

SENATE BILL NO. 2227
with Conference Committee Amendments
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Introduced by

Senators Lee, Dever, Hogan

Representatives Nelson, M. Ruby, Weisz

1 A BILL for an Act to amend and reenact sections 23-01-02 and 23-01-03 of the North Dakota
2 Century Code, relating to the membership and duties of the health council.

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

4 **SECTION 1. AMENDMENT.** Section 23-01-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **23-01-02. Health council - Members, terms of office, ~~vacancies~~, compensation,**
7 **~~officers, meetings.~~**

8 1. The health council shall assure the coordination of the health division with all other
9 health activities of the state. The health council consists of ninetwelve members
10 appointed by the governor including four persons from the health care field, and five
11 persons representing consumer interests. The governor may select members to the
12 council from recommendations submitted by trade, professional, and consumer
13 organizations. On the expiration of the term of any member, the governor, in the
14 manner provided by this section, shall appoint for a term of three years, persons to
15 take the place of members whose terms on the council are about to expire. The
16 officers of the council must be elected annually. Any state agency may serve in an
17 advisory capacity to the health council at the discretion of the council. The council
18 shall meet at least twice each year and at other times as the council or its chairman
19 may direct. The health council shall have as standing committees any committees the
20 council may find necessary. The chairman of the council shall select the members of
21 these committees. The members of the council are entitled to receive compensation at
22 the rate set for a member of the legislative assembly under subsection 1 of section
23 54-03-20 and their necessary mileage and travel expenses as provided in sections
24 44-08-04 and 54-06-09 while attending council meetings or in the performance of any

1 ~~special duties as the council may direct. The per diem and expenses must be audited~~
2 ~~and paid in the manner in which the expenses of state officers are audited and paid.~~
3 ~~The compensation provided for in this section may not be paid to any member of the~~
4 ~~council who received salary or other compensation as a regular employee of the state,~~
5 ~~or any of its political subdivisions, or any institution or industry operated by the state:~~

- 6 a. One member representing tribal health, appointed by the director of the Indian
7 affairs commission for a term of at least one year.
- 8 b. One member representing the university of North Dakota school of medicine and
9 health sciences, appointed by the dean of the school for a term of at least one
10 year.
- 11 c. One member representing the university of North Dakota, appointed by the
12 president of the university for a term of at least one year.
- 13 d. One member representing North Dakota state university, appointed by the
14 president of the university for a term of at least one year.
- 15 e. One local health officer from a public health unit, appointed by the state health
16 officer for a term of at least one year.
- 17 f. Seven members appointed by the state health officer as provided under this
18 subdivision for terms of three years. The state health officer shall identify
19 statewide entities representing each of the following interests and shall request
20 each entity submit the name of one individual to represent the entity.
- 21 (1) An entity representing pharmacists.
- 22 (2) An entity representing physicians.
- 23 (3) An entity representing hospitals.
- 24 (4) An entity representing public health unit administrators.
- 25 (5) An entity representing nurses.
- 26 (6) An entity representing long-term care facilities.
- 27 (7) An entity representing dietitians.
- 28 2. Each member of the health council shall serve until the member's successor is
29 appointed. If a member ceases to represent the entity the member is appointed to
30 represent, the member is no longer qualified to serve and must be replaced.

- 1 3. The council shall elect from its membership a presiding officer. The state health officer
2 shall serve as executive secretary of the health council. The executive secretary does
3 not have voting privileges. The council shall meet no fewer than two times per year
4 and shall meet at the call of the presiding officer and at the request of the state health
5 officer.
- 6 4. At the request of the health council, a state agency may serve in an advisory capacity
7 to the council.
- 8 5. The health council may appoint standing committees as determined necessary. The
9 presiding officer shall select the members of any standing committee.
- 10 6. A member of the health council is entitled to receive per diem at the rate set for a
11 member of the legislative assembly under subsection 1 of section 54-03-20 and
12 necessary mileage and travel expenses as provided under sections 44-08-04 and
13 54-06-09 while attending council meetings or in the performance of any special duties
14 as the council may direct. To the extent a member of the council receives salary or
15 other compensation from the state or a political subdivision, that member is not eligible
16 to receive per diem or reimbursement under this subsection.

17 **SECTION 2. AMENDMENT.** Section 23-01-03 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **23-01-03. Powers and duties of the health council.**

20 The health council shall:

- 21 1. Fix, subject to the provisions of section 23-01-02, the time and place of the meetings
22 of the council.
- 23 2. Make regulations for the government of the council and its officers and meetings.
- 24 3. ~~Establish~~Collaborate and advise in the establishment of standards, rules, and
25 regulations, which are found necessary for the maintenance of public health, including
26 sanitation and disease control.
- 27 4. ~~Provide for~~Collaborate and support the development, ~~establishment, and enforcement~~
28 of basic standards for hospitals and related medical institutions which render medical
29 and nursing care, and for the construction and maintenance of ~~such~~the institutions,
30 ~~such~~ standards to cover matters pertaining to sanitation, building construction, fire
31 protection measures, nursing procedures, and preservation of medical records. ~~No~~

1 ~~regulation~~A rule may not be adopted with respect to building construction of existing
2 medical hospitals or related medical institutions unless the ~~regulation~~rule relates to
3 safety factors or the hospital or related medical institution changes the scope of
4 service in such a way that a different license is required from the department pursuant
5 to rules adopted under chapter 23-16.

6 5. Hold hearings on all matters brought before ~~the council~~ by applicants and licensees
7 of medical hospitals with reference to the denial, suspension, or revocation of licenses
8 and make appropriate determination ~~as specified herein~~regarding these matters.

9 ~~The council may direct the state health officer to do or cause to be done any or all of the things~~
10 ~~which may be required in the proper performance of the various duties placed upon the~~
11 ~~department of health and human services~~

12 6. Inform and advise the governor, department of health and human services, legislative
13 assembly, and North Dakotans on public health issues that are important to the needs
14 of North Dakotans, and in the event of a public health emergency.

15 7. Monitor progress on the state public health strategic plan and advocate for evidence-
16 based practices and policies necessary to improve the health of North Dakotans.

17 8. In consultation with the state health officer and other agencies, associations, and
18 institutions represented on the health council, study and make recommendations
19 regarding the strategic plan and programs of the health division of the department of
20 health and human services. The recommendation may address public health
21 education and training, factors influencing the practice environment for health care
22 professionals, access to health care, and patient safety.

23 9. As the health council determines appropriate, consult with an individual or entity in
24 performing the council's duties under this section.