
4           Statistical Manual of Mental Disorders", American psychiatric association, (4<sup>th</sup> edition,  
5           text revision 2000).
- 6           4.3.   "Qualified expert" means an individual who has an expertise in sexual offender  
7           evaluations and who is a psychiatrist or psychologist trained in a clinical program and  
8           licensed pursuant to this state's law or a psychologist approved for exemption by the  
9           North Dakota board of psychologist examiners. For purposes of evaluating an  
10          individual with an intellectual disability, the qualified expert must have specialized  
11          knowledge in sexual offender evaluations of individuals with an intellectual disability.
- 12          5.4.   "Respondent" means an individual subject to a commitment proceeding pursuant to  
13          this chapter.
- 14          6.5.   "Sexual act" means sexual contact between human beings, including contact between  
15          the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth  
16          and the vulva, or the vulva and the vulva; or the use of an object that comes in contact  
17          with the victim's anus, vulva, or penis. Sexual contact between the penis and the  
18          vulva, or between the penis and the anus, or an object and the anus, vulva, or penis of  
19          the victim, occurs upon penetration, however slight. Emission is not required.
- 20          7.6.   "Sexual contact" means any touching of the sexual or other intimate parts of an  
21          individual for the purpose of arousing or satisfying sexual or aggressive desires.
- 22          8.7.   "Sexually dangerous individual" means an individual who is shown to have engaged in  
23          sexually predatory conduct and who has a congenital or acquired condition that is  
24          manifested by a sexual disorder, a personality disorder, or other mental disorder or  
25          dysfunction that makes that individual likely to engage in further acts of sexually  
26          predatory conduct which constitute a danger to the physical or mental health or safety  
27          of others. It is a rebuttable presumption that sexually predatory conduct creates a  
28          danger to the physical or mental health or safety of the victim of the conduct. For these  
29          purposes, intellectual disability is not a sexual disorder, personality disorder, or other  
30          mental disorder or dysfunction.
- 31          9.8.   "Sexually predatory conduct" means:

- 1           a. Engaging or attempting to engage in a sexual act or sexual contact with another  
2           individual, or causing or attempting to cause another individual to engage in a  
3           sexual act or sexual contact, if:
- 4           (1) The victim is compelled to submit by force or by threat of imminent death,  
5           serious bodily injury, or kidnapping directed toward the victim or any human  
6           being, or the victim is compelled to submit by any threat or coercion that  
7           would render a person reasonably incapable of resisting;
- 8           (2) The victim's power to appraise or control the victim's conduct has been  
9           substantially impaired by the administration or employment, without the  
10          victim's knowledge, of intoxicants or other means for purposes of preventing  
11          resistance;
- 12          (3) The actor knows or should have known that the victim is unaware that a  
13          sexual act is being committed upon the victim;
- 14          (4) The victim is less than fifteen years old;
- 15          (5) The actor knows or should have known that the victim has a disability that  
16          substantially impairs the victim's understanding of the nature of the sexual  
17          act or contact;
- 18          (6) The victim is in official custody or detained in a treatment facility, health care  
19          facility, correctional facility, or other institution and is under the supervisory  
20          authority, disciplinary control, or care of the actor;
- 21          (7) The victim is a minor and the actor is an adult; or
- 22          (8) The other individual is a person related to the actor within a degree of  
23          consanguinity within which marriages are declared incestuous and void by  
24          section 14-03-03 and the actor knows that; or
- 25          b. Engaging in or attempting to engage in sexual contact with another individual or  
26          causing or attempting to cause another individual to have sexual contact, if:
- 27          (1) The actor knows or should have known that the contact is offensive to the  
28          victim; or
- 29          (2) The victim is a minor, fifteen years of age or older, and the actor is the  
30          minor's parent, guardian, or is otherwise responsible for general supervision  
31          of the victim's welfare.

1     ~~40.9.~~    "Should have known" means a reasonable individual without a congenital or acquired  
2                    condition that is manifested by a sexual disorder, a personality disorder, or other  
3                    mental disorder or dysfunction in the actor's circumstances would have known.

4     ~~44.10.~~  "Superintendent" means the superintendent of the state hospital or the  
5                    superintendent's designee.

6     ~~42.11.~~  "Treatment facility" means any hospital, including the state hospital, or any treatment  
7                    facility, including the life skills and transition center, which can provide directly, or by  
8                    direct arrangement with other public or private agencies, evaluation and treatment of  
9                    sexually dangerous individuals.

10            **SECTION 68. AMENDMENT.** Section 25-03.3-12 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12            **25-03.3-12. Sexually dangerous individual - Evaluation.**

13            The evaluation must be conducted by one or more experts chosen by the ~~executive-~~  
14 ~~director~~commissioner. Whenever a respondent is subject to an evaluation pursuant to this  
15 chapter, the respondent may retain an expert to perform an evaluation or testify on the  
16 respondent's behalf. When the respondent is an adult with an intellectual disability and a  
17 guardian or guardian ad litem has not been appointed for the respondent, the court shall  
18 appoint an expert to perform an evaluation on behalf of the respondent. In the case of a  
19 respondent who is indigent, the court shall appoint a qualified expert to perform an examination  
20 or participate in the commitment proceeding on the respondent's behalf. The department of  
21 health and human services shall compensate any qualified expert appointed by the court on  
22 behalf of an indigent respondent in a reasonable amount based on time and expenses. An  
23 expert retained on behalf of the respondent must have reasonable access to the respondent for  
24 the purpose of the examination and to all relevant medical, psychological, and court records  
25 and reports.

26            **SECTION 69. AMENDMENT.** Section 25-03.3-13 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28            **25-03.3-13. Sexually dangerous individual - Commitment proceeding - Report of**  
29 **findings.**

30            Within sixty days after the finding of probable cause, the court shall conduct a commitment  
31 proceeding to determine whether the respondent is a sexually dangerous individual. The court

1 may extend the time for good cause. At the commitment proceeding, any testimony and reports  
2 of an expert who conducted an examination are admissible, including risk assessment  
3 evaluations. Any proceeding pursuant to this chapter must be tried to the court and not a jury. At  
4 the commitment proceeding, the state's attorney shall present evidence in support of the  
5 petition and the burden is on the state to show by clear and convincing evidence that the  
6 respondent is a sexually dangerous individual. An individual may not be committed unless  
7 expert evidence is admitted establishing that the individual has a congenital or acquired  
8 condition that is manifested by a sexual disorder, a personality disorder, or other mental  
9 disorder or dysfunction that makes that individual likely to engage in further acts of sexually  
10 predatory conduct. The respondent has a right to be present, to testify, and to present and  
11 cross-examine witnesses. If the respondent is found to be a sexually dangerous individual, the  
12 court shall commit the respondent to the care, custody, and control of the ~~executive-~~  
13 ~~director~~commissioner. The ~~executive director~~commissioner shall place the respondent in an  
14 appropriate facility or program at which treatment is available. The appropriate treatment facility  
15 or program must be the least restrictive available treatment facility or program necessary to  
16 achieve the purposes of this chapter. The ~~executive director~~commissioner may not be required  
17 to create a less restrictive treatment facility or treatment program specifically for the respondent  
18 or committed individual. Unless the respondent has been committed to the legal and physical  
19 custody of the department of corrections and rehabilitation, the respondent may not be placed  
20 at and the treatment program for the respondent may not be provided at the state penitentiary  
21 or an affiliated penal facility. If the respondent is found not to be a sexually dangerous individual,  
22 the court shall discharge the respondent.

23 **SECTION 70. AMENDMENT.** Section 25-03.3-14 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **25-03.3-14. Interagency placement.**

26 If a committed individual also has been committed to the legal and physical custody of the  
27 department of corrections and rehabilitation, the director of the department of corrections and  
28 rehabilitation and the ~~executive director~~commissioner may consult one another and determine  
29 the appropriate placement of the individual and may transfer the individual between  
30 placements.



1       **SECTION 71. AMENDMENT.** Section 25-03.3-17 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **25-03.3-17. Postcommitment proceeding, discharge, and further disposition.**

- 4       1. A committed individual must remain in the care, custody, and control of the ~~executive-~~  
5       ~~director~~commissioner until, in the opinion of the ~~executive director~~commissioner, the  
6       individual is safe to be at large.
- 7       2. Each committed individual must have an examination of that individual's mental  
8       condition at least once a year. A report regarding the examination must be provided to  
9       the court that committed the individual. At the time of the annual examination, the  
10      committed individual has the right to have an expert examine the individual, and, upon  
11      the request of an indigent committed individual, the court shall appoint a qualified  
12      expert to examine the committed individual and report to the court. The department of  
13      health and human services shall compensate a qualified expert appointed by the court  
14      in a reasonable amount based on time and expenses. That expert must have  
15      reasonable access to the committed individual and to all records relating to the  
16      committed individual, including confidential records.
- 17      3. If a committed individual has been committed to an out-of-state facility by the  
18      ~~executive director~~commissioner for purposes of treatment, an expert from that state  
19      may be appointed by the court as a qualified expert for an indigent committed  
20      individual for any postcommitment proceeding.
- 21      4. After any report pursuant to this section is provided to the court, the court may order  
22      further examination and investigation of the committed individual as the court  
23      considers necessary. The court may set the matter for a hearing. At the hearing, the  
24      committed individual is entitled to be present and to the benefit of the protections  
25      afforded at the commitment proceeding. The state's attorney shall represent the state  
26      at the hearing. After the hearing, the court shall determine whether the committed  
27      individual is to be discharged or to be retained as a sexually dangerous individual in  
28      the care, custody, and control of the ~~executive director~~commissioner.
- 29      5. The ~~executive director~~commissioner may only discharge a sexually dangerous  
30      individual from commitment pursuant to a court order. The ~~executive-~~  
31      ~~director~~commissioner may petition the committing court at any time for the discharge

1 of the committed individual. The ~~executive director~~commissioner shall give the state's  
2 attorney notice of any petition for discharge the ~~executive director~~commissioner files  
3 with the court. Before the petition is granted, the state's attorney has the right to be  
4 heard by the court on the petition. The state's attorney may waive this right.

