

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1045
(Human Services Committee)
(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact section 23-01-37 of the North Dakota Century Code, relating to a life safety survey process of any health care facility licensed by the department of health and human services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-37 of the North Dakota Century Code is amended and reenacted as follows:

23-01-37. Survey program - Health care facilities construction or renovation projects - Innovation waivers - Continuing appropriation.

1. The department of health and human services shall conduct a life safety survey process for all health care facilities licensed by ~~the division of health facilities~~ of the department of health and human services during and at the conclusion of a construction, renovation, or construction and renovation project.
 - a. In conducting a survey under this section, if the department uses a third party to review construction and renovation plans, the licensed provider shall negotiate and approve the price of the review services, the department shall contract with the third party, and the licensed provider shall pay the department for the review services.
 - b. The department shall deposit in the department's operating account any payments received from a licensed provider under subdivision a. There is appropriated to the department on a continuing basis any funds deposited under subdivision a for the purpose of paying a third-party reviewer.
2. The department of health and human services may charge a reasonable fee for the review of plans for construction, renovation, or construction and renovation projects performed under this section based on the size of the project. Revenues derived from the fees collected under this subsection must be deposited in the department's operating fund in the state treasury.
3. The department of health and human services shall make an initial determination on a construction, renovation, or construction and renovation project of:
 - a. No more than one million dollars within twenty-eight days of receipt of a complete application;
 - b. More than one million dollars but no more than four million dollars within forty-two days of receipt of a complete application; and
 - c. More than four million dollars, and less than fifteen million dollars, within fifty-six days of receipt of a complete application.
 - d. More than fifteen million dollars by notifying the applicant of the time the department will require to complete the review, allowing the applicant to determine whether to use a third-party reviewer.
4. Following an initial determination under subsection 3, the department of health and human services shall make any followup determination on a construction, renovation, or construction

and renovation project within fourteen days of receipt of the licensed provider's response to the initial determination.

5. The department of health and human services may approve a request for a waiver of a state law or rule relating to an innovative construction, renovation, or construction and renovation project if the lack of compliance does not adversely affect health or safety.
6. The department of health and human services shall design and operate the program in a manner that will provide that the surveyor that performs a life safety survey under this section does not violate the federal requirements associated with Medicare-certified life safety surveys.

Dennis Johnson
Speaker of the House

Tammy Miller
President of the Senate

Buell T. Reed
Chief Clerk of the House

Mark Morgan
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1045.

House Vote: Yeas 90 Nays 0 Absent 4

Senate Vote: Yeas 46 Nays 0 Absent 1

Buell T. Reed
Chief Clerk of the House

Received by the Governor at 3:00 PM. on April 7, 2023.

Approved at 6:23 PM. on April 10, 2023.

Ray Benson
Governor

Filed in this office this 11th day of April, 2023,
at 8:50 o'clock A. M.

Michael Howe
Secretary of State