

**SENATE BILL NO. 2245**

Introduced by

Senators Hogan, Bekkedahl, Kreun

Representatives K. Koppelman, Schneider, Schreiber-Beck

1 A BILL ~~for an Act to amend and reenact subsection 1 of section 50-11.1-04, sections-~~  
2 ~~50-11.1-07.2, 50-11.1-09, and 50-11.1-10, and subsection 1 of section 50-11.1-17 of the North-~~  
3 ~~Dakota Century Code, relating to early childhood service licensure adverse actions.~~for an Act to  
4 amend and reenact sections 50-11.1-02 and 50-11.1-04, subsection 10 of section 50-11.1-06.2,  
5 subsection 1 of section 50-11.1-07.2, sections 50-11.1-07.3 and 50-11.1-07.5, and subsection 3  
6 of section 50-11.1-17 of the North Dakota Century Code, relating to early childhood services.

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

8 ~~— **SECTION 1. AMENDMENT.** Subsection 1 of section 50-11.1-04 of the North Dakota-~~  
9 ~~Century Code is amended and reenacted as follows:~~

10 ~~— 1.— An application for operation of an early childhood program must be made on forms-~~  
11 ~~provided, in the manner prescribed, by the department. The department or the-~~  
12 ~~department's authorized agent shall investigate the applicant's activities and proposed-~~  
13 ~~standards of care and shall make an inspection of all premises to be used by the early-~~  
14 ~~childhood program applying for a license. The applicant for a license and the staff-~~  
15 ~~members, and, if the application is for a program that will be located in a private-~~  
16 ~~residence, every individual living in that residence must be investigated in accordance-~~  
17 ~~with the rules adopted by the department to determine whether any of them has a-~~  
18 ~~criminal record or has had a finding of services required for child abuse or neglect filed-~~  
19 ~~against them. The department may use the findings of the investigation to determine-~~  
20 ~~licensure. Except as otherwise provided, the department shall grant a license for the-~~  
21 ~~operation of an early childhood program within thirty days of receipt of a completed-~~  
22 ~~application and all supporting documents by the department and upon a showing:~~

- 1 ~~\_\_\_\_\_ a. The premises to be used are in fit and sanitary condition, are properly equipped~~  
2 ~~to provide for the health and safety for all children, and are maintained according~~  
3 ~~to rules adopted by the department;~~
- 4 ~~\_\_\_\_\_ b. Staff members are qualified to fulfill the duties required of them according to the~~  
5 ~~provisions of this chapter and standards prescribed for their qualifications by the~~  
6 ~~rules of the department;~~
- 7 ~~\_\_\_\_\_ c. The application and supporting documents do not include any fraudulent or~~  
8 ~~untrue representations;~~
- 9 ~~\_\_\_\_\_ d. The owner, operator, or applicant has not had an adverse action taken against or~~  
10 ~~a denial of a previous license or self-declaration denied or revoked within the~~  
11 ~~twelve months before the date of the current application;~~
- 12 ~~\_\_\_\_\_ e. The owner, operator, or applicant has not had an adverse action taken against or~~  
13 ~~a denial of three or more previous licenses or self-declarations denied or~~  
14 ~~revoked. The most recent revocation or denial adverse action or denial may not~~  
15 ~~have occurred within the five years immediately preceding the application date;~~
- 16 ~~\_\_\_\_\_ f. The program paid its license fees and any penalties and sanctions assessed~~  
17 ~~against the program as required by sections 50-11.1-03 and 50-11.1-07.4;~~
- 18 ~~\_\_\_\_\_ g. The family child care owner or operator and staff members have received training~~  
19 ~~and are currently certified in infant and pediatric cardiopulmonary resuscitation~~  
20 ~~and the use of an automated external defibrillator by the American heart~~  
21 ~~association, American red cross, or other similar cardiopulmonary resuscitation~~  
22 ~~and automated external defibrillator training programs that are approved by the~~  
23 ~~department, and are currently certified in first aid by a program approved by the~~  
24 ~~department; and~~
- 25 ~~\_\_\_\_\_ h. The group child care, preschool, school-age child care, or child care center, at all~~  
26 ~~times during which early childhood services are provided, staff members have~~  
27 ~~received training and are currently certified in infant and pediatric~~  
28 ~~cardiopulmonary resuscitation and the use of an automated external defibrillator~~  
29 ~~by the American heart association, American red cross, or other similar~~  
30 ~~cardiopulmonary resuscitation and automated external defibrillator training~~

1                   programs that are approved by the department, and currently certified in first aid  
2                   by a program approved by the department.