5 6. If the ~~executive director~~commissioner moves a committed individual from a placement  
6 in the community to a placement in a secure treatment facility that is more restrictive,  
7 the committed individual may challenge the move at a hearing to be held within thirty  
8 days after the move in accordance with procedures established by the department of  
9 health and human services.

10 **SECTION 72. AMENDMENT.** Section 25-03.3-18 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **25-03.3-18. Petition for discharge - Notice.**

13 1. Annually, the ~~executive director~~commissioner shall provide the committed individual  
14 with written notice that the individual has a right to petition the court for discharge. The  
15 notice must explain to the committed person when the committed person has a right to  
16 a hearing on the petition. The notice must inform the committed person of the rights  
17 this chapter affords the committed person at a discharge hearing. The ~~executive-~~  
18 ~~director~~commissioner shall forward a copy of the notice to the committing court. If the  
19 committed individual is an individual with an intellectual disability, the ~~executive-~~  
20 ~~director~~commissioner shall also provide the written notice to the individual's attorney,  
21 guardian, and guardian ad litem, if any.

22 2. If the committed individual files a petition for discharge and has not had a hearing  
23 pursuant to section 25-03.3-17 or this section during the preceding twelve months, the  
24 committed individual has a right to a hearing on the petition.

25 3. At the hearing on the petition for discharge, the committed individual is entitled to be  
26 present and to the benefit of the protections afforded at the commitment proceeding.  
27 The state's attorney shall represent the state and may have the committed individual  
28 evaluated by experts chosen by the state. The committed individual is entitled to have  
29 an expert of the committed individual's choice conduct an evaluation. The court shall  
30 appoint a qualified expert if the committed individual is indigent and requests an  
31 appointment. The department of health and human services shall compensate a

1 qualified expert appointed by the court in a reasonable amount based on time and  
2 expenses. That expert must have reasonable access to the committed individual and  
3 to all records relating to the committed individual, including confidential records.

4 4. At any hearing held pursuant to a petition for discharge, the burden of proof is on the  
5 state to show by clear and convincing evidence that the committed individual remains  
6 a sexually dangerous individual.

7 **SECTION 73. AMENDMENT.** Section 25-03.3-18.1 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **25-03.3-18.1. Annual review - Petition for discharge - Inapplicability during periods of**  
10 **imprisonment.**

11 Sections 25-03.3-17 and 25-03.3-18 do not apply if a respondent, during a period of  
12 commitment under this chapter, is transferred to the custody of the department of corrections  
13 and rehabilitation in accordance with section 29-27-07 or is serving a term of imprisonment in a  
14 county jail or regional corrections center. Upon release from imprisonment, the respondent must  
15 be retransferred to the care, custody, and control of the ~~executive director~~commissioner. Upon  
16 retransfer, the respondent is entitled to a review to determine whether continued commitment  
17 under this chapter is warranted.

18 **SECTION 74. AMENDMENT.** Section 25-03.3-24 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **25-03.3-24. Postcommitment community placement - Penalty.**

21 1. Following commitment of a sexually dangerous individual, the ~~executive-~~  
22 ~~director~~commissioner may conduct a risk management assessment of the committed  
23 individual for the purpose of determining whether the individual may be treated safely  
24 in the community on an outpatient basis. The ~~executive director~~commissioner may  
25 place a committed individual in the community for treatment on an outpatient basis  
26 only pursuant to a court order. The ~~executive director~~commissioner may petition the  
27 court at any time for community placement. The ~~executive director~~commissioner shall  
28 give the state's attorney of the county of community placement notice of any petition  
29 for community placement the ~~executive director~~commissioner files with the court.  
30 Before the petition is granted, the state's attorney has the right to be heard by the  
31 court. The state's attorney may waive this right. At any hearing held pursuant to a

1 petition by the ~~executive director~~commissioner for the community placement of a  
2 committed individual, the burden of proof required of the ~~executive-~~  
3 ~~director~~commissioner is a preponderance of the evidence. The court's order of  
4 community placement must contain appropriate restrictions and requirements for the  
5 committed individual, including:

- 6 a. Participation and compliance with a specific course of treatment;
- 7 b. Submission to electronic monitoring and any other appropriate supervision;
- 8 c. Prohibition of the individual changing place of residency or leaving the state  
9 without prior authorization of the court;
- 10 d. Establishment of safety zones, and compliance by the committed individual with  
11 those safety zones;
- 12 e. Requirement that the committed individual notify the court within twenty-four  
13 hours of any change in the individual's status that affects proper treatment or  
14 supervision;
- 15 f. Contact with victims is prohibited independent of a supervised treatment plan;  
16 and
- 17 g. Any other restriction or requirement deemed necessary by the court to assure  
18 public safety and proper treatment of the committed individual.

- 19 2. Violation by a committed individual of a court order issued pursuant to this section is a  
20 class C felony.

21 **SECTION 75. AMENDMENT.** Section 25-04-08.1 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **25-04-08.1. Notification before discharge.**

24 Before discharge the superintendent shall consult with the parent or guardian of the person  
25 to be discharged, or with the court that ordered the commitment, and shall notify the director of  
26 the ~~county social service board~~ or human service zone of the county in which it is proposed that  
27 such person will assume residence and also shall notify the ~~executive director~~commissioner of  
28 the department of health and human services or designee.

29 **SECTION 76. AMENDMENT.** Section 25-11-02 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **25-11-02. Compact administrator - Powers.**

2       Pursuant to said compact, the ~~executive director~~commissioner of the department of health  
3 and human services or designee must be the compact administrator and who, acting jointly with  
4 like officers of other party states, may adopt rules to carry out more effectively the terms of the  
5 compact. The compact administrator shall cooperate with all departments, agencies, and  
6 officers of and in the government of this state and its subdivisions in facilitating the proper  
7 administration of the compact or any supplementary agreement or agreements entered into by  
8 this state thereunder.

9       **SECTION 77. AMENDMENT.** Subsection 2 of section 37-17.4-01 of the North Dakota  
10 Century Code is amended and reenacted as follows:

11       2. "Emergency" means an event or condition that is a disaster or an emergency as  
12 defined under chapter 37-17.1 and any event, condition, or incident for which the  
13 deployment of volunteer health practitioners is determined to be necessary by the  
14 ~~state health officer~~department of health and human services, a local board of health,  
15 or the state veterinarian.

16       **SECTION 78. AMENDMENT.** Section 43-10-02 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18       **43-10-02. State board of funeral service - Members - Appointment - Qualifications -**  
19 **Term of office - Oath - Vacancies - Removal.**

20       The board consists of the state health officer or designee and three persons appointed by  
21 the governor. Each member appointed by the governor shall serve for a term of four years and  
22 until a successor is appointed and qualified. The terms of office of the appointed members  
23 expire on the thirtieth day of June and must be so arranged that only one expires in any one  
24 year. The appointed members of the board must be persons practicing embalming in this state  
25 and must have practiced for a minimum of three years in North Dakota. Each member shall  
26 qualify by taking the oath of office required of civil officers. The secretary of state may  
27 administer the oath and it must be filed in the office of the secretary of state. A vacancy on the  
28 board must be filled by appointment by the governor for the unexpired term. The governor may  
29 remove any member of the board for good cause.

30       **SECTION 79. AMENDMENT.** Section 43-12.3-01 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **43-12.3-01. Student loan repayment programs - Health care professionals.**

2       The ~~health council~~department of health and human services shall administer student loan  
3 repayment programs, as established by this chapter, for health care professionals willing to  
4 provide services in areas of this state that have a defined need for such services.

5       **SECTION 80. AMENDMENT.** Section 43-12.3-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7       **43-12.3-02. Application process.**

8       The ~~health council~~department of health and human services shall develop an application  
9 process for public and private entities seeking to fill health care needs and for health care  
10 professionals willing to provide necessary services in exchange for benefits under a student  
11 loan repayment program.

12       **SECTION 81. AMENDMENT.** Section 43-12.3-03 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14       **43-12.3-03. Public and private entities - Selection criteria - Matching funds.**

- 15       1. The ~~health council~~department of health and human services shall establish criteria to  
16 be used in selecting public and private entities for participation in a program. The  
17 criteria must include:
- 18       a. The number of health care professionals, by specified field, already providing  
19       services in the area;
  - 20       b. Access to health care services in the area; and
  - 21       c. The level of support from the area.
- 22       2. The ~~health council~~department of health and human services may consult with health  
23 care and social service providers, advocacy groups, governmental entities, and others  
24 in establishing criteria and evaluating needs based on the criteria.
- 25       3. An entity may not be selected for participation unless it contractually commits to  
26 provide matching funds equal to the amount required for a loan repayment program in  
27 accordance with section 43-12.3-06.

