

CHAPTER 33-07-03.2 NURSING FACILITIES

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SECTION 1. Section 33-07-03.2-20 is amended as follows:

33-07-03.2-20. Activity services.

The facility shall provide an ongoing program of activity services to meet the needs and interests of each resident which promotes or maintains each resident's physical, mental, and psychosocial well-being.

1. The facility shall employ a qualified activity coordinator who is responsible for the direction and supervision of the resident activity services. A qualified activity coordinator is:

- a. An individual certified as a therapeutic recreation specialist by a recognized accrediting body;
 - b. An individual who is eligible for certification as a therapeutic recreation specialist by a recognized accrediting body for the first year the individual is eligible;
 - c. An individual who is activity director certified by a recognized accrediting body;
 - d. An individual who is activity consultant certified by a recognized accrediting body;
 - e. A qualified occupational therapist as defined in North Dakota Century Code chapter 43-40;
 - f. A certified occupational therapy assistant;
 - g. An individual who has the equivalent of two years of full-time experience in a social or recreational program within the last five years, one of which was in a resident activity program in a health care setting; or
 - h. An individual who has completed an activity training program approved by the department as meeting the requirements in section ~~33-07-03.2-2233-07-03.2-21~~; and
 - (1) Has one year of full-time experience in the past five years in an activity program in a health care setting; or
 - (2) Receives monthly onsite consultation for a minimum of one year after the completion of the program from an individual meeting the qualifications described in subdivision a, d, e, f, or g.
2. The facility shall have sufficient activity staff to provide an ongoing program of meaningful, stimulating, therapeutic, and leisure time activities to meet the needs and suited to the interests of each resident.
 3. The facility shall have policies and procedures for the delivery of activity services.
 4. Each resident's activity plan must be developed in accordance with instructions of the licensed health care practitioner.

5. The activity plan must be coordinated with the resident's overall plan of care and altered as needed.
6. Activity notes, including observations of resident's participation in activity programs, must be recorded and retained in the resident's record.
7. Resident's request to see clergy must be honored and space must be provided for privacy during these visits.
8. The facility ~~must~~shall have adequate equipment and material to support independent and group activities.

History: Effective July 1, 1996; ~~amended effective April 1, 2026.~~

General Authority: NDCC 23-01-03, ~~28-32-02~~

Law Implemented: NDCC 23-16-01, ~~28-32-02~~

SECTION 2. Section 33-07-03.2-21 is amended as follows:

33-07-03.2-21. Approved activity training program.

Only programs that the department determines to meet the criteria in this section and approves in writing will be considered to be an approved activity training program.

1. A department-approved activity training program must have a curriculum which contains, at a minimum, ~~one hundred eighty hours, ninety of which are theory and ninety of which are practical training hours~~ of training.
2. The primary instructor of a program shall have:
 - a. A bachelor's degree or be activity consultant certified;
 - b. Have current activity experience as a director or as a practicing consultant; and
 - c. Have experience in teaching adults.
3. Supplemental instructors shall have a minimum of one year of experience in their field.
4. The theory portion of the program ~~shall~~must include, at a minimum, the topics identified in the basic education course for activity professionals developed by the national association of activity professionals and the national certification council for activity professionals.

5. Training on nursing and nursing-related services, including transferring, positioning, toileting, and feeding, may not be included in the curriculum of an activity training program.
6. At the completion of the program, the instructor ~~must~~shall verify in writing to the department the successful completion of the program for each participant.
7. A listing of state-approved activity training programs and the date of approval ~~will~~shall be maintained by the department.
8. An approved activity training program may include only those topics which were submitted to and approved by the department for inclusion. Changes which are made to the program must be approved by the department prior to implementation or the program will no longer be considered to be approved.

History: Effective July 1, 1996; amended effective April 1, 2026.

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