3 ~~—~~ **SECTION 2. AMENDMENT.** Section 50-11.1-07.2 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 ~~—~~ **50-11.1-07.2. Correction orders.**

6 ~~—~~ 1. If the department or the department's authorized agent finds, upon inspection, that the  
7                   program, self-declaration, or premises is not in compliance with this chapter or the  
8                   rules adopted under this chapter, the department or the department's authorized agent  
9                   shall issue a correction order to the program or self-declaration, provided the  
10                  department does not ~~revoke~~take an adverse action against the license or  
11                  self-declaration under section 50-11.1-09 as a result of the noncompliance. The  
12                  correction order must cite the specific statute or rule violated, state the factual basis of  
13                  the violation, state the suggested method of correction, and specify the time allowed  
14                  for correction. The correction order must also specify the amount of any fiscal sanction  
15                  to be assessed if the program or self-declaration fails to comply with the correction  
16                  order in a timely fashion. This section does not apply to an applicant's failure to  
17                  comply with subsection 8 of section 50-11.1-03 or subdivision c of subsection 1 of  
18                  section 50-11.1-16.

19 ~~—~~ 2. Within three business days of the receipt of the correction order, the licensee of the  
20                  early childhood program or the holder of a self-declaration shall notify the parent of  
21                  each child receiving early childhood services that a correction order has been issued.  
22                  In addition to providing notice to the parent of each child, the licensee or holder of a  
23                  self-declaration shall post the correction order in a conspicuous location upon the early  
24                  childhood premises until the violation has been corrected or for five days, whichever is  
25                  longer.

26 ~~—~~ **SECTION 3. AMENDMENT.** Section 50-11.1-09 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 ~~—~~ **50-11.1-09. Revocation of Adverse action against license, self-declaration, or**  
29 **registration document - Peer review.**

30 ~~—~~ 1. The department may ~~revoke~~shall establish a peer review process to make  
31                  recommendations to the department to determine whether to take an adverse action

- 1           ~~against~~ the license, self-declaration, or registration document of any early childhood-
- 2           ~~services provider upon proper showing of any of the following:~~
- 3           ~~a. Any of the applicable conditions set forth in sections 50-11.1-04, 50-11.1-06, and~~
- 4           ~~section 50-11.1-17 as prerequisites for the issuance of the license,~~
- 5           ~~self-declaration, or registration document no longer exist.~~
- 6           ~~b. The licensee, holder of a self-declaration, or registrant is no longer in compliance~~
- 7           ~~with the minimum standards prescribed by the department.~~
- 8           ~~c. The license, self-declaration, or registration document was issued upon~~
- 9           ~~fraudulent or untrue representation.~~
- 10          ~~d. The licensee, holder of a self-declaration, or registrant has violated any rules of~~
- 11          ~~the department.~~
- 12          ~~e. The licensee, holder of a self-declaration, registrant, or a household member of a~~
- 13          ~~home out of which early childhood services are provided has been found guilty~~
- 14          ~~of, or pled guilty to, an offense the department determines has a direct bearing~~
- 15          ~~upon an individual's ability to serve the public as a licensee, a holder of a~~
- 16          ~~self-declaration, or a registrant.~~
- 17          ~~f. The licensee, holder of a self-declaration, or registrant has been convicted of any~~
- 18          ~~offense and the department, acting pursuant to section 12-1-33-02.1, has~~
- 19          ~~determined that the individual has not been sufficiently rehabilitated.~~
- 20          ~~g. The department may consider the early childhood services history of the~~
- 21          ~~licensee, holder of a self-declaration, or registrant in determining revocation of a~~
- 22          ~~license, self-declaration, or in-home registration document.~~
- 23          ~~2. The department shall notify, in writing, the parent of each child receiving early~~
- 24          ~~childhood services from the early childhood services provider that is the subject of the~~
- 25          ~~revocation notice of adverse action.~~
- 26          ~~3. An adverse action may include revocation or suspension of a license, self-declaration,~~
- 27          ~~or registration and may include issuance of a fine. An adverse action does not include~~
- 28          ~~a correction order issued by the department under section 50-11.1-07.2.~~
- 29          ~~**SECTION 4. AMENDMENT.** Section 50-11.1-10 of the North Dakota Century Code is~~
- 30          ~~amended and reenacted as follows:~~

