

MENTALLY ILL AND RETARDED, TUBERCULAR, BLIND AND DEAF

CHAPTER 307

HOUSE BILL NO. 1503
(Tollefson)

LICENSED PHYSICIANS AT STATE INSTITUTIONS

AN ACT to create and enact a new subsection to section 25-01-05 of the North Dakota Century Code, relating to general powers and duties of institution superintendents; and to provide an effective date.

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

SECTION 1. A new subsection to section 25-01-05 of the North Dakota Century Code is hereby created and enacted to read as follows:

Employ only licensed physicians as members of the institutional physician staff.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on July 1, 1987.

Approved March 27, 1985

CHAPTER 308

HOUSE BILL NO. 1446
(DeMers, Sauter)

COMMITMENT PROCEEDINGS

AN ACT to amend and reenact subsections 6, 7, and 9 of section 25-03.1-02 of the North Dakota Century Code, relating to independent expert examiners and mental health professionals for commitment proceedings.

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

SECTION 1. AMENDMENT. Subsections 6, 7, and 9 of section 25-03.1-02 of the 1983 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

6. "Expert examiner" means a licensed physician, psychiatrist, ~~or~~ clinical psychologist, or master addiction counselor appointed by the court to examine the respondent. An evaluation of a respondent's physical condition shall be made only by a licensed physician or psychiatrist, while an evaluation of a respondent's mental status shall be made only by a licensed psychiatrist or clinical psychologist, and an examination by a master addiction counselor shall be limited to whether the respondent is an alcoholic or drug addict.
7. "Independent expert examiner" means a licensed physician, psychiatrist, ~~or~~ clinical psychologist, or master addiction counselor, chosen at the request of the respondent to provide an independent evaluation of whether the respondent meets the criteria of a person requiring treatment. An examination by a master addiction counselor shall be limited to whether the respondent is an alcoholic or drug addict, and whether the respondent is a person requiring treatment.
9. "Mental health professional" means:
 - a. A psychologist with at least a master's degree who has been either licensed or approved for exemption by the North Dakota board of psychology examiners.

- b. A social worker with a master's degree in social work from an accredited program.
- c. A registered nurse with a master's degree in psychiatric and mental health nursing from an accredited program.
- d. A registered nurse with a minimum of two years of psychiatric clinical experience under the supervision of a registered nurse as defined by subdivision c or an expert examiner as defined by subsection 6.
- e. An addiction counselor certified by the department of human services.

Approved April 15, 1985

CHAPTER 309

HOUSE BILL NO. 1289
(Schneider, Kretschmar)

VENUE OF EMERGENCY COMMITMENT PROCEEDINGS

AN ACT to amend and reenact subsection 1 of section 25-03.1-26 of the North Dakota Century Code, relating to venue for emergency commitment proceedings.

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

SECTION 1. AMENDMENT. Subsection 1 of section 25-03.1-26 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The state hospital or public treatment facility must immediately accept and a private treatment facility may accept on a provisional basis the application and the person admitted under section 25-03.1-25. The superintendent or director shall require an immediate examination of the subject and, within twenty-four hours after admission, shall either release the person if he finds that the subject does not meet the emergency commitment standards, or file a petition if one has not been filed with the magistrate of the county of the person's residence, or to the county of the court which directed immediate custody under subsection 2 of section 25-03.1-25, giving notice to the court and stating in detail the circumstances and facts of the case.

Approved March 22, 1985

CHAPTER 310

HOUSE BILL NO. 1209
 (Committee on State and Federal Government)
 (At the request of the Director of Institutions)

GRAFTON STATE SCHOOL NAME CHANGE

AN ACT to change the name of the Grafton state school to the state developmental center at Grafton; to amend and reenact section 25-04-01 of the North Dakota Century Code, relating to changing the name of the Grafton state school to the state developmental center at Grafton; and to provide an effective date.

