

**FIRST ENGROSSMENT
with Senate Amendments**

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; and to amend and reenact sections 43-34-03, 43-34-10, and
4 43-34-12 of the North Dakota Century Code, relating to licensure of nursing home
5 administrators.

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

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

9 **43-34-03. Qualifications for licensure.** The board has authority to issue licenses to
10 qualified persons entitling them to serve and practice nursing home administration or otherwise
11 hold themselves out as duly licensed nursing home administrators, and shall establish
12 qualification criteria for such persons. ~~No~~ A license may not be issued to a person unless the
13 person has met the following conditions:

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

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

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

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

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

16 **43-34-10. Renewal of license.** Every holder of a nursing home administrator's license
17 shall renew it annually, by making application to the board. ~~Such~~ The renewals must be
18 ~~granted as a matter of course,~~ upon payment of the renewal fee established by the board and
19 evidence that the applicant has completed the continuing education requirements specified by
20 the board, unless the board finds, after due notice and hearing, that the applicant has acted or
21 failed to act in ~~such a~~ a manner or under ~~such~~ circumstances as would constitute grounds for
22 suspension or revocation of a license. A person may not hold oneself out as a nursing home
23 administrator if a license is not renewed. A license may be renewed within six months from the
24 date of expiration if the person makes application to the board, pays the renewal fee, and a late
25 fee in the amount determined by the board by rule.

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

28 ~~43-34-12. Reciprocity with other states~~ **Licensure by endorsement.** The board
29 ~~may~~ shall issue a nursing home administrator's license, without examination, to any ~~person~~
30 applicant who holds a current license as a nursing home administrator from another jurisdiction
31 regardless of whether the applicant has been employed as a nursing home administrator,

1 provided that the board finds that the standards for licensure at the time the license was issued
2 in ~~such~~ the other jurisdiction were at least the substantial equivalent of those prevailing in this
3 state at the time of application and that the applicant is otherwise qualified.

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

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

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

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