~~50-11.1-10. Denial or revocation of Adverse action against license, self-declaration, or registration document -- Administrative hearing.~~

~~Before the department may deny any application for a license, self-declaration, or registration document under this chapter or before the department may revoke takes an adverse action against any license, self-declaration, or registration document, the department shall provide a written notice to the applicant, licensee, or holder of the self-declaration or registration document of the reasons for the denial or revocation adverse action. The applicant, licensee, holder of a self-declaration, or registrant may request an administrative hearing appealing the denial or revocation adverse action in the manner provided in chapter 28-32. The applicant, licensee, holder of a self-declaration, or registrant shall make a request for hearing to the department within ten days after receipt of the notice of denial or revocation adverse action from the department.~~

~~SECTION 5. AMENDMENT.~~ Subsection 1 of section 50-11.1-17 of the North Dakota Century Code is amended and reenacted as follows:

~~1. Applications for self-declarations must be made on forms provided and in the manner prescribed by the department. The department or the department's authorized agent shall investigate the applicant and every individual living in the private residence and shall conduct a background check. The department or the department's authorized agent shall conduct the investigation in accordance with the rules adopted by the department and shall determine whether any of them has a criminal record or has had a finding of services required for child abuse or neglect filed against them. Except as otherwise provided, the department shall approve a self-declaration within thirty days of receipt of a completed application and all supporting documents by the department and upon the applicant's declaration:~~

~~a. The premises to be used are in fit and sanitary condition to provide for the health and safety of all children and are maintained according to the standards prescribed by the rules of the department;~~

~~b. The applicant is able to provide for the health and safety of each child receiving early childhood services from the applicant according to this chapter and standards prescribed by the department as set forth in its rules;~~

- 1 ~~\_\_\_\_\_ c. The applicant has not had an adverse action taken against or a denial of a~~  
2 ~~previous license or self-declaration denied or revoked within the twelve months~~  
3 ~~before the date of the current application;~~
- 4 ~~\_\_\_\_\_ d. The applicant has not had an adverse action taken against or a denial of three or~~  
5 ~~more previous licenses or self-declarations denied or revoked. The most recent~~  
6 ~~revocation adverse action or denial may not have occurred within five years of the~~  
7 ~~application date;~~
- 8 ~~\_\_\_\_\_ e. The applicant has paid the required application fees;~~
- 9 ~~\_\_\_\_\_ f. The applicant has paid any penalties and sanctions assessed against the~~  
10 ~~program required by sections 50-11.1-03 and 50-11.1-07.4;~~
- 11 ~~\_\_\_\_\_ g. The applicant is currently certified in infant and pediatric cardiopulmonary~~  
12 ~~resuscitation and the use of an automated external defibrillator by the American~~  
13 ~~heart association, the American red cross, or a similar cardiopulmonary~~  
14 ~~resuscitation and automated external defibrillator training program approved by~~  
15 ~~the department;~~
- 16 ~~\_\_\_\_\_ h. The emergency designee used by the applicant, if any, is currently certified in~~  
17 ~~infant and pediatric cardiopulmonary resuscitation and the use of an automated~~  
18 ~~external defibrillator by the American heart association, the American red cross,~~  
19 ~~or a similar cardiopulmonary resuscitation and automated external defibrillator~~  
20 ~~training program approved by the department;~~
- 21 ~~\_\_\_\_\_ i. The applicant is currently certified in first aid through a training program approved~~  
22 ~~by the department; and~~
- 23 ~~\_\_\_\_\_ j. The application and supporting documents do not include any fraudulent~~  
24 ~~or untrue representations.~~

25 **SECTION 1. AMENDMENT.** Section 50-11.1-02 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **50-11.1-02. Definitions.**

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

- 29 1. "Authorized agent" means the county social service board, unless another entity is  
30 designated by the department.