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

* SECTION 1. AMENDMENT. Section 25-04-01 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-04-01. State ~~school~~ developmental center - Maintained - Name. An institution for the mentally deficient shall be maintained at or near the city of Grafton in the county of Walsh. Such institution shall be known and designated as Grafton state school ~~the state developmental center at Grafton~~. There shall be maintained near Dunseith, in the county of Rolette, a division of the ~~Grafton state school~~ ~~state developmental center at Grafton~~ which shall be known as San Haven.

SECTION 2. Grafton state school renamed state developmental center at Grafton. Whenever the terms "Grafton state school", "state school at Grafton", or "state school" when referring to the state school at Grafton, appear in this code, the term "state developmental center at Grafton" or "state developmental center", as the case may be, shall be substituted therefor.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 1989.

Approved March 1, 1985

* NOTE: Section 25-04-01 was also amended by section 1 of House Bill No. 1062, chapter 311.

CHAPTER 311

HOUSE BILL NO. 1062
(Legislative Council)
(Interim Government Reorganization Committee)

GRAFTON STATE SCHOOL AND SAN HAVEN CONTROL TO DEPARTMENT OF HUMAN SERVICES

AN ACT to amend and reenact sections 25-04-01, 25-04-02, 25-04-03, 25-04-03.1, 25-04-04, 25-04-05, 25-04-05.1, 25-04-08, 25-04-11, 25-09-02, 50-06-01.4, and 54-23-01 of the North Dakota Century Code, relating to the transfer of control of Grafton state school and San Haven to the department of human services; and to provide an effective date.

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

* SECTION 1. AMENDMENT. Section 25-04-01 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-04-01. State school - Maintained-- Name - Administration and control. An institution for the mentally deficient developmentally disabled shall be maintained at or near the city of Grafton in the county of Walsh. Such The institution shall be known and designated as Grafton state school. There shall be maintained near Dunseith, in the county of Rolette, a division of the Grafton state school which shall be known as San Haven. The department of human services shall have administrative authority and control of Grafton state school and San Haven.

SECTION 2. AMENDMENT. Section 25-04-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-04-02. Purpose of state school. The state school shall be maintained for the relief, instruction, care, and custody of the mentally deficient developmentally disabled of this state. For this purpose the ~~direeter~~ department of human services may introduce and establish such trades and manual industries as in ~~his~~ its judgment will best prepare the residents for future self-support.

SECTION 3. AMENDMENT. Section 25-04-03 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* NOTE: Section 25-04-01 was also amended by section 1 of House Bill No. 1209, chapter 310.

25-04-03. **Qualifications of superintendent.** The superintendent of Grafton state school shall be a skilled administrator with professional training and experience relating to the needs of the mentally retarded developmentally disabled. The superintendent shall designate a qualified and duly licensed physician as chief of medical staff and such chief of staff shall have the power, with advice and consent of the superintendent, to employ and discharge additional physicians, nurses, and professional assistants and shall be responsible for defining their qualifications and duties. All other employees shall be appointed and removed by the superintendent or a personnel director to be named by him. The salaries of all employees shall be fixed by the superintendent or the personnel director within the limits of the legislative appropriations made for such purpose. The superintendent of the Grafton state school shall also serve as the superintendent of San Haven. The superintendent shall appoint an assistant superintendent who shall be the chief administrative officer of San Haven. The superintendent shall designate a qualified and duly licensed physician as chief of medical staff who will with the advice and consent of the superintendent employ the necessary physicians. All other employees shall be appointed by the assistant superintendent with the advice and consent of the superintendent. The assistant superintendent shall make certain that records on each resident be maintained as required by the director of institutions department of human services and the superintendent. The assistant superintendent, with the advice and consent of the superintendent and the director of institutions department of human services, shall determine the salaries of all employees at San Haven within the limits of legislative appropriations.

SECTION 4. AMENDMENT. Section 25-04-03.1 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-04-03.1. **Biennial report - Assistant superintendent.** The assistant superintendent of San Haven shall submit to the superintendent a biennial report including the number and type of resident residents being served and the conditions and needs of the institution and any other information which the director of institutions department of human services may require. The superintendent upon his review of the report will submit it to the director of institutions who shall include it department of human services for inclusion in his its required biennial report. The director department of human services may authorize the printing of copies of the separate report of such institution not exceeding one thousand in number. The charges for the printing of such the separate copies shall be paid in the same manner as payment is made for printing reports of the various departments of the state.

