

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1075

Introduced by

Human Services Committee

(At the request of the Board of Examiners for Nursing Home Administrators)

1 A BILL for an Act to create and enact two new sections to chapter 43-34 of the North Dakota
2 Century Code, relating to continuing education requirements and provisional licenses for
3 nursing home administrators; to amend and reenact sections 43-34-03, 43-34-10, and 43-34-12
4 of the North Dakota Century Code, relating to licensure of nursing home administrators; and to
5 repeal section 43-34-11 of the North Dakota Century Code, relating to nursing home
6 administrator emergency licenses.

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

8 **SECTION 1. AMENDMENT.** Section 43-34-03 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-34-03. Qualifications for licensure.** The board has authority to issue licenses to
11 qualified persons entitling them to serve and practice nursing home administration or otherwise
12 hold themselves out as duly licensed nursing home administrators, and shall establish
13 qualification criteria for such persons. ~~No~~ A license may not be issued to a person unless the
14 person has met the following conditions:

- 15 1. ~~He or she~~ The applicant is at least eighteen years of age, of good moral character,
16 and of sound physical and mental health.
- 17 2. If the applicant for license is deemed not to be qualified by the board after the
18 initial evaluation and testing, then the board may prescribe a course of instruction
19 and training, which course must be so designed as to content and so administered
20 as to present sufficient knowledge of the needs properly to be served by nursing
21 homes, laws governing the operation of nursing homes and the protection of the
22 interests of patients therein, and the elements of good nursing home
23 administration, or have presented evidence satisfactory to the board of sufficient

1 education, training, or experience in the foregoing fields to administer, supervise,
2 and manage a nursing home.

3 3. ~~He or she~~ The applicant has passed an examination administered by the board
4 and designed to test for competence in the subject matter referred to in
5 subsection 2.

6 4. The applicant pays an application fee in the amount determined by the board not
7 to exceed one hundred dollars and an examination fee in the amount determined
8 by the board not to exceed four hundred dollars.

9 All persons applying for a license must meet the conditions and requirements as may be
10 prescribed by the board. ~~However, a person meeting the standards of good moral character,~~
11 ~~sound physical and mental health, and otherwise suitable, and who was a nursing home~~
12 ~~administrator during all of the calendar year immediately preceding the calendar year in which~~
13 ~~the state licensing program becomes effective, may be granted a waiver for a period of two~~
14 ~~years after the effective date of this chapter, or until June 30, 1971, whichever is earlier, to~~
15 ~~allow the person or persons to meet the conditions or requirements as set by this board.~~

16 **SECTION 2. AMENDMENT.** Section 43-34-10 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **43-34-10. Renewal of license.** Every holder of a nursing home administrator's license
19 shall renew it annually, by making application to the board. ~~Such~~ The renewals must be
20 ~~granted as a matter of course, upon payment of the renewal fee established by the board and~~
21 ~~evidence that the applicant has completed the continuing education requirements specified by~~
22 ~~the board,~~ unless the board finds, after due notice and hearing, that the applicant has acted or
23 failed to act in ~~such a~~ manner or under ~~such~~ circumstances as would constitute grounds for
24 suspension or revocation of a license. A person may not hold oneself out as a nursing home
25 administrator if a license is not renewed. A license may be renewed within six months from the
26 date of expiration if the person makes application to the board, pays the renewal fee, and a late
27 fee in the amount determined by the board by rule.

28 **SECTION 3. AMENDMENT.** Section 43-34-12 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **43-34-12. ~~Reciprocity with other states~~ Licensure by endorsement.** The board
31 may issue a nursing home administrator's license, without examination, to any person who

1 holds a current license as a nursing home administrator from another jurisdiction, provided that
2 the board finds that the standards for licensure at the time the license was issued in ~~such~~ the
3 other jurisdiction were at least the substantial equivalent of those prevailing in this state at the
4 time of application and that the applicant is otherwise qualified.

5 **SECTION 4.** A new section to chapter 43-34 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Provisional license.** The board may issue a provisional license to an applicant who
8 has not passed the examination if the applicant satisfies the other requirements for licensure
9 and pays the application fee as provided in section 43-34-03. A holder of a provisional license
10 must take the next scheduled written examination. A provisional license expires if the applicant
11 does not pass the next scheduled examination.

12 **SECTION 5.** A new section to chapter 43-34 of the North Dakota Century Code is
13 created and enacted as follows:

14 **Continuing education.** The board may adopt rules establishing requirements for the
15 continuing education of nursing home administrators. The board may refuse to renew any
16 license issued under this chapter if the licensee fails to meet applicable continuing education
17 requirements. Applicants for accreditation of continuing education courses, classes, or
18 activities may be charged a reasonable fee determined by the board.

19 **SECTION 6. REPEAL.** Section 43-34-11 of the North Dakota Century Code is
20 repealed.