- 1        2. "Child care center" means an early childhood program licensed to provide early  
2        childhood services to nineteen or more children.
- 3        3. "County agency" means the county social service board in each of the counties of the  
4        state.
- 5        4. "Department" means the department of human services.
- 6        5. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled  
7        basis to meet the short-term needs of families.
- 8        6. "Early childhood program" means any program licensed under this chapter where  
9        early childhood services are provided for at least two hours a day for three or more  
10       days a week.
- 11       7. "Early childhood services" means the care, supervision, education, or guidance of a  
12       child or children, which is provided in exchange for money, goods, or other services.  
13       Early childhood services does not include:
  - 14       a. Substitute parental child care provided pursuant to chapter 50-11.
  - 15       b. Child care provided in any educational facility, ~~whether public or private~~, in grade  
16       one or above.
  - 17       c. Child care provided in a kindergarten which has been established pursuant to  
18       chapter 15.1-22 or a nonpublic elementary school program approved pursuant to  
19       ~~subsection 1 of section 15.1-06-06~~ 15.1-06-06.1.
  - 20       d. ~~Child care, preschool, and prekindergarten services~~ Early childhood education  
21       program provided ~~to children under six years of age~~ in any educational facility  
22       through a program approved ~~by the superintendent of public instruction~~ pursuant  
23       to chapter 15.1-37.
  - 24       e. Child care provided in facilities operated in connection with a church, business, or  
25       organization where children are cared for during periods of time not exceeding  
26       four continuous hours while the child's parent is attending church services or is  
27       engaged in other activities, on the premises.
  - 28       f. Schools or classes for religious instruction conducted by religious orders during  
29       the summer months for not more than two weeks, Sunday schools, weekly  
30       catechism, or other classes for religious instruction.

- 1 g. Summer resident or day camps for children which serve no children under six  
2 years of age for more than two weeks.
- 3 h. Sporting events, practices for sporting events, or sporting or physical activities  
4 conducted under the supervision of an adult.
- 5 i. Head start and early head start programs that are federally funded and meet  
6 federal head start performance standards.
- 7 j. Child care provided in a medical facility by medical personnel to children who are  
8 ill.
- 9 8. "Educational facility" means a public or nonpublic school.
- 10 9. "Family child care" means a private residence licensed to provide early childhood  
11 services for no more than seven children at any one time, except that the term  
12 includes a residence licensed to provide early childhood services to two additional  
13 school-age children.
- 14 ~~9-10.~~ "Group child care" means a child care program licensed to provide early childhood  
15 services for thirty or fewer children.
- 16 ~~10-11.~~ "Household member" means an adult living in the private residence out of which a  
17 program is operated, regardless of whether the adult is living there permanently or  
18 temporarily.
- 19 ~~11-12.~~ "In-home provider" means any person who provides early childhood services to  
20 children in the children's home.
- 21 ~~12-13.~~ "Licensed" means an early childhood program has the rights, authority, or permission  
22 granted by the department to operate and provide early childhood services.
- 23 ~~13-14.~~ "Multiple licensed program" means an early childhood program licensed to provide  
24 more than one type of early childhood services.
- 25 ~~14-15.~~ "Owner" or "operator" means the person who has legal responsibility for the early  
26 childhood program and premises.
- 27 ~~15-16.~~ "Parent" means an individual with the legal relationship of father or mother to a child or  
28 an individual who legally stands in place of a father or mother, including a legal  
29 guardian or custodian.
- 30 ~~16-17.~~ "Premises" means the indoor and outdoor areas approved for providing early  
31 childhood services.

1 ~~17.18.~~ "Preschool" means a program licensed to offer early childhood services, which follows  
2 a preschool curriculum and course of study designed primarily to enhance the  
3 educational development of the children enrolled ~~and which serves no child for more-~~  
4 ~~than three hours per day.~~

5 ~~18.19.~~ "Public approval" means a nonlicensed early childhood program operated by a  
6 government entity that has self-certified that the program complies with this chapter.

7 ~~19.20.~~ "Registrant" means the holder of an in-home provider registration document issued by  
8 the department in accordance with this chapter.

9 ~~20.21.~~ "Registration" means the process whereby the department maintains a record of all  
10 in-home providers who have stated that they have complied or will comply with the  
11 prescribed standards and adopted rules.

12 ~~21.22.~~ "Registration document" means a written instrument issued by the department to  
13 publicly document that the registrant has complied with this chapter and the applicable  
14 rules and standards as prescribed by the department.

15 ~~22.23.~~ "School-age child care" means a child care program licensed to provide early  
16 childhood services on a regular basis for nineteen or more children aged five years  
17 through eleven years.

18 ~~23.24.~~ "School-age children" means children served under this chapter who are at least five  
19 years but less than twelve years of age.

20 ~~24.25.~~ "Self-declaration" means voluntary documentation of an individual providing early  
21 childhood services in a private residence for up to five children through the age of  
22 eleven, of which no more than three may be under the age of twenty-four months.