SECTION 5. AMENDMENT. Section 25-04-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-04-04. **Who may receive benefits of state school.** Subject to the provisions of chapter 25-09 and to such any rules and regulations as

may be made adopted by the direector department of human services, the benefits of the state school may be received by persons who are residents of this state and who are:

1. Mentally defieient Developmentally disabled and, in the opinion of the superintendent of the state school, are of suitable age and capacity to receive instruction in such school and whose deficiencies prevent them from receiving proper training and instruction in the public schools; or
2. Mentally defieient Developmentally disabled, and who cannot be properly cared for in their homes or other available facilities.

SECTION 6. AMENDMENT. Section 25-04-05 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-04-05. Qualifications for admission to state facility - Temporary admission - Care and treatment of persons under twenty-one years of age without charge.

1. The superintendent may admit a mentally defieient developmentally disabled person who is a resident of this state to the state school or other state facility under his the superintendent's jurisdiction or the jurisdiction of the direector of institutions department of human services when all of the following conditions have been met:
 - a. Application for admission has been made on behalf of the mentally defieient developmentally disabled person by his a parent or guardian or the person or agency having legal custody of him, or by the mentally defieient developmentally disabled person himself, in accordance with procedures established by the direector of institutions department of human services.
 - b. A comprehensive evaluation of the person has been made within three months of the date of application, a report of which has been filed with the superintendent and which, together with such other information or reviews as the direector of institutions department of human services may require, indicates to his the superintendent's satisfaction that the person is eligible for admission to the state school or other state facility.
 - c. The person may be admitted without exceeding the resident capacity of the facility as specified in the professional standards adopted by the direector of institutions department of human services.

2. The superintendent may admit to the state school or any other state facility under ~~his~~ the superintendent's jurisdiction or the jurisdiction of the ~~director of institutions~~ department of human services, temporarily for the purposes of observation, without commitment, under ~~such rules and regulations~~ as the ~~director of institutions~~ department of human services may ~~prescribe~~ adopt, any person who is suspected of being mentally deficient developmentally disabled, to ascertain whether or not such person is actually mentally deficient developmentally disabled and a proper case for care, treatment, and training in the state facility. If in the opinion of the superintendent the person temporarily admitted to the state school is a proper subject for institutional care, treatment, and training at such school or facility, such person may remain as a voluntary resident at such school at the discretion of the superintendent if all other conditions for admission required by this section are met.

3. Care and treatment at the state school shall be provided without charge to anyone under twenty-one years of age who is qualified for admission pursuant to this chapter. Residents not more than twenty-one years of age admitted to the state school shall be entitled to transportation as provided by rules ~~and regulations~~ of the ~~department superintendent~~ department superintendent of public instruction. The rules ~~and regulations~~ of the ~~department superintendent~~ department superintendent of public instruction shall have the force and effect of law on other state agencies and public school districts. The school district of which the applicant is a resident shall be reimbursed by the state special education fund for not more than the number of round trips home per year provided for in the individualized education program at a rate not to exceed that paid state officials. Persons over twenty-one years of age who are qualified for admission pursuant to this chapter shall be responsible for expenses incurred through care and treatment at the state school in the manner provided by chapter 25-09.

SECTION 7. AMENDMENT. Section 25-04-05.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-04-05.1. Transfer of residents - Visiting privileges - Release and placement of patients.

1. The superintendent shall have the right of temporary transfer of any resident of the state school at Grafton to an appropriate hospital or other specialized facility when in ~~his~~ the superintendent's opinion the immediate health and safety of the resident requires ~~such~~ the transfer. The superintendent shall also have the right and responsibility of indefinite transfer of a resident from one state facility for the mentally deficient

developmentally disabled to another when the best interest of the resident will be served thereby, or when such the transfer is required in conformity with the policies of the director of institutions department of human services; provided, however, that no such transfer shall be effected until after all reasonable efforts have been made to consult with the resident's parent or guardian of the person.