28       **SECTION 82. AMENDMENT.** Section 43-12.3-04 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1           **43-12.3-04. Public and private entities - Eligibility for participation - Priority.**

2           In selecting public and private entities for participation in a program the health-  
3 ~~council~~department of health and human services shall give priority to an entity that:

- 4           1. Meets the selection criteria;
- 5           2. Is located in an area that is statistically underserved; and
- 6           3. Is located at least twenty miles [32.18 kilometers] outside the boundary of a city having  
7           more than forty thousand residents.

8           **SECTION 83. AMENDMENT.** Section 43-12.3-05 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10           **43-12.3-05. Health care professionals - Selection criteria.**

- 11           1. The ~~health-council~~department of health and human services shall establish criteria to  
12           be used in selecting health care professionals for participation in a student loan  
13           repayment program. The criteria must include:
  - 14           a. The health care professional's specialty;
  - 15           b. The need for the health care professional's specialty within an area;
  - 16           c. The health care professional's education and experience;
  - 17           d. The health care professional's date of availability and anticipated term of  
18           availability; and
  - 19           e. The health care professional's willingness to accept Medicare and Medicaid  
20           assignments, if applicable.
- 21           2. In selecting health care professionals for participation in the program the ~~health-~~  
22 ~~council~~department of health and human services shall require that the individual:
  - 23           a. Is physically present at and provides services on a full-time basis to an entity that  
24           meets the requirements of section 43-12.3-04; or
  - 25           b. (1) Is physically present at and provides services on at least a half-time basis to  
26           an entity that meets the requirements of section 43-12.3-04;
  - 27           (2) Provides telehealth services to a second entity that meets the requirements  
28           of section 43-12.3-04; and
  - 29           (3) Verifies that the services provided under paragraphs 1 and 2 are equal to  
30           the full-time requirement of subdivision a.

- 1           3. In selecting health care professionals for participation in a program, the health-  
2           ~~council~~department of health and human services may consider an individual's:  
3           a. Length of residency in this state; and  
4           b. Attendance at an in-state or an out-of-state institution of higher education.

5           **SECTION 84. AMENDMENT.** Section 43-12.3-06 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **43-12.3-06. Student loan repayment program - Contract.**

- 8           1. The ~~health council~~department of health and human services shall enter a contract with  
9           a selected health care professional. The ~~health council~~department of health and  
10           human services shall agree to provide student loan repayments on behalf of the  
11           selected health care professional subject to the requirements and limitations of this  
12           section.
- 13           a. For a physician:  
14                 (1) The loan repayment may not exceed twenty thousand dollars per year, and  
15                 may not exceed one hundred thousand dollars over five years; and  
16                 (2) The matching funds must equal fifty percent of the amount required in  
17                 paragraph 1.
- 18           b. For a clinical psychologist:  
19                 (1) The loan repayment may not exceed twelve thousand dollars per year, and  
20                 may not exceed sixty thousand dollars over five years; and  
21                 (2) The matching funds must equal twenty-five percent of the amount required  
22                 in paragraph 1.
- 23           c. For an advanced practice registered nurse or a physician assistant:  
24                 (1) The loan repayment may not exceed four thousand dollars per year, and  
25                 may not exceed twenty thousand dollars over five years; and  
26                 (2) The matching funds must equal ten percent of the amount required in  
27                 paragraph 1.
- 28           d. For a behavioral health professional:  
29                 (1) The loan repayment may not exceed four thousand dollars per year, and  
30                 may not exceed twenty thousand dollars over five years; and



- 1                   (2) The matching funds must equal ten percent of the amount required in  
2                   paragraph 1.
- 3           e. For purposes of this section, a behavioral health professional means an  
4           individual who practices in the behavioral health field and is:
- 5                   (1) A licensed addiction counselor;  
6                   (2) A licensed professional counselor;  
7                   (3) A licensed social worker;  
8                   (4) A registered nurse;  
9                   (5) A specialty practice registered nurse; or  
10                  (6) A licensed behavior analyst.
- 11          2. a. Payments under this section must be made on behalf of the health care  
12           professional directly to the Bank of North Dakota or to another participating  
13           lending institution.
- 14           b. Except as otherwise provided, payments under this section may be made only at  
15           the conclusion of each twelve month period of service.
- 16           c. Prorated payments may be made only if:
- 17                   (1) The repayment of the loan requires less than a full annual payment;  
18                   (2) The health care professional is terminated or resigns from his or her  
19                   position; or  
20                   (3) The health care professional is unable to complete a twelve-month period of  
21                   service due to the individual's death, a certifiable medical condition or  
22                   disability, or a call to military service.
- 23          3. Payments under this section terminate upon the earlier of:
- 24           a. The full repayment of the health care professional's student loan; or  
25           b. The completion of five years as a participant in the student loan repayment  
26           program.
- 27          4. ~~The health council~~department of health and human services shall waive the  
28           requirements of this section that pertain to matching funds if the health care  
29           professional opens a new practice as a solo practitioner in a city that has fewer than  
30           fifteen thousand residents.

1       **SECTION 85. AMENDMENT.** Section 43-12.3-07 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **43-12.3-07. Powers of the ~~health council~~department - Continuing appropriation.**

- 4       1. The ~~health council~~department of health and human services may:
- 5           a. Receive and expend any gifts, grants, and other funds for the purposes of this  
6           program;
- 7           b. Participate in any federal programs providing for the repayment of student loans  
8           on behalf of health care professionals; and
- 9           c. Do all things necessary and proper for the administration of this chapter.
- 10       2. All moneys received by the ~~health council~~department of health and human services  
11       under this section are appropriated to the ~~health council~~department of health and  
12       human services on a continuing basis, to be used exclusively for the purposes of this  
13       chapter.

14       **SECTION 86. AMENDMENT.** Subsection 14 of section 43-15-10 of the North Dakota  
15 Century Code is amended and reenacted as follows:

- 16       14. To adopt, amend, and repeal rules determined necessary by the board for the proper  
17       administration and enforcement of this chapter, chapter 19-02.1 as that chapter  
18       pertains to drugs, subject to approval of the ~~director~~commissioner of the department of  
19       health and human services or designee, and chapter 19-03.1.

20       **SECTION 87. AMENDMENT.** Section 43-28.1-01 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22       **43-28.1-01. Loan repayment program - Dentists - Defined need - Maximum amount of**  
23 **funds.**

24       Annually, the ~~state health council~~department of health and human services shall select,  
25 from a pool of applicants, dentists who will provide dental services in cities or surrounding  
26 areas, or both, in this state which the ~~state health council~~department of health and human  
27 services identifies as having a defined need for dental services. The dentists selected from this  
28 pool of applicants shall agree to accept medical assistance patients and assignments or provide  
29 dental services in a public health clinic, a practice with a focus on an underserved population, or  
30 a nonprofit dental clinic. A selected dentist who agrees to the terms of this program is eligible to  
31 receive funds for the repayment of the dentist's education loans. The funds, which are payable

1 over a five-year period, may not exceed one hundred thousand dollars per applicant. If the state-  
2 ~~health council~~department of health and human services accepts any gifts, grants, or donations  
3 under this chapter, the ~~council~~department of health and human services may select additional  
4 dentists for participation in the loan repayment program under this chapter.

5 **SECTION 88. AMENDMENT.** Section 43-28.1-03 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **43-28.1-03. Criteria.**

- 8 1. The ~~health council~~department of health and human services shall establish criteria to  
9 be used in selecting qualified dentists and in identifying cities or surrounding areas, or  
10 both, that have a defined need for dental services. The criteria must include  
11 consideration of:
- 12 a. The number of dentists already providing dental services in the city or  
13 surrounding areas, or both;
  - 14 b. Access to dental services in the city and the surrounding areas;
  - 15 c. How the dentist will provide dental services to individuals on medical assistance  
16 or in a public health clinic, a practice with a focus on an underserved population,  
17 or a nonprofit dental clinic; and
  - 18 d. The dentist's training in general dentistry or in a dental specialty and the extent to  
19 which such services are needed in the identified city or surrounding areas, or  
20 both.
- 21 2. As a term of receipt of funds under this chapter, a dentist shall accept medical  
22 assistance patients and assignments or provide dental services in a public health  
23 clinic, a practice with a focus on an underserved population, or a nonprofit dental  
24 clinic. For purposes of a dentist selected for loan payment under this chapter who  
25 practices within fifteen miles [24.14 kilometers] of the city limits of one of the three  
26 largest cities in the state, to qualify to receive a yearly disbursement under this chapter  
27 during that year of obligated service, the dentist must have:
- 28 a. Received dental medical payments of at least twenty thousand dollars in the form  
29 of medical assistance reimbursement; or

1           b. Practiced at least two full workdays per week at a public health clinic or at a  
2           nonprofit dental clinic that uses a sliding fee schedule to bill the nonprofit dental  
3           clinic's patients.

4           3. ~~The health council~~department of health and human services may consult with public  
5           and private sector entities in establishing criteria and evaluating needs based on the  
6           criteria.

7           **SECTION 89. AMENDMENT.** Section 43-28.1-05 of the North Dakota Century Code is  
8           amended and reenacted as follows:

9           **43-28.1-05. Eligible loans.**

10          The ~~state health council~~department of health and human services may provide for loan  
11          repayment funds to a dentist who has received an education loan. The ~~council~~department of  
12          health and human services may not provide funds for the repayment of any loan that is in  
13          default at the time of the application. The amount of repayment must be related to the dentist's  
14          outstanding education loans. A dentist is eligible to receive loan repayment funds in an amount  
15          equal to the outstanding balance of the dentist's education loans with applicable interest, or one  
16          hundred thousand dollars, whichever is less. Loan repayment funds may not be used to satisfy  
17          other service obligations under similar programs.