23 ~~25.26.~~ "Staff member" means an individual:

24 a. Who is an employee of an early childhood program or of an early childhood  
25 services provider under a self-declaration; ~~or~~

26 b. Whose activities involve the care, supervision, or guidance of children ~~for~~ of an  
27 early childhood program; or

28 c. Who may have unsupervised access to children under the care, supervision, or  
29 guidance of an early childhood program or early childhood services provider  
30 under a self-declaration.

1       **SECTION 2. AMENDMENT.** Section 50-11.1-04 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **50-11.1-04. Application for license - Prerequisites for issuance - License granted -**  
4 **Term.**

- 5       1. An application for operation of an early childhood program must be made on forms  
6 provided, in the manner prescribed, by the department. The department or the  
7 department's authorized agent shall investigate the applicant's activities and proposed  
8 standards of care and shall make an inspection of all premises to be used by the early  
9 childhood program applying for a license. The applicant for a license and the staff  
10 members, and, if the application is for a program that will be located in a private  
11 residence, every individual living in that residence must be investigated in accordance  
12 with the rules adopted by the department to determine whether any of them has a  
13 criminal record or has had a finding of services required for child abuse or neglect filed  
14 against them. The department may use the findings of the investigation to determine  
15 licensure. Except as otherwise provided, the department shall grant a license for the  
16 operation of an early childhood program within thirty days of receipt of a completed  
17 application and all supporting documents by the department and upon a showing:
- 18       a. The premises to be used are in fit and sanitary condition, are properly equipped  
19       to provide for the health and safety for all children, and are maintained according  
20       to rules adopted by the department;
  - 21       b. Staff members are qualified to fulfill the duties required of them according to the  
22       provisions of this chapter and standards prescribed for their qualifications by the  
23       rules of the department;
  - 24       c. The application and supporting documents do not include any fraudulent or  
25       untrue representations;
  - 26       d. The owner, operator, or applicant has not had a previous license or  
27       self-declaration denied or revoked within the twelve months before the date of the  
28       current application, unless waived by the department after the department  
29       considers the health and safety of children and the licensing history of the owner,  
30       operator, or applicant;

- 1 e. The owner, operator, or applicant has not had three or more previous licenses or  
2 self-declarations denied or revoked. The most recent revocation or denial may  
3 not have occurred within the ~~five~~three years immediately preceding the  
4 application date;
- 5 f. The program paid its license fees and any penalties and sanctions assessed  
6 against the program as required by sections 50-11.1-03 and 50-11.1-07.4;
- 7 g. The family child care owner or operator and staff members have received training  
8 and are currently certified in infant and pediatric cardiopulmonary resuscitation  
9 ~~and the use of an automated external defibrillator~~ by the American heart  
10 association, American red cross, or other similar cardiopulmonary resuscitation  
11 ~~and automated external defibrillator~~ training programs that are approved by the  
12 department, and are currently certified in first aid by a program approved by the  
13 department; and
- 14 h. The group child care, preschool, school-age child care, or child care center, at all  
15 times during which early childhood services are provided, staff members have  
16 received training and are currently certified in infant and pediatric  
17 cardiopulmonary resuscitation ~~and the use of an automated external defibrillator~~  
18 by the American heart association, American red cross, or other similar  
19 cardiopulmonary resuscitation ~~and automated external defibrillator~~ training  
20 programs that are approved by the department, and currently certified in first aid  
21 by a program approved by the department.
- 22 2. The license issued to the owner or operator of an early childhood program may not be  
23 effective for longer than two years.
- 24 3. The department may consider the applicant's past licensing, self-declaration, and  
25 registration history in determining whether to issue a license.
- 26 4. The department may issue a provisional or restricted license in accordance with the  
27 rules of the department. The department shall consider issuing a provisional or  
28 restricted license before revoking a license. The department may require the owner or  
29 operator of an early childhood program to provide a compliance plan to address  
30 compliance issues with this chapter and rules of the department. The department shall  
31 review the compliance plan before issuing a provisional or restricted license. The

1 department shall approve the provisional license if the department approves the  
2 compliance plan. The department may revoke a license if the owner and operator fail  
3 to comply with the department approved compliance plan or for any additional  
4 violations of this chapter or rules of the department.

- 5 5. The department shall notify the owner or operator that the owner or operator is  
6 required to post a notice of late application at the early childhood program premises if  
7 the department has not received a completed application and all supporting  
8 documents for licensure or self-declaration renewal at least thirty days before the  
9 expiration date of the early childhood program's license.