2. Subject to reasonable rules for the orderly operation of the state school or other state facility for the mentally deficient developmentally disabled, any parent or guardian of the person of a resident shall have the right of visiting and communicating with his a child or ward and authorizing visits and communications with others.
3. The superintendent may authorize the temporary release of any resident to the custody of his the resident's parent or guardian of the person, or to another person designated by the parent or such guardian. In the absence of such authorization any parent or guardian of the person of any resident may formally request his, in writing, the resident's temporary release in writing, which. The release shall must be granted at the earliest reasonable opportunity, but not more than thirty days after receipt of a written application. If such a release is, or would be, effected contrary to the advice of the superintendent based on a recent comprehensive evaluation of the individual, the superintendent shall so advise the parent or such guardian in writing. If in the opinion of the superintendent the health, safety, welfare, or morals of the resident or society are seriously endangered by release, he the superintendent shall so advise the director of institutions, who department of human services, which may thereupon at his discretion apply to the proper county court to have such adult resident adjudged a defective delinquent in the manner provided in section 25-04-07, or in the case of a minor, the director of institutions department of human services may apply to the proper juvenile court to have such minor declared a ward of the court.
4. The superintendent shall have the authority to may arrange for the suitable placement of a resident outside the school or other state facility and to release him the resident on placement, provided placement has been preceded by a comprehensive evaluation. No such placement shall be effected until all reasonable efforts have been made to consult with the resident's parent or guardian of the person.

SECTION 8. AMENDMENT. Section 25-04-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-04-08. Discharge of resident from institution. A mentally deficient developmentally disabled person who has been admitted as a resident shall be permanently discharged within thirty days under any one of the following conditions:

1. The superintendent, on the basis of a comprehensive evaluation, finds that the care, treatment, training, rehabilitation, and supervision offered by the state are no longer required.
2. The parent or guardian who voluntarily committed his child or ward as a resident and who retains legal custody makes a written request for discharge.
3. The mentally deficient developmentally disabled person is admitted on indefinite transfer to a hospital, school, or other facility, or a protective service under the jurisdiction of another state, or another agency or department of this state, provided, however, that if such admission be by contractual arrangement made by the director of institutions department of human services, the mentally deficient developmentally disabled person shall be placed on nonresident release status, but not discharged.
4. A court of competent jurisdiction orders the discharge of the mentally deficient developmentally disabled person.

Any person who is to be discharged under subsections subsection 2 or 4 shall first receive a comprehensive evaluation unless such evaluation is not completed within thirty days of the request for discharge.

SECTION 9. AMENDMENT. Section 25-04-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-04-11. Disposition of mentally deficient developmentally disabled person who is not a legal resident. If a person who has no legal residence in this state is subject to admission to the state school or other appropriate state facility, by order of a court of competent jurisdiction, such person shall be sent, at the expense of the county, to the state school in the same manner as a resident of this state who is found to be mentally deficient developmentally disabled, and the superintendent of the state school shall then arrange for the transportation of such person to the place where he the person belongs. The director of institutions department of human services shall ascertain the place where such person belongs when the same conveniently can be done.

* SECTION 10. AMENDMENT. Section 25-09-02 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* NOTE: Section 25-09-02 was repealed by section 8 of House Bill No. 1656, chapter 527.

25-09-02. Expenses chargeable against patient or his estate - Filing claims. Expenses for care and treatment of each patient at the state hospital and each patient over twenty-one years of age at the Grafton state school shall, if practicable, be in accordance with the cost of providing care and treatment for the different degrees or conditions of mental and physical health. The supervising department shall recover monthly from the patient, if possible, or from the person who has been a patient in such institution after he has been discharged from the institution, expenses for care and treatment. The state hospital shall not recover expenses under this chapter, however, for the care and treatment of a patient transferred to the state hospital from a jail or regional corrections center. If any patient is receiving social security or is a veteran who has received, who is receiving, or who is entitled to receive compensation or pension from the veterans' administration, such expenses shall be a current claim against such patient and may be recovered monthly by the supervising department except that any amount required by the payor of such benefits to be paid directly to the patient shall, upon approval of the ~~director of institutions~~ department of human services, be credited to the patient's personal account from any money thus received.

