

**Sixty-first Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1437  
(Representatives Kreidt, Bellew, Nelson, Pollert, Wieland)

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

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

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

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

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

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

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

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

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

~~All persons applying~~ An applicant for a license must meet the conditions and requirements as may be prescribed by the board by rule. ~~However, a person meeting the standards of good moral character, sound physical and mental health, and otherwise suitable, and who was a nursing home administrator during all of the calendar year immediately preceding the calendar year in which the state licensing program becomes effective, may be granted a waiver for a period of two years after July 1, 1969, or~~

~~until June 30, 1971, whichever is earlier, to allow the person or persons to meet the conditions or requirements as set by this board.~~

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

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

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

**43-34-11. Emergency licenses.** In the event of ~~the death or other~~ an unexpected ~~removal of a licensed vacancy in a nursing home administrator from the~~ administrator's position, the owner, the governing body, or other appropriate authority of the nursing home may designate an acting administrator to whom the board may issue an emergency license. This emergency license is in force for a period not to exceed ninety days but may be renewed for an additional ninety days by the board upon good cause shown.

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

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

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

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

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Speaker of the House

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President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1437.

House Vote:      Yeas    87      Nays    4      Absent    3

Senate Vote:    Yeas    41      Nays    0      Absent    6

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State