10 **SECTION 3. AMENDMENT.** Subsection 10 of section 50-11.1-06.2 of the North Dakota  
11 Century Code is amended and reenacted as follows:

- 12 10. AUnless an individual was separated from child care employment for more than one  
13 hundred eighty days, a criminal history record check conducted under this section and  
14 subsection 3 of section 50-06-01.9 is valid for five years, after which the department  
15 shall require another criminal history record check.

16 **SECTION 4. AMENDMENT.** Subsection 1 of section 50-11.1-07.2 of the North Dakota  
17 Century Code is amended and reenacted as follows:

- 18 1. If the department or the department's authorized agent finds, upon inspection, ~~that~~ the  
19 program, self-declaration, or premises is not in compliance with this chapter or the  
20 rules adopted under this chapter, the department or the department's authorized agent  
21 ~~shall~~may issue a correction order to the program or self-declaration, provided the  
22 department does not revoke the license or self-declaration as a result of the  
23 noncompliance. The correction order must cite the specific statute or rule violated,  
24 state the factual basis of the violation, state the suggested method of correction, and  
25 specify the time allowed for correction. The correction order must also specify the  
26 amount of any fiscal sanction to be assessed if the program or self-declaration fails to  
27 comply with the correction order in a timely fashion. This section does not apply to an  
28 applicant's failure to comply with subsection 8 of section 50-11.1-03 or subdivision c of  
29 subsection 1 of section 50-11.1-16.

30 **SECTION 5. AMENDMENT.** Section 50-11.1-07.3 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **50-11.1-07.3. Reinspections.**

2       The department or the department's authorized agent shall reinspect or review an early  
3 childhood program or holder of a self-declaration that was issued a correction order under  
4 section 50-11.1-07.2, at the end of the period allowed for correction. If, upon reinspection or  
5 review, the department determines ~~that~~ the program or holder of a self-declaration has not  
6 corrected a violation identified in the correction order, the department shall mail to the program  
7 or the holder of a self-declaration, by certified mail, a notice of noncompliance with the  
8 correction order. The notice must specify the violations not corrected and the penalties  
9 assessed in accordance with section 50-11.1-07.5.

10       **SECTION 6. AMENDMENT.** Section 50-11.1-07.5 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12       **50-11.1-07.5. Accumulation of fiscal sanctions.**

13       An early childhood program or holder of a self-declaration promptly shall ~~promptly~~ notify the  
14 department or the department's authorized agent in writing ~~when~~if a violation noted in a notice  
15 of noncompliance is corrected. Upon receipt of written notice by the department or the  
16 department's authorized agent, the daily fiscal sanction assessed for the violation must stop  
17 accruing. The department or the department's authorized agent shall reinspect or review the  
18 early childhood program or premises out of which the holder of the self-declaration is operating  
19 within three working days after receipt of the notification. If, upon reinspection or review, the  
20 department determines ~~that~~ a violation has not been corrected, the department shall resume the  
21 daily assessment of fiscal sanction and shall add the amount of fiscal sanction which otherwise  
22 would have accrued during the period ~~prior to~~before resumption to the total assessment due  
23 from the program or holder of the self-declaration. The department or the department's  
24 authorized agent shall notify the facility of the resumption by certified mail. Recovery of the  
25 resumed fiscal sanction must be stayed if the operator of the facility makes a written request for  
26 an administrative hearing in the manner provided in chapter 28-32; ~~provided, that, if~~ if written  
27 request for the hearing is made to the department within ten days of the notice of resumption.

28       **SECTION 7. AMENDMENT.** Subsection 3 of section 50-11.1-17 of the North Dakota  
29 Century Code is amended and reenacted as follows:

30       3. The department may issue a provisional self-declaration document in accordance with  
31 the rules of the department. The department shall consider issuing a provisional or

1 restricted license before revoking a self-declaration document. The department may  
2 require the holder of a self-declaration to provide a compliance plan to address  
3 compliance issues with this chapter and rules of the department. The department shall  
4 review the compliance plan before issuing a provisional or restricted license. The  
5 department shall approve the provisional self-declaration document if the department  
6 approves the compliance plan. The department may revoke a license if the holder of a  
7 self-declaration fails to comply with the department-approved compliance plan or for  
8 any additional violations of this chapter or rules of the department.