18          **SECTION 90. AMENDMENT.** Section 43-28.1-07 of the North Dakota Century Code is  
19          amended and reenacted as follows:

20          **43-28.1-07. Contract obligation.**

21          The ~~state health council~~department of health and human services shall enter a contract  
22          with a selected dentist. The contract must provide the ~~state health council~~department of health  
23          and human services agrees to make payments of loan repayment funds to the selected dentist,  
24          subject to the dentist meeting the requirements and limitations established by the ~~state health~~  
25          ~~council~~department of health and human services under this chapter.

26          **SECTION 91. AMENDMENT.** Section 43-28.1-08 of the North Dakota Century Code is  
27          amended and reenacted as follows:

28          **43-28.1-08. Payment - Termination.**

29          1. The ~~state health council~~department of health and human services may not provide any  
30          loan repayment funds to a dentist under this chapter until the dentist has practiced at  
31          least six months on a full-time basis in the city or surrounding areas, or both, the ~~state~~

1           ~~health council~~department of health and human services has identified as having a  
2           defined need for dental services.

3           2. Except as otherwise provided, the ~~state health council~~department of health and human  
4           services shall make payments under this chapter at the conclusion of each of the five  
5           twelve-month periods of service during which the dentist met the qualifying terms of  
6           the contract. The ~~state health council~~department of health and human services may  
7           make a prorated payment under this chapter if during the twelve-month period the  
8           dentist failed to meet the qualifying terms of the contract.

9           3. Payments under this chapter terminate upon the earlier of completion of five years as  
10          a participant in this loan repayment program or failure of the dentist to meet the  
11          qualifying terms under the contract.

12          **SECTION 92. AMENDMENT.** Section 43-28.1-09 of the North Dakota Century Code is  
13          amended and reenacted as follows:

14          **43-28.1-09. Gifts, grants, and donations - Continuing appropriation.**

15          The ~~state health council~~department of health and human services may accept any  
16          conditional or unconditional gift, grant, or donation for the purpose of providing funds for the  
17          repayment of dentists' educational loans. If any entity desires to provide funds to the  
18          ~~council~~department of health and human services to allow an expansion of the program beyond  
19          the dentists contemplated by this chapter, the entity shall commit to fund fully the expansion for  
20          a period of five years. The ~~council~~department of health and human services may contract with  
21          any public or private entity and may expend any moneys available to the ~~council~~department of  
22          health and human services to obtain matching funds for the purposes of this chapter. All money  
23          received as gifts, grants, or donations under this section is appropriated as a continuing  
24          appropriation to the ~~state health council~~department of health and human services for the  
25          purpose of providing funds for the repayment of additional dentists' educational loans.

26          **SECTION 93. AMENDMENT.** Section 43-29.1-01 of the North Dakota Century Code is  
27          amended and reenacted as follows:

28          **43-29.1-01. Loan repayment program - Veterinarians - Maximum amount of funds.**

29          Each year the ~~state health council~~department of health and human services, in consultation  
30          with the state board of animal health, shall select qualified applicants to participate in a loan  
31          repayment program, as provided for in this chapter. Each applicant must be a veterinarian and

1 must agree to provide food animal veterinary medicine services to communities in this state.  
2 The selected applicants are eligible to receive up to eighty thousand dollars in loan repayment  
3 funds. The number of applicants that the ~~council~~department of health and human services may  
4 select for participation in the loan repayment program is limited only by the moneys available to  
5 support the program, as provided for in this chapter.

6 **SECTION 94. AMENDMENT.** Section 43-29.1-02 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **43-29.1-02. Loan repayment program - Veterinarians - Powers of ~~state health-~~**  
9 **~~council~~department.**

10 The ~~state health council~~department of health and human services may:

- 11 1. Determine the eligibility and qualifications of an applicant for loan repayment funds  
12 under this chapter;
- 13 2. Identify communities that are in need of a veterinarian and establish a priority ranking  
14 for participation in the program by the selected communities;
- 15 3. Create and distribute a loan repayment application;
- 16 4. Determine the amount of the loan repayment funds for which an applicant may be  
17 eligible under this chapter and, in making this determination, examine any outstanding  
18 education loans incurred by the applicant;
- 19 5. Establish conditions regarding the use of the loan repayment funds;
- 20 6. Enter a nonrenewable contract with the selected applicant and the selected  
21 community to provide to the applicant funds for the repayment of education loans in  
22 exchange for the applicant agreeing to actively practice in the selected community;
- 23 7. Receive and use funds appropriated for the program;
- 24 8. Enforce any contract under the program;
- 25 9. Cancel a contract for reasonable cause;
- 26 10. Participate in federal programs that support the repayment of education loans incurred  
27 by veterinarians and agree to the conditions of the federal programs;
- 28 11. Accept property from an entity; and
- 29 12. Cooperate with the department of health and human services to effectuate this  
30 chapter.

1       **SECTION 95. AMENDMENT.** Subsection 1 of section 43-29.1-03 of the North Dakota  
2 Century Code is amended and reenacted as follows:

- 3       1. In establishing the criteria regarding eligibility for loan repayment funds under this  
4 chapter, the ~~state health council~~department of health and human services shall  
5 consider the applicant's:
- 6       a. Training in food animal veterinary medicine, ability, willingness to engage in food  
7 animal veterinary medicine, and the extent to which such services are needed in  
8 a selected community;
  - 9       b. Commitment to serve in a community that is in need of a veterinarian;
  - 10       c. Compatibility with a selected community;
  - 11       d. Date of availability for service to the selected community; and
  - 12       e. Competence and professional conduct.

13       **SECTION 96. AMENDMENT.** Section 43-29.1-04 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15       **43-29.1-04. Community selection criteria.**

- 16       1. In selecting a community with a defined need for the services of a veterinarian, the  
17 ~~health council~~department of health and human services shall consider:
- 18       a. The size of the community and give priority:
    - 19           (1) First to rural communities having a population under five thousand;
    - 20           (2) Second to communities having a population between five thousand and ten  
21 thousand; and
    - 22           (3) Third to communities having a population greater than ten thousand.
  - 23       b. The number of veterinarians practicing in the community and the surrounding  
24 area.
  - 25       c. The access by residents to veterinarians practicing in the community and the  
26 surrounding area.
  - 27       d. The degree to which residents support the addition of a veterinarian within the  
28 community.
- 29       2. The ~~state health council~~department of health and human services shall give priority for  
30 participation to a community that demonstrates a need for a veterinarian.

1           3. In evaluating communities for participation in this program, the ~~state health-~~  
2           ~~council~~department of health and human services may consult with public and private  
3           entities and visit the communities.

4           **SECTION 97. AMENDMENT.** Section 43-29.1-05 of the North Dakota Century Code is  
5           amended and reenacted as follows:

6           **43-29.1-05. Eligible loans.**

7           The ~~state health council~~department of health and human services may provide for loan  
8           repayment funds to a veterinarian who has received an education loan. The ~~council~~department  
9           of health and human services may not provide funds for the repayment of a loan that is in  
10          default at the time of the application. The amount of the repayment must be related to the  
11          veterinarian's outstanding education loans.

12          **SECTION 98. AMENDMENT.** Section 43-29.1-06 of the North Dakota Century Code is  
13          amended and reenacted as follows:

14          **43-29.1-06. Release from contract obligation.**

- 15          1. The ~~state health council~~department of health and human services shall release a  
16          veterinarian from the veterinarian's loan repayment contract without penalty if:
- 17              a. The veterinarian has completed the service requirements of the contract;
  - 18              b. The veterinarian is unable to complete the service requirement of the contract  
19              because of a permanent physical disability;
  - 20              c. The veterinarian demonstrates to the ~~state health council~~department of health  
21              and human services extreme hardship or shows other good cause justifying the  
22              release; or
  - 23              d. The veterinarian dies.
- 24          2. A decision by the ~~state health council~~department of health and human services not to  
25          release a veterinarian from the veterinarian's loan repayment contract without penalty  
26          is reviewable by district court.

27          **SECTION 99. AMENDMENT.** Subsection 5 of section 43-29.1-07 of the North Dakota  
28          Century Code is amended and reenacted as follows:

29          5. If any moneys remain in the state veterinary loan repayment account after the ~~health-~~  
30          ~~council~~department of health and human services has met all statutory and contractual  
31          obligations established under this chapter, the ~~health council~~department of health and



1           human services may use the moneys to increase the number of veterinarians  
2           participating in the loan repayment program.

3           **SECTION 100. AMENDMENT.** Section 43-29.1-08 of the North Dakota Century Code is  
4           amended and reenacted as follows:

5           **43-29.1-08. Gifts, grants, and donations - Continuing appropriation.**

- 6           1. The ~~state health council~~department of health and human services may accept any  
7           conditional or unconditional gifts, grants, and donations for the purpose of providing  
8           moneys for the repayment of veterinarians' education loans. However, if an entity  
9           desires to provide moneys to the ~~state health council~~department of health and human  
10          services for the location of a veterinarian in or at a specific site, the entity shall commit  
11          to provide the full amount required under this program for a period of four years.
- 12          2. The ~~state health council~~department of health and human services may contract with a  
13          public or private entity and may expend any moneys available to the  
14          ~~council~~department of health and human services to obtain matching funds for the  
15          purposes of this chapter.
- 16          3. All moneys received as gifts, grants, or donations under this section are appropriated  
17          on a continuing basis to the ~~state health council~~department of health and human  
18          services for the purpose of increasing the number of veterinarians participating in the  
19          loan repayment program under this chapter.