* SECTION 11. AMENDMENT. Section 50-06-01.4 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-01.4. Structure of the department. The department shall include the state hospital, Grafton state school, San Haven, an office of human services, an office of economic assistance and county administration, administrative and fiscal support services as the executive director deems necessary, and as many other subdivisions as the executive director may deem appropriate, or as may be provided by law.

1. The office of human services shall contain the following divisions:
 - a. Developmental disabilities division.
 - b. Mental health division.
 - c. Social services division, including an aging services unit and a children and family services unit.
 - d. Vocational rehabilitation division, including regional vocational rehabilitation offices collocated with regional human service centers.
 - e. Alcoholism and drug abuse division.
2. The office of economic assistance and county administration shall include the following divisions:

* NOTE: Section 50-06-01.4 was also amended by section 3 of House Bill No. 1166, chapter 521.

- a. Public assistance division, including a food stamp unit, a housing assistance unit, an assistance payments unit, an energy assistance unit, and a child support unit.
- b. Medical assistance division.

Regional supervisors of economic assistance shall be collocated with regional human service centers and shall be responsible for maintaining a close working relationship between county social service boards and regional human service centers. The executive director of the department shall be responsible for consulting with and maintaining a close working relationship with the department of health; with the director of institutions and the superintendents of the Grafton state school, the school for the deaf, and the school for the blind to develop programs for developmentally disabled persons; and with the superintendent of public instruction to maximize the use of resource persons in regional human service centers in the provision of special education services.

* SECTION 12. AMENDMENT. Section 54-23-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-23-01. Institutions under control of director of institutions. The director of institutions shall have full power to manage, control, and govern, subject only to the limitations contained in this chapter and in title 25, the penitentiary, the school for the blind, the school for the deaf, ~~the Grafton state school,~~ and the North Dakota industrial school, and San Haven. The director shall not have the power to manage, control, and govern the soldiers' home.

SECTION 13. EFFECTIVE DATE. This Act becomes effective on July 1, 1989.

Approved March 22, 1985

* NOTE: Section 54-23-01 was also amended by section 29 of Senate Bill No. 2089, chapter 397.

CHAPTER 312

SENATE BILL NO. 2114
(Committee on State and Federal Government)
(At the request of the Director of Institutions)

SCHOOL FOR THE BLIND TRANSPORTATION

AN ACT to amend and reenact section 25-06-04 of the North Dakota Century Code, relating to qualifications for admission to the school for the blind and transportation costs for students; and to provide for an expiration date.

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

SECTION 1. AMENDMENT. Section 25-06-04 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-06-04. Qualifications for admission to school for the blind - Residents of state entitled to free education. Applicants for admission to the school for the blind must be blind or partially blind and unable to make suitable progress in the public schools of the state. The superintendent, with the approval of the director, may determine the age required for admission. The superintendent shall furnish application blanks upon request, and no person shall be admitted to the institution until the application giving such information as the director may require has been returned to and approved by the superintendent of the school for the blind. An applicant admitted to the school for the blind shall be entitled to transportation provided by the school as provided by rules and regulations of the department of public instruction. The rules and regulations of the department of public instruction shall have the force and effect of law on other state agencies and public school districts. The school district of which the applicant is a resident shall be reimbursed by the state special education fund for not more than the number of round trips home per year provided for in the student's individualized education program at a rate not to exceed that paid state officials. Each such applicant who is a resident of this state and who, because of his handicap, is unable to receive an education in the public schools, shall be entitled to receive an education in the school for the blind at the expense of the state.

SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1987, and after that date is ineffective.

Approved April 11, 1985

CHAPTER 313

SENATE BILL NO. 2115
(Committee on State and Federal Government)
(At the request of the Director of Institutions)

SCHOOL FOR THE DEAF TRANSPORTATION

AN ACT to amend and reenact section 25-07-04 of the North Dakota Century Code, relating to the qualifications for admission to the school for the deaf and transportation costs for students; and to provide for an expiration date.

