

Introduced by

Senators J. Roers, Lee, K. Roers

Representative Weisz

1 A BILL for an Act to amend and reenact section 23-01-37 of the North Dakota Century Code,
2 relating to review of health facility construction and renovation projects; and to provide a
3 continuing appropriation.

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 facilities construction or renovation projects -**
8 **Innovation waivers - Continuing appropriation.**

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

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

1 based on the size of the project. Revenues derived from the fees collected under this
2 subsection must be deposited in the department's operating fund in the state treasury.

3 3. The state department of health shall make ~~a~~an initial determination on a construction,
4 renovation, or construction and renovation project of ~~no~~:

5 a. ~~No~~ more than ~~one~~five million dollars within ~~sixty~~twenty-eight days of receipt of a
6 complete application; ~~and~~

7 b. ~~More than~~ ~~five~~one million dollars ~~but no more than four million dollars~~ within ~~fifty-~~
8 ~~six~~forty-two days of receipt of a complete application; ~~and~~

9 c. More than four million dollars within fifty-six days of receipt of a complete
10 application.

11 4. Following an initial determination under subsection 3, the state department of health
12 shall make any followup determination on a construction, renovation, or construction
13 and renovation project within fourteen days of receipt of the licensed provider's
14 response to the initial determination.

15 5. The state department of health may approve a request for a waiver of a state law or
16 rule relating to an innovative construction, renovation, or construction and renovation
17 project if the lack of compliance does not adversely affect health or safety.

18 ~~5-6.~~ The department shall design and operate the program in a manner that will provide
19 that the surveyor that performs a life safety survey under this section does not violate
20 the federal requirements associated with Medicare-certified life safety surveys.