20          **SECTION 101. AMENDMENT.** Section 43-34-02 of the North Dakota Century Code is  
21          amended and reenacted as follows:

22          **43-34-02. Composition of the board.**

23          There is hereby created the state board of examiners for nursing home administrators  
24          which consists of nine members.

- 25          1. Two members of the board must be the state health officer and the ~~executive-~~  
26          ~~director~~commissioner of the department of health and human services or the  
27          members' designees.
- 28          2. One member of the board must be a physician appointed to the board for a three-year  
29          term by the governor.
- 30          3. One member of the board must be a hospital administrator appointed to the board for  
31          a three-year term by the governor.

- 1       4. Four members of the board must be licensed nursing home administrators appointed
- 2           to the board for three-year terms by the governor.
- 3       5. One member of the board must be a nurse appointed to the board for a three-year
- 4           term by the governor.
- 5       6. Any vacancies occurring in the appointments made by the governor must be filled by
- 6           the governor.
- 7       7. Appointive members may be removed by the governor for cause after due notice and
- 8           hearing.

9       **SECTION 102. AMENDMENT.** Section 43-38-01 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11       **43-38-01. Definitions.**

12       In this chapter unless the context or subject matter otherwise requires:

- 13       1. "Department" means the department of health and human services.
- 14       2. "Electrologist" means a qualified and licensed person proficient in the removal of hair
- 15           by means of the electric needle.
- 16       ~~2.3.~~ "Electrolysis" means the removal of superfluous hair by use of the electric needle or
- 17           electronic process.
- 18       ~~3.4.~~ "Electronic hair removal technician" means a qualified and licensed person proficient
- 19           in the removal of hair by means of an electronic process other than the electric needle.
- 20       4. ~~"State health council" means the state health council as defined in chapter 23-01.~~

21       **SECTION 103. AMENDMENT.** Section 43-38-02 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23       **43-38-02. Electrologist and electronic hair removal technician licensure - Duties of**  
24 **state health council.**

25       ~~The state health council~~department shall issue an electrologist's or electronic hair removal  
26 technician's license. The annual license must be determined annually ~~by the council~~ but may  
27 not exceed fifty dollars for new licenses and not exceed twenty-five dollars for relicensure.

28       **SECTION 104. AMENDMENT.** Section 43-38-03 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1       **43-38-03. Rulemaking authority of department of health and human services.**

2       1. ~~The department of health and human services~~ shall establish standards, rules, and  
3       regulations that are found necessary for the maintenance of public health, including  
4       sanitation and disease control. ~~The department of health and human services~~ has the  
5       following powers:

6       4. ~~a.~~ a. To establish minimum age levels.

7       2. ~~b.~~ b. To establish education and training levels for electrologists and electronic hair  
8       removal technicians.

9       3. ~~c.~~ c. To issue, deny, suspend, or revoke licenses.

10      4. ~~d.~~ d. To develop application and licensure forms.

11      5. ~~To delegate the administration of the program to the state health officer, subject to~~  
12      ~~such provisions as the council may make for appeal to it.~~

13      6. ~~e.~~ e. To promulgate such requirements as may be found necessary to carry out the  
14      intent of this chapter.

15      2. All electrologists and electronic hair removal technicians practicing in North Dakota  
16      prior to July 1, 1979, may, without examination, be issued a license by the department  
17      of ~~health and human services~~ upon proof, satisfactory to the department, of having  
18      met the qualifications.

19      **SECTION 105. AMENDMENT.** Subsection 1 of section 43-43-01 of the North Dakota  
20      Century Code is amended and reenacted as follows:

21      1. "Advisory board" means the following or their appointed agents: state health officer or  
22      designee as chairperson, the commissioner of the North Dakota department of  
23      agriculture, and the president of the North Dakota environmental health association.  
24      The state health officer or designee shall appoint one agent of a district or local health  
25      unit environmental health practitioner and one consumer.

26      **SECTION 106. AMENDMENT.** Section 43-43-03 of the North Dakota Century Code is  
27      amended and reenacted as follows:

28      **43-43-03. Advisory board duties and compensation.**

29      The advisory board shall meet at the request of the state health officer or designee to assist  
30      in implementation of duties as defined in section 43-43-04. The advisory board must be

1 reimbursed for any necessary expenses, but shall serve without further compensation except as  
2 may be authorized and fixed by the department of health and human services by rule.

3 **SECTION 107. AMENDMENT.** Section 43-43-05 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **43-43-05. Exception from requirements.**

6 The ~~state health officer~~department of health and human services must license all persons  
7 actually engaged in the practice of environmental health in this state upon receipt of proof of a  
8 bona fide practice in this state; however, the applicant must file an application and present such  
9 proof prior to July 1, 1986, or become subject to licensure requirements of this chapter.

10 **SECTION 108. AMENDMENT.** Subsection 10 of section 50-01.1-06 of the North Dakota  
11 Century Code is amended and reenacted as follows:

12 10. Are the custodian designees of the ~~executive director~~commissioner of the department  
13 for any child in the custody of the department.

14 **SECTION 109. AMENDMENT.** Section 50-06-01.1 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **50-06-01.1. Department of health and human services to be substituted for public  
17 welfare board of North Dakota and social service board of North Dakota, members of  
18 board, ~~executive director~~commissioner, and department of human services.**

19 When the terms "public welfare board of North Dakota", "social service board of North  
20 Dakota", "executive director of the public welfare board", "executive director of the social service  
21 board", "department of human services", or "executive director of the department of human  
22 services", "member of the public welfare board", or "member of the social service board", or any  
23 derivative of those terms which, when used in context indicates an intention to refer to those  
24 persons or that board, appear in the North Dakota Century Code, the term "department of  
25 health and human services", or the term "~~executive director~~commissioner of the department of  
26 health and human services", as the case may be, must be substituted therefor. It is the intent of  
27 the legislative assembly that the department of health and human services must be substituted  
28 for, shall take any action previously to be taken by, and shall perform any duties previously to be  
29 performed by the public welfare board of North Dakota, by the social service board of North  
30 Dakota, by the department of human services, or by the state department of health. The  
31 legislative council may replace references to the "department of human services" or "executive

1 director of the department of human services" or any derivatives of those terms with  
2 "department of health and human services" or "executive director of the department of health  
3 and human services" in any measure enacted by the sixty-seventh legislative assembly. The  
4 legislative council may replace references to the "executive director of the department of human  
5 services" or any derivatives of those terms with "commissioner of the department of health and  
6 human services or designee" in any measure enacted by the sixty-eighth legislative assembly.

7 **SECTION 110. AMENDMENT.** Section 50-06-01.3 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **50-06-01.3. Appointment of ~~executive director~~ commissioner - Compensation -**  
10 **Deputy.**

- 11 1. The governor shall appoint the ~~executive director~~ commissioner of the department who  
12 shall serve at the pleasure of the governor. The ~~executive director~~ commissioner shall  
13 take the oath of office required of civil officers by section 44-01-05. The ~~executive-~~  
14 ~~director~~ commissioner is entitled to receive compensation in the amount established by  
15 the governor within the limits of legislative appropriations.
- 16 2. The commissioner of the department may appoint a deputy commissioner.
- 17 3. The commissioner of the department may delegate any of the commissioner's  
18 authority as the commissioner determines necessary.

19 **SECTION 111. AMENDMENT.** Section 50-06-01.4 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **50-06-01.4. Structure of the department.**

- 22 1. The department includes the state hospital, the regional human service centers, a  
23 vocational rehabilitation unit, public health division, and other units or offices and  
24 administrative and fiscal support services as the ~~executive director~~ commissioner of the  
25 department determines necessary. The department must be structured to promote  
26 efficient and effective operations and, consistent with fulfilling its prescribed statutory  
27 duties, shall act as the official agency of the state in the discharge of the following  
28 functions not otherwise by law made the responsibility of another state agency:
- 29 a. Administration of programs for children and families, including adoption services  
30 and the licensure of child-placing agencies, foster care services and the licensure  
31 of foster care arrangements, certification of shelter care services, child protection

- 1 services, children's trust fund, licensure of early childhood programs, refugee  
2 services, in-home community-based services, quality control, and administration  
3 of the interstate compacts on the placement of children and juveniles.
- 4 b. Administration of programs for individuals with developmental disabilities,  
5 including licensure of facilities and services, and the design and implementation  
6 of a community-based service system for persons in need of habilitation.
- 7 c. Administration of aging service programs, including nutrition, transportation,  
8 advocacy, social, ombudsman, recreation, and related services funded under the  
9 Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and  
10 community-based services, licensure of adult foster care homes, and the  
11 committee on aging.
- 12 d. Administration of behavioral health programs, including:
- 13 (1) ~~A policy division responsible for~~ reviewing and identifying service needs  
14 and activities in the state's behavioral health system in an effort to ensure health  
15 and safety, access to services, and quality of services; establishing quality  
16 assurance standards for the licensure of substance use disorder program  
17 services and facilities; ~~and~~ providing policy leadership in partnership with public  
18 and private entities; and
- 19 (2) ~~A service delivery division responsible for~~ providing chronic disease  
20 management, regional intervention services, and twenty-four-hour crisis services  
21 for individuals with behavioral health disorders.
- 22 e. Administration of economic assistance programs, including temporary assistance  
23 for needy families, the supplemental nutrition assistance program, home energy  
24 assistance, child care assistance, refugee assistance, work experience, work  
25 incentive, and quality control.
- 26 f. Administration of medical service programs, including medical assistance for  
27 children's health insurance program, Medicaid waivers, early and periodic  
28 screening, diagnosis and treatment, utilization control, autism services, and  
29 claims processing.
- 30 g. Administration of general assistance.
- 31 h. Administration of child support.