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

SECTION 1. AMENDMENT. Section 25-07-04 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-07-04. Qualifications for admission to school for deaf - Residents of state entitled to free education. In order to be admitted as a pupil in the school for the deaf, an applicant's hearing must be impaired to such extent that he cannot make suitable progress in the public schools of the state. The superintendent, with the approval of the director, may determine the age required for admission. The superintendent shall furnish application blanks upon request, and no person shall be admitted to the institution until the application giving such information as the director of institutions may require has been returned to and approved by the superintendent. An applicant admitted to the school shall be entitled to transportation provided by the school as provided by rules and regulations of the department of public instruction. The rules and regulations of the department of public instruction shall have the force and effect of law on other state agencies and public school districts. The school district of which the applicant is a resident shall be reimbursed by the state special education fund for not more than the number of round trips home per year provided for in the student's individualized education program at a rate not to exceed that paid state officials. Each such applicant who is a resident of this state and who, because of his handicap, is unable to receive an education in the public schools, shall be entitled to receive an education in the school for the deaf at the expense of the state.

SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1987, and after that date is ineffective.

Approved April 11, 1985

CHAPTER 314

HOUSE BILL NO. 1373
(Representatives Graba, Enget)
(Senator Shea)

HANDICAPPED PERSONS' SERVICE DOGS

AN ACT to amend and reenact section 25-13-02 of the North Dakota Century Code, relating to the use of service dogs in public places.

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

SECTION 1. Section 25-13-02 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-13-02. Blind or ~~physieally~~ handicapped person accompanied by guide or service dog to be admitted to public places. Every totally or partially blind person ~~shatl have~~ has the right to be accompanied by a guide dog and every ~~physieally~~ handicapped person ~~shatl have~~ has the right to be accompanied by a service dog, especially trained for those purposes, in places of public accommodations, common carriers, and all places in which the public is generally invited, without being required to pay an extra charge for the guide or service dog; provided, that such persons ~~shatl be are~~ are liable for any damage done to the premises or facilities by the dogs.

Approved March 14, 1985

CHAPTER 315

HOUSE BILL NO. 1047
 (Legislative Council)
 (Interim Budget "C" Committee)

TREATMENT AND CARE CENTERS FOR DEVELOPMENTALLY DISABLED

AN ACT to amend and reenact sections 25-16-01, 25-16-02, and 25-16-03 of the North Dakota Century Code, relating to the ownership and operation of treatment and care centers for developmentally disabled persons.

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

SECTION 1. AMENDMENT. Section 25-16-01 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-16-01. Definitions. In this chapter unless the context or subject matter otherwise requires:

1. "Treatment or care center" means any hospital, home, or other premises, ~~owned and operated by a charitable nonprofit corporation or association,~~ especially to provide relief, care, custody, treatment, day activity, work activity, or extended employment services to developmentally disabled persons.
2. "Division" means the developmental disabilities division of the state department of human services.

SECTION 2. AMENDMENT. Section 25-16-02 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-16-02. License required. ~~Any charitable nonprofit association or corporation which operates~~ The operator of a treatment or care center for developmentally disabled persons shall secure annually from the division a license as required by rules adopted under this chapter.

SECTION 3. AMENDMENT. Section 25-16-03 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-16-03. Requirements for license. The division shall issue a license for the operation of a treatment or care center for developmentally disabled persons to reputable and responsible charitable nonprofit associations or corporations upon a showing that:

1. The premises to be used are in fit safe sanitary condition and properly equipped to provide good care and treatment;
2. The persons in active charge of the center and their assistants are qualified by training and experience to carry on efficiently the duties required of them;
3. The health, morality, safety, and well-being of the residents cared for and treated therein will be properly safeguarded;
4. There is sufficient entertainment, treatment, educational, and physical facilities and services available to the residents therein;
5. Appropriate arrangements are made for a medical and psychological examination of each resident; and
6. The provider is in compliance with rules adopted by the division under this chapter.

Approved March 22, 1985