

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 50-32-01 and 50-32-02 of the North Dakota
2 Century Code, relating to assisted living facilities; and to repeal sections 50-32-02.1 and
3 50-32-03 of the North Dakota Century Code, relating to the licensing of assisted living facilities
4 and powers and duties of the department of health and human services.

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

6 **SECTION 1. AMENDMENT.** Section 50-32-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **50-32-01. Definitions.**

9 In this chapter, unless the context otherwise requires:

- 10 1. "Assisted living facility" means a building or structure containing a series of at least
11 five living units operated as one entity to provide services for five or more individuals
12 who are not related by blood, marriage, or guardianship to the owner or manager of
13 the entity and which is kept, used, maintained, advertised, or held out to the public as
14 a place that provides or coordinates individualized support services to accommodate
15 the individual's needs and abilities to maintain as much independence as possible. An
16 assisted living facility does not include a facility that is a congregate housing facility,
17 licensed as a basic care facility, or licensed under chapter 23-16, chapter 23-17.7,
18 chapter 25-16, or section 50-11-01.4.
- 19 2. ~~"Department" means the department of health and human services.~~
- 20 3. "Entity" means an individual, institution, organization, limited liability company, or
21 corporation, whether or not organized for profit.
- 22 4. ~~3.~~ "Individualized support services" means services provided to individuals who may
23 require assistance with the activities of daily living of bathing, dressing, toileting,
24 transferring, eating, medication management, and personal hygiene.

1 ~~5.4.~~ "Living unit" means a portion of an assisted living facility that contains a sleeping area,
2 an entry door that can be locked, and a private bath with a toilet, bathtub or shower,
3 and sink and which is occupied as the living quarters of an individual who has entered
4 into a lease agreement with the assisted living facility.

5 ~~6.5.~~ "Related by blood or marriage to the owner or manager" means an individual who is a
6 spouse or former spouse of the owner or manager or is a parent, stepparent,
7 grandparent, stepgrandparent, child, stepchild, grandchild, stepgrandchild, brother,
8 sister, half-brother, half-sister, stepbrother, or stepsister of the owner or manager or
9 the owner's or manager's spouse or former spouse.

10 **SECTION 2. AMENDMENT.** Section 50-32-02 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **50-32-02. Licensing of assisted- Assisted living facilities - PenaltyReligious orders -**
13 **Occupancy.**

- 14 1. ~~An entity may not keep, operate, conduct, manage, or maintain an assisted living~~
15 ~~facility or use the term "assisted living" in its advertising unless it is licensed by the~~
16 ~~department.~~
- 17 2. ~~An assisted living facility shall pay to the department an annual license fee of~~
18 ~~seventy-five dollars for each facility. License fees collected under this section must be~~
19 ~~deposited in the department's operating fund in the state treasury. An expenditure from~~
20 ~~the fund is subject to appropriation by the legislative assembly.~~
- 21 3. ~~An assisted living facility shall apply annually to the department for a license. After the~~
22 ~~fifty-ninth day following the notification of noncompliance with annual licensing, the~~
23 ~~department may assess a fine of up to fifty dollars per day against an entity that~~
24 ~~provides assisted living services or uses the term assisted living in its marketing~~
25 ~~without a license approved by the department. Fines collected under this section must~~
26 ~~be deposited in the department's operating fund in the state treasury. An expenditure~~
27 ~~from the fund is subject to appropriation by the legislative assembly.~~
- 28 4. ~~If there are one or more deficiencies or a pattern of deficiencies related to quality of~~
29 ~~care or compliance with licensing requirements, the department may issue a~~
30 ~~provisional license. A provisional license may not be valid for more than ninety days. A~~
31 ~~provisional license may be renewed once for no longer than an additional ninety days.~~

1 ~~If the deficiencies have not been corrected upon the expiration of a provisional license,~~
2 ~~the department may deny the assisted living facility's application or revoke its license.~~

3 ~~5.~~ Religious orders providing individualized support services to vowed members residing
4 in the order's retirement housing are not subject to this chapter.

5 ~~6.2.~~ No more than two people may occupy one bedroom of each living unit of an assisted
6 living facility.

7 **SECTION 3. REPEAL.** Sections 50-32-02.1 and 50-32-03 of the North Dakota Century
8 Code are repealed.