

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1050

Introduced by

Human Services Committee

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

1 A BILL for an Act to amend and reenact sections 23-16-01, 50-31-02, 50-31-04, 50-31-05, and
2 50-31-08 of the North Dakota Century Code, relating to licensure, inspection, suspension, and
3 revocation of a substance abuse treatment program.

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

5 **SECTION 1. AMENDMENT.** Section 23-16-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-16-01. Licensure of medical hospitals and state hospitals.**

8 After July 1, 1947, no person, partnership, association, corporation, limited liability
9 company, county or municipal corporation, or agency thereof, which maintains and operates
10 organized facilities for the diagnosis, treatment, or care of two or more nonrelated persons
11 suffering from illness, injury, or deformity or where obstetrical or other care is rendered over a
12 period exceeding twenty-four hours, may be established, conducted, or maintained in the state
13 of North Dakota without obtaining annually a license therefor in the manner hereinafter provided
14 in sections 23-16-02 and 23-16-03. Chiropractic hospitals, sanatoriums, American society of
15 addiction medicine level 3.7 substance use treatment programs licensed by the department of
16 health and human services that are independent from a medical hospital, and hospitals such as
17 those for unmarried mothers maintained and operated by the department of health and human
18 services are not required to obtain a license under this chapter.

19 In the case of emergency or transfer beds attached to and forming a part of a licensed
20 medical doctor's office, the department of health and human services has the right of inspection,
21 but no license may be required under the provisions of this chapter when the number of such
22 beds does not exceed four.

23 **SECTION 2. AMENDMENT.** Section 50-31-02 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **50-31-02. License required.**

2 A person, partnership, association, corporation, or limited liability company without a license
3 may not establish, conduct, or maintain in this state a substance ~~abuse~~abuse disorder treatment
4 program for the care of persons addicted to alcohol or other drugs. The department, in
5 accordance with the laws of this state governing injunctions and other process, may maintain an
6 action in the name of the state against a person, partnership, association, corporation, or limited
7 liability company for establishing, conducting, managing, or operating a substance ~~abuse~~abuse
8 disorder treatment program without a license.

9 **SECTION 3. AMENDMENT.** Section 50-31-04 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **50-31-04. Inspection and evaluation of licensed premises.**

12 Every licensed substance ~~abuse~~abuse disorder treatment program shall obtain and provide to
13 the department a local or state authority certification as to the safety of the premises. The
14 department shall evaluate every licensed substance ~~abuse~~abuse disorder treatment program
15 according to the rules adopted by the department.

16 **SECTION 4. AMENDMENT.** Section 50-31-05 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **50-31-05. Issuance, suspension, and revocation of license.**

- 19 1. The department may issue licenses to operate substance ~~abuse~~abuse disorder
20 treatment programs, for a period of three years, which are found to comply with the
21 provisions of this chapter and rules adopted by the department.
- 22 2. The department may suspend or revoke a license if a program violates any of the
23 rules adopted by the department.
- 24 3. Before a license may be suspended or revoked, written notice by registered mail,
25 personal delivery, or electronic mail must be given to the licenseholder. The
26 licenseholder must be furnished with a copy of the notice by registered mail or
27 personal delivery. If a license is revoked, a new application for a license may be
28 considered by the department when the conditions upon which the revocation were
29 based have been corrected and evidence of this fact has been satisfactorily furnished.
30 A new license may then be granted after proper inspection has been made and the
31 applicant has complied with all rules adopted by the department. Within thirty days

1 after service of the written charges, the applicant or licensee may submit to the
2 department a written request for an administrative hearing as provided in chapter
3 28-32.

4 **SECTION 5. AMENDMENT.** Section 50-31-08 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-31-08. Opioid treatment programs - Licensure required - Rules.**

- 7 1. To operate in this state, an opioid treatment program must be granted a license from
8 the department, certification from the United States department of health and human
9 services substance abuse and mental health services administration, and registration
10 from the United States department of justice drug enforcement administration.
- 11 2. The department may license a substance ~~abuse~~use disorder treatment program to
12 operate an opioid treatment program in the state. A separate license is required for
13 each location at which an opioid treatment program is operated under this section.
- 14 3. The department shall adopt rules relating to licensing and monitoring opioid treatment
15 programs, including rules for:
- 16 a. Standards for approval and maintenance of license;
 - 17 b. Assessment of need for an opioid treatment program in the proposed location;
 - 18 c. Patient eligibility for admission to an opioid treatment program;
 - 19 d. Treatment standards, including counseling and drug testing requirements; and
 - 20 e. Measures to prevent the diversion to illegal use of any drug used by a program to
21 treat an opioid addiction.
- 22 4. Each state-licensed opioid treatment program shall submit by electronic means
23 information regarding each prescription dispensed for a controlled substance to the
24 state's prescription drug monitoring program, unless specifically exempted by federal
25 law.