- 1           i. Administration of program, services, and licensing outlined in title 23 and other  
2           previous duties of the state department of health and state health council.
- 3        2. The ~~executive director~~commissioner of the department or commissioner's designee  
4        shall consult with and maintain a close working relationship with the department of  
5        corrections and rehabilitation and the superintendents of the school for the deaf and  
6        the North Dakota vision services - school for the blind to develop programs for  
7        individuals with developmental disabilities; and with the superintendent of public  
8        instruction to maximize the use of resource persons in regional human service centers  
9        in the provision of special education services. The ~~executive director~~commissioner of  
10       the department or commissioner's designee shall also maintain a close liaison with  
11        human service zones.
- 12       3. By August 1, 2019, the department shall establish a template for the development of  
13        human service zone plans, including process and content requirements, access point  
14        expectations, client grievances procedures, human resources, and locally funded  
15        programs or services and how those services will be addressed.
- 16       4. The department shall develop, with assistance from the North Dakota association of  
17        counties, a process for consultation and technical assistance for human service zone  
18        working groups by August 1, 2019.

19        **SECTION 112. AMENDMENT.** Subsection 3 of section 50-06-05.3 of the North Dakota  
20        Century Code is amended and reenacted as follows:

- 21        3. Each human service center must have a human services advisory group consisting of  
22        the human service zone directors of the region served, the public health directors of  
23        the region served, two current county commissioners appointed by the ~~executive-~~  
24        ~~director~~commissioner of the department or commissioner's designee, and five  
25        additional members appointed by the ~~executive director~~commissioner of the  
26        department or commissioner's designee. Each advisory group member must be a  
27        resident of the region the member is appointed to serve. The term of office for each  
28        appointed member is two years and arranged so that the term of three of the  
29        appointed members expires at the end of the first year and the term of the remaining  
30        four appointed members expires at the end of the second year, except for those first  
31        members appointed, three members shall serve a one-year term and four members

1 shall serve a two-year term. The ~~director~~commissioner of the department or  
2 commissioner's designee shall select the appointed members of each human service  
3 advisory group on the basis of population of the counties in the region served by the  
4 human service center. Each county in the region must be represented by at least one  
5 member on the human service advisory group. To the extent possible, appointed  
6 membership of the advisory group must reflect regional interests in the fields of  
7 developmental disabilities, social services, mental health, and substance use  
8 disorders. The ~~executive director~~commissioner of the department or commissioner's  
9 designee shall appoint a chairman for each advisory group from the membership of  
10 the advisory group. The ~~executive director~~commissioner of the department or  
11 commissioner's designee shall fill a vacancy occurring within an advisory group for  
12 other than the expiration of a term in the same manner as original appointments,  
13 except that appointments must be made only for the unexpired term. The department  
14 shall compensate appointed members of a human service advisory group at the rate  
15 of forty-five dollars per day, not to exceed twenty-five days in any one year. The  
16 department also shall pay members for mileage and actual expenses incurred in  
17 attending meetings and in the performance of their official duties in the amounts  
18 provided by law for other state officers.

19 **SECTION 113. AMENDMENT.** Section 50-06-05.5 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **50-06-05.5. Director of regional center - Medical director.**

22 Each regional human service center must be headed by a regional director appointed by  
23 the ~~executive director~~commissioner of the department. The regional director must be  
24 accountable to the ~~executive director~~commissioner of the department or the  
25 ~~director's~~commissioner's designee. Each regional director may employ the staff necessary to  
26 discharge the center's responsibilities. A regional director, subject to the approval of the  
27 ~~executive director~~commissioner of the department or the ~~director's~~commissioner's designee,  
28 and within the limit of legislative appropriations, may make contractual arrangements with public  
29 or private agencies or with individuals and organizations to discharge the regional human  
30 service center's service delivery responsibilities. Each regional director shall hire a qualified  
31 medical professional who must be designated as the medical director of the center. The medical



1 director is responsible for coordinating mental health and medically related services. The  
2 medical director's position may be part time or full time as determined appropriate by the  
3 regional director, with the concurrence of the ~~executive director~~commissioner of the department  
4 or the ~~director's~~commissioner's designee. As used in this section, "qualified medical  
5 professional" means a board-eligible or board-certified psychiatrist, when such an individual can  
6 be employed, and when this is not possible, an individual possessing at least a medical degree.

7 **SECTION 114. AMENDMENT.** Section 50-06-05.8 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **50-06-05.8. Department to assume costs of human services.**

10 The department shall pay each human service zone's expenses for administering human  
11 services for calendar years after December 31, 2019, based on the payment amount calculated  
12 for each human service zone under chapter 50-35. The ~~executive director~~commissioner of the  
13 department or commissioner's designee shall authorize expenditures from the human service  
14 finance fund to reimburse the department for the department's costs of providing human  
15 services that historically have been provided by a county or human service zone, or for a new  
16 service or program based on federal or state law.

17 **SECTION 115. AMENDMENT.** Section 50-06-06.6 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **50-06-06.6. Department may lease real and personal property.**

20 The ~~executive director~~commissioner of the department or commissioner's designee may  
21 lease surplus farm and pastureland at the state hospital and the life skills and transition center.  
22 The ~~executive director~~commissioner or designee also may enter into further leases of real or  
23 personal property at the life skills and transition center or the state hospital upon a specific  
24 finding that the granting of each such leasehold interest will result in a net economic gain for the  
25 department, taking into account all identifiable costs. Any lease of space for the purpose of  
26 providing child care services must meet requirements as determined by the department. The  
27 ~~executive director~~commissioner of the department or commissioner's designee may prescribe  
28 the terms and conditions of any leases entered into pursuant to this section and may renew  
29 existing leases. Any lease entered into must be subject to renewal or cancelable each  
30 biennium.

1       **SECTION 116. AMENDMENT.** Section 50-06-30 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-06-30. Interagency agreement between the department of health and human**  
4 **services and the department of corrections and rehabilitation.**

5       The ~~executive director~~commissioner of the department or commissioner's designee and the  
6 director of the department of corrections and rehabilitation may amend the interagency  
7 agreement entered under this section which became effective August 1, 2007. The amended  
8 agreement must provide that the department of corrections and rehabilitation shall train,  
9 consult, and assist the department of health and human services with the provision and  
10 enforcement of safety and security procedures at the state hospital for all patients at the state  
11 hospital, including those committed to the state hospital under chapter 25-03.1 or placed at the  
12 state hospital for evaluation or civil commitment and treatment under chapter 25-03.3 and for all  
13 staff, visitors, and volunteers at the state hospital. The amended interagency agreement must  
14 provide that the ~~executive director~~commissioner of the department or commissioner's designee  
15 shall continue to be responsible for the custody and care of patients at the state hospital,  
16 including those committed to the state hospital under chapter 25-03.1 or placed at the state  
17 hospital for evaluation or civil commitment and treatment under chapter 25-03.3, including  
18 responsibility for all assessments, evaluations, and treatment required under chapter 25-03.3,  
19 the provision of all necessary staffing, including maintenance staff, and the provision of all daily  
20 care and health care.

21       **SECTION 117. AMENDMENT.** Section 50-06-31 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23       **50-06-31. Report to legislative council - Individuals committed to state hospital.**

24       Before March first of each even-numbered year, the department shall report to the  
25 legislative council on services provided by the department of corrections and rehabilitation  
26 relating to individuals at the state hospital who have been committed to the care and custody of  
27 the ~~executive director~~commissioner of the department or commissioner's designee.

28       **SECTION 118. AMENDMENT.** Section 50-06-32 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1           **50-06-32. Autism spectrum disorder task force - Appointment - Duties - Annual**  
2 **reports.**

- 3           1. The autism spectrum disorder task force consists of:
- 4           a. (1) The state health officer, or the officer's designee;
- 5                     (2) The ~~director~~commissioner of the department, or the
- 6                     ~~director's~~commissioner's designee;
- 7                     (3) The superintendent of public instruction, or the superintendent's designee;
- 8                     and
- 9                     (4) The executive director of the protection and advocacy project, or the
- 10                    director's designee; and
- 11           b. The following members appointed by the governor:
- 12                   (1) A pediatrician with expertise in the area of autism spectrum disorder;
- 13                   (2) A psychologist with expertise in the area of autism spectrum disorder;
- 14                   (3) A college of education faculty member with expertise in the area of autism
- 15                    spectrum disorder;
- 16                   (4) A behavioral specialist;
- 17                   (5) A licensed teacher with expertise in the area of autism spectrum disorder;
- 18                   (6) An occupational therapist;
- 19                   (7) A representative of a health insurance company doing business in this state;
- 20                   (8) A representative of a licensed residential care facility that provides care and
- 21                    services to individuals with autism spectrum disorder;
- 22                   (9) A representative who is an enrolled member of a federally recognized Indian
- 23                    tribe;
- 24                   (10) An adult self advocate with autism spectrum disorder;
- 25                   (11) A parent of a child with autism spectrum disorder;
- 26                   (12) A family member of an adult with autism spectrum disorder; and
- 27                   (13) A member of the legislative assembly.
- 28           2. The ~~director~~commissioner of the department, or the ~~director's~~commissioner's
- 29            designee, shall serve as the chairman. The task force shall meet at the call of the
- 30            chairman, at least quarterly.

