

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1045**

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

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

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

7 **23-01-37. Survey program - Health care facilities construction or renovation projects -**  
8 **Innovation waivers - Continuing appropriation.**

9 1. The department of health and human services shall conduct a life safety survey  
10 process for all health care facilities licensed by ~~the division of health facilities of the~~  
11 department of health and human services during and at the conclusion of a  
12 construction, renovation, or construction and renovation project.

13 a. In conducting a survey under this section, if the department uses a third party to  
14 review construction and renovation plans, the licensed provider shall negotiate  
15 and approve the price of the review services, the department shall contract with  
16 the third party, and the licensed provider shall pay the department for the review  
17 services.

18 b. The department shall deposit in the department's operating account any  
19 payments received from a licensed provider under subdivision a. There is  
20 appropriated to the department on a continuing basis any funds deposited under  
21 subdivision a for the purpose of paying a third-party reviewer.

22 2. The department of health and human services may charge a reasonable fee for the  
23 review of plans for construction, renovation, or construction and renovation projects  
24 performed under this section based on the size of the project. Revenues derived from

- 1           the fees collected under this subsection must be deposited in the department's  
2           operating fund in the state treasury.
- 3        3. The department of health and human services shall make an initial determination on a  
4           construction, renovation, or construction and renovation project of:
- 5           a. No more than one million dollars within twenty-eight days of receipt of a complete  
6           application;
- 7           b. More than one million dollars but no more than four million dollars within forty-two  
8           days of receipt of a complete application; and
- 9           c. More than four million dollars, and less than fifteen million dollars, within fifty-six  
10          days of receipt of a complete application.
- 11          d. More than fifteen million dollars by notifying the applicant of the time the  
12          department will require to complete the review, allowing the applicant to  
13          determine whether to use a third-party reviewer.
- 14        4. Following an initial determination under subsection 3, the department of health and  
15           human services shall make any followup determination on a construction, renovation,  
16           or construction and renovation project within fourteen days of receipt of the licensed  
17           provider's response to the initial determination.
- 18        5. The department of health and human services may approve a request for a waiver of a  
19           state law or rule relating to an innovative construction, renovation, or construction and  
20           renovation project if the lack of compliance does not adversely affect health or safety.
- 21        6. The department of health and human services shall design and operate the program in  
22           a manner that will provide that the surveyor that performs a life safety survey under  
23           this section does not violate the federal requirements associated with  
24           Medicare-certified life safety surveys.