- 1       3.   The task force shall examine early intervention services, family support services that  
2            would enable an individual with autism spectrum disorder to remain in the least  
3            restrictive home-based or community setting, programs transitioning an individual with  
4            autism spectrum disorder from a school-based setting to adult day programs and  
5            workforce development programs, the cost of providing services, and the nature and  
6            extent of federal resources that can be directed to the provision of services for  
7            individuals with autism spectrum disorder.
- 8       4.   The task force shall develop a state autism spectrum disorder plan and present the  
9            plan to the governor and the legislative council before July 1, 2010. Thereafter, the  
10           task force shall continue to review and periodically update or otherwise amend the  
11           state plan so that it best serves the needs of individuals with autism spectrum disorder.  
12           The task force shall provide an annual report to the governor and the legislative  
13           council regarding the status of the state autism spectrum disorder plan.

14       **SECTION 119. AMENDMENT.** Subsection 1 of section 50-06-43.2 of the North Dakota  
15 Century Code is amended and reenacted as follows:

- 16       1.   The commission on juvenile justice is composed of:
  - 17           a.   Three members of the house of representatives, two of whom must be selected  
18                by the majority leader of the house of representatives and one of whom must be  
19                selected by the minority leader of the house of representatives;
  - 20           b.   Three members of the senate, two of whom must be selected by the majority  
21                leader of the senate and one of whom must be selected by the minority leader of  
22                the senate;
  - 23           c.   The governor, or the governor's designee;
  - 24           d.   The superintendent of public instruction, or the superintendent's designee;
  - 25           e.   The ~~executive director~~commissioner of the department, or the ~~executive-~~  
26                ~~director's~~commissioner's designee;
  - 27           f.   The director of the department of corrections and rehabilitation's division of  
28                juvenile services, or the director's designee;
  - 29           g.   The executive director of the Indian affairs commission, or the executive  
30                director's designee;

- 1           h. A director of juvenile court services, appointed by the chief justice of the supreme
- 2           court;
- 3           i. A representative from the commission on legal counsel for indigents; and
- 4           j. The following members appointed by the governor:
- 5           (1) A state's attorney;
- 6           (2) A representative of a children's advocacy center; and
- 7           (3) A representative of local law enforcement.

8           **SECTION 120. AMENDMENT.** Subsection 4 of section 50-06.1-01 of the North Dakota  
9 Century Code is amended and reenacted as follows:

- 10          4. "Rules" means rules adopted by the division executive director with the approval of the  
11           ~~executive director~~commissioner of the department or commissioner's designee.

12          **SECTION 121. AMENDMENT.** Subsection 7 of section 50-10.1-03 of the North Dakota  
13 Century Code is amended and reenacted as follows:

- 14          7. Carry out any activities consistent with the requirements of this chapter, including the  
15           delegation to regional or volunteer community long-term care ombudsmen of any  
16           duties imposed by this chapter, which the ~~executive director~~commissioner of the  
17           department or commissioner's designee deems appropriate.

18          **SECTION 122. AMENDMENT.** Subsection 1 of section 50-11.1-25 of the North Dakota  
19 Century Code is amended and reenacted as follows:

- 20          1. The North Dakota early childhood council consists of:
  - 21           a. A chairman appointed by the governor;
  - 22           b. The superintendent of public instruction, or the superintendent's designee;
  - 23           c. The state health officer, or the officer's designee;
  - 24           d. The ~~director~~commissioner of the department, or the ~~director's~~commissioner's  
25           designee;
  - 26           e. The North Dakota head start - state collaboration administrator, or the  
27           administrator's designee;
  - 28           f. The commissioner of higher education, or the commissioner's designee;
  - 29           g. The commissioner of commerce, or the commissioner's designee;
  - 30           h. The chairman of the senate education committee, or the chairman's designee;

- 1           i. The chairman of the house of representatives education committee, or the  
2            chairman's designee;
- 3           j. The chairman of the senate human services committee, or the chairman's  
4            designee;
- 5           k. The chairman of the house of representatives human services committee, or the  
6            chairman's designee; and
- 7           l. The following individuals appointed by the governor:
- 8           (1) The superintendent of a school district having at least one thousand  
9            students in average daily membership;
- 10          (2) The superintendent of a school district having fewer than one thousand  
11          students in average daily membership;
- 12          (3) The superintendent of a school district headquartered on a reservation or  
13          including reservation land within its boundaries;
- 14          (4) An individual representing a non-religious-based provider of a four-year old  
15          program;
- 16          (5) An individual representing a religious-based provider of a four-year old  
17          program;
- 18          (6) An individual representing a center-based licensed child care provider;
- 19          (7) An individual representing a home-based licensed child care provider;
- 20          (8) An individual representing a reservation-based head start program;
- 21          (9) An elected member of a school board;
- 22          (10) The parent of a child not yet enrolled in elementary school;
- 23          (11) The parent of a child with disabilities not yet enrolled in elementary school;
- 24                and
- 25          (12) An individual representing children with disabilities.
- 26          (13) A special education director.

27           **SECTION 123. AMENDMENT.** Section 50-21-02 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29           **50-21-02. Administration of revolving fund.**

30           The revolving fund and loans made therefrom must be supervised and administered by the  
31 Bank of North Dakota. All applications for loans under the provisions of this chapter for the

1 construction of nursing homes or combination nursing homes and basic care facilities must be  
2 made to the department of health and human services, which department is authorized, ~~subject~~  
3 ~~to the approval of the North Dakota health council~~, to promulgate such rules and regulations as  
4 may be necessary to carry out the provisions of this chapter. All applications for the construction  
5 of basic care facilities must be made to the department of health and human services, which  
6 department shall promulgate such rules and regulations as may be necessary to carry out the  
7 provisions of this chapter. Applications approved by the department of health and human  
8 services ~~and the North Dakota health council~~ must be forwarded to the Bank of North Dakota.  
9 Upon approval of such application by the president of the Bank of North Dakota, loans must be  
10 granted by the Bank of North Dakota from the revolving fund in accordance with the provisions  
11 of this chapter.

12 **SECTION 124. AMENDMENT.** Section 50-21-04 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **50-21-04. Standards - Administration procedure.**

15 The department of health and human services shall establish standards of construction  
16 which must be followed by all applicants receiving loans of funds for the construction of nursing  
17 homes or combination nursing homes and basic care facilities. The department of health and  
18 human services shall establish standards of construction which must be followed by all  
19 applicants for loans for the construction of basic care facilities. ~~The health council~~department of  
20 health and human services, in the case of the construction of nursing homes or basic care  
21 facilities or combination nursing homes and basic care facilities, shall approve all building plans  
22 and specifications for any facilities to be constructed in whole or in part with loans of funds  
23 provided under the provisions of this chapter prior to the disbursement of any such funds.  
24 Administrative procedures established by the department of health and human services must,  
25 except to construction standards, be in general in accordance with the procedures established  
26 for the administration of the federal grant-in-aid program for similar purposes under the  
27 Hill-Burton Act, or federal acts supplemental thereto.

28 **SECTION 125. AMENDMENT.** Section 50-24.6-02 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1       **50-24.6-02. Drug use review board.**

2       1. The board is established within the department for the implementation of a drug use  
3       review program.

4       2. The board consists of seventeen members. The pharmacy administrator of the  
5       department and the medical consultant to the department are ex officio nonvoting  
6       board members who shall provide administrative services to the board. A majority of  
7       the appointed members must be physicians and pharmacists participating in the  
8       medical assistance program. Four or more of the appointed members must have  
9       experience with a drug use review process or have participated in programs in which  
10      prior authorization is used. The appointed members of the board must be:

11      a. Four physicians licensed in this state and actively engaged in the practice of  
12      medicine, one of whom is a psychiatrist, appointed by the North Dakota medical  
13      association;

14      b. Two physicians licensed in this state and actively engaged in the practice of  
15      medicine, appointed by the ~~executive director~~commissioner of the department or  
16      commissioner's designee;

17      c. Four pharmacists licensed in this state and actively engaged in the practice of  
18      pharmacy, appointed by the North Dakota pharmaceutical association;

19      d. Two pharmacists licensed in this state and actively engaged in the practice of  
20      pharmacy, appointed by the ~~executive director~~commissioner of the department or  
21      commissioner's designee;

22      e. One individual who represents consumer interests, appointed by the governor;

23      f. One pharmacist or physician representing the brand pharmaceutical industry  
24      appointed by the pharmaceutical research and manufacturers of America; and

25      g. One pharmacist or physician representing the generic pharmaceutical industry  
26      appointed by the generic pharmaceutical association.

27      3. Appointed board members shall serve staggered three-year terms. An appointed  
28      member may be reappointed for a period not to exceed three 3-year terms. A vacancy  
29      on the board must be filled for the balance of the unexpired term from the appropriate  
30      board category as provided under subsection 2. The ~~executive director~~commissioner  
31      of the department or commissioner's designee may replace an appointed member of



1 the board who fails to attend three consecutive meetings of the board without advance  
2 excuse or who fails to perform the duties expected of a board member. The  
3 pharmaceutical industry representatives are nonvoting board members.

4 4. Voting board members shall select a chairman and a vice chairman on an annual  
5 basis from the board's voting membership.

6 5. The board shall meet in person at least once every three months and may meet at  
7 other times by teleconference or electronically at the discretion of the chairman. A  
8 board member is entitled to receive from the department per diem compensation and  
9 reimbursement of expenses as determined by the department, except that no  
10 compensation under this section may be paid to any board member who receives  
11 compensation or salary as a state employee or official.

12 **SECTION 126. AMENDMENT.** Subsection 3 of section 50-25.1-04.1 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14 3. In every case of alleged institutional child abuse or neglect, the state child protection  
15 team shall make a determination whether child abuse or neglect is indicated. Upon a  
16 determination that institutional child abuse or neglect is indicated, the state child  
17 protection team promptly shall make a written report of the determination. When a  
18 report includes an allegation or report of institutional child abuse and neglect as  
19 defined in section 50-25.1-02, the state child protection team promptly shall notify the  
20 ~~executive director~~commissioner of the department or commissioner's designee of the  
21 determination. Notwithstanding section 50-25.1-11, the department shall notify the  
22 superintendent of public instruction, the school district administrator, and the president  
23 or chairman of the school board or a private school's governing body or entity if the  
24 subject of the report is a public or private school.

25 **SECTION 127. AMENDMENT.** Subsection 1 of section 50-28-04 of the North Dakota  
26 Century Code is amended and reenacted as follows:

27 1. The ~~executive director~~commissioner of the department or commissioner's designee  
28 shall:  
29 a. Execute one or more interstate compacts on behalf of this state, not inconsistent  
30 with this chapter, to implement the purposes of this chapter; and

1           b. Designate a compact administrator and a deputy compact administrator as the  
2           ~~executive director~~commissioner or designee deems necessary.

3           **SECTION 128. AMENDMENT.** Subsection 1 of section 50-28-05 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5           1. This state's joinder of the compact is effective upon execution of the compact by the  
6           ~~executive director~~commissioner of the department or commissioner's designee.

7           **SECTION 129. AMENDMENT.** Subsection 2 of section 50-35-01 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9           2. "Director" means the ~~executive director~~commissioner of the department or the  
10           ~~executive director's~~commissioner's designee.

11           **SECTION 130. AMENDMENT.** Section 54-44.3-31 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13           **54-44.3-31. Political subdivision may request to be exempted from state merit  
14 system.**

15           A political subdivision subject to the merit system under this chapter may file a request with  
16 the division and the ~~executive director~~commissioner of the department of health and human  
17 services or commissioner's designee to be exempted from the merit system. The request must  
18 describe a plan and policy that assures the political subdivision has developed a merit system  
19 plan that meets federal standards for personnel administration. The division and the ~~executive~~  
20 ~~director~~commissioner of the department of health and human services or commissioner's  
21 designee shall authorize the political subdivision plan within sixty days of receiving a request  
22 under this section if the plan and policies meet federal requirements. If the division and the  
23 ~~executive director~~commissioner of the department of health and human services or  
24 commissioner's designee determine that the proposed plan and policies fail to meet the federal  
25 requirements, the division and the ~~executive director~~commissioner or designee shall deny the  
26 request and notify the requester of the specific reasons for the denial.

27           **SECTION 131. AMENDMENT.** Subsection 1 of section 54-07-01.2 of the North Dakota  
28 Century Code is amended and reenacted as follows:

29           1. Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1,  
30           12-55.1-02, 12-59-01, 15-39.1-05.1, 15.1-01-01, 15.1-13-02, 20.1-02-23, ~~23-01-02,~~  
31           23.1-01-02, 36-01-01, 37-18.1-01, 50-06-05.6, 54-34.3-10, 54-54-02, 55-01-01, and

1           61-02-04, all members of the following boards and commissions must, subject to the  
2           limitations of this section, be considered to have resigned from such boards and  
3           commissions effective January first of the first year of each four-year term of the  
4           governor:

- 5           a.    The aeronautics commission.
- 6           b.    The milk marketing board.
- 7           c.    The dairy promotion commission.
- 8           d.    The state banking board.
- 9           e.    The state credit union board.
- 10          f.    The advisory board of directors to the Bank of North Dakota.
- 11          g.    The pardon advisory board.
- 12          h.    The state parole board.
- 13          i.    The state board of public school education.
- 14          j.    The education standards and practices board.
- 15          k.    The board of trustees of the teachers' fund for retirement.
- 16          l.    The state game and fish advisory board.
- 17          m.    ~~The health council.~~
- 18          n.    The environmental review advisory council.
- 19          o. n.    The board of animal health.
- 20          p. o.    The administrative committee on veterans' affairs.
- 21          q. p.    The committee on aging.
- 22          r. q.    The commission on the status of women.
- 23          s. r.    The North Dakota council on the arts.
- 24          t. s.    The state historical board.
- 25          u. t.    The state water commission.

26           **SECTION 132. AMENDMENT.** Section 54-46-13 of the North Dakota Century Code is  
27           amended and reenacted as follows:

28           **54-46-13. Rules for state and human service zone records - Administrator to adopt.**

29           The administrator shall adopt rules in accordance with chapter 28-32 for state and human  
30           service zone records. The rules adopted by the administrator must be consistent with records  
31           retention requirements imposed by federal law with respect to those records. The administrator,

1 prior to adoption, amendment, or repeal of rules concerning state and human service zone  
2 records, shall consult with the ~~executive director~~commissioner of the department of health and  
3 human services or commissioner's designee.

4 **SECTION 133. AMENDMENT.** Subsection 1 of section 54-59-25 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 1. The health information technology advisory committee consists of the state chief  
7 information officer or the chief information officer's designee, the state health officer or  
8 the state health officer's designee, the governor or the governor's designee, the  
9 ~~executive director~~commissioner of the department of health and human services or the  
10 ~~executive director's~~commissioner's designee, the chairman of the house human  
11 services committee and the chairman of the senate human services committee or if  
12 either or both of them are unwilling or unable to serve then the chairman of the  
13 legislative management shall appoint a replacement who is a member of the same  
14 legislative chamber as the individual being replaced, and individuals appointed by the  
15 governor to represent a broad range of public and private health information  
16 technology stakeholders. A committee member who is not an ex officio member,  
17 designee of an ex officio member, state employee, or legislator is entitled to mileage  
18 and expenses as provided by law for state officers and employees, to be paid by the  
19 health information technology office. A committee member who is an ex officio  
20 member, designee of an ex officio member, state employee, or legislator is entitled to  
21 receive that member's regular salary and receive mileage and expenses, to be paid by  
22 the employing agency.

23 **SECTION 134. AMENDMENT.** Section 54-59-33 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **54-59-33. Statewide longitudinal data system committee - Membership.**

26 1. The statewide longitudinal data system committee consists of:  
27 a. The commissioner of the board of higher education or the commissioner's  
28 designee;  
29 b. The superintendent of public instruction or the superintendent's designee;  
30 c. The chief information officer or the officer's designee;

- 1           d. The director of the department of career and technical education or the director's
  - 2           designee;
  - 3           e. The director of job service North Dakota or the director's designee;
  - 4           f. The commissioner of commerce or the commissioner's designee;
  - 5           g. The ~~executive director~~commissioner of the department of health and human
  - 6           services or the ~~director's~~commissioner's designee;
  - 7           h. The executive director of the North Dakota council of educational leaders or the
  - 8           executive director's designee;
  - 9           i. The director of the North Dakota workforce development council or the director's
  - 10          designee; and
  - 11          j. Two members of the legislative assembly appointed by the chairman of the
  - 12          legislative management.
- 13          2. The governor shall designate the chairman of the committee.

14          **SECTION 135. AMENDMENT.** Section 57-60-03 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16          **57-60-03. Measurement and recording of synthetic natural gas, byproducts,**  
17 **beneficiated coal, or electricity produced and carbon dioxide capture.**

18          The production of synthetic natural gas, byproducts, beneficiated coal, or electrical power  
19 and data necessary to determine the amount of carbon dioxide captured must be measured at  
20 the place of production or generation, and any person subject to the imposition of the taxes  
21 provided by this chapter shall maintain devices to measure and record the cumulative periodic  
22 totals of synthetic natural gas, byproducts, beneficiated coal, and electrical power generated  
23 and data necessary to determine the amount of carbon dioxide captured. Any person subject to  
24 the taxes imposed by this chapter shall maintain accurate records of the daily and monthly  
25 totals of synthetic natural gas, beneficiated coal, and electrical power generated and subject to  
26 such taxes and data necessary to determine the amount of carbon dioxide captured. On or  
27 before October first of each year, the operator of any coal gasification plant shall file a report  
28 with the ~~state health officer~~department of environmental quality listing the quantity of byproducts  
29 produced during the year ending June thirtieth of that year. The commissioner shall have  
30 access to such records at reasonable times and places.

- 1       **SECTION 136. REPEAL.** Sections 23-01-01, 23-01-06, and 23-07-07 of the North Dakota
- 2 Century Code are repealed.