

**CHAPTER 33-07-03.2
NURSING FACILITIES**

Section	
33-07-03.2-01	Definitions
33-07-03.2-02	Conflict With Federal Requirements
33-07-03.2-03	Application for and Issuance of License
33-07-03.2-04	Waiver Provision
33-07-03.2-05	Access and Surveillance by the Department
33-07-03.2-06	Plan of Correction
33-07-03.2-07	Governing Body
33-07-03.2-08	Physical Environment
33-07-03.2-09	Emergency Plan
33-07-03.2-10	Quality Improvement Program
33-07-03.2-11	Infection Control Program
33-07-03.2-12	Education Programs
33-07-03.2-13	Medical Services
33-07-03.2-14	Nursing Services
33-07-03.2-15	Resident Assessment and Care Plan
33-07-03.2-16	Dietary Services
33-07-03.2-16.1	Paid Feeding Assistants
33-07-03.2-17	Resident Record Services
33-07-03.2-18	Pharmaceutical Services
33-07-03.2-19	Social Services
33-07-03.2-20	Activity Services
33-07-03.2-21	Approved Activity Training Program
33-07-03.2-22	Specialized Rehabilitative Services
33-07-03.2-23	Diagnostic Services
33-07-03.2-24	Housekeeping, Maintenance, and Laundry Services
33-07-03.2-25	Adult Day Care Services
33-07-03.2-26	Secured Units

SECTION 1. Section 33-07-03.2-01 is amended as follows:

33-07-03.2-01. Definitions.

The following terms are defined for this chapter, chapter 33-07-04.2, and North Dakota Century Code chapter 23-16:

1. "Abuse" for the purposes of this chapter is defined in section 33-07-06-01.
2. "Adult day care" means the provision of facility services to meet the needs of individuals who do not remain in the facility overnight.

3. "Authentication" means identification of the individual who made the resident record entry by that individual in writing, and verification that the contents are what the individual intended.
4. "Bed capacity" means bed space designed for resident care.
5. "Department" means the ~~state~~ department of health and human services.
6. "Discharge" means movement from a facility to a noninstitutional setting when the discharging facility ceases to be legally responsible for the care of the resident.
7. "Emanating services" means services which are provided from a facility to nonresidents.
8. "Facility" means a nursing facility.
9. "Governing body" means the individual or group in whom legal responsibility is vested for conducting the affairs of a private or governmental facility. Governing body includes, where appropriate, a proprietor, the partners of any partnership including limited partnerships, the board of directors and the shareholders or members of any corporation including limited liability companies and nonprofit corporations, a city council or commission, a county commission or ~~social~~ human service zone board, a governmental commission or administrative entity, and any other person or persons vested with management of the affairs of the facility irrespective of the name or names by which the person or group is designated.
10. "Licensed health care practitioner" means an individual who is licensed or certified to provide medical, medically related, or advanced registered nursing care to individuals in North Dakota.
11. "Licensee" means the legal entity responsible for the operation of a facility.
12. "Medical staff" means a formal organization of licensed health care practitioners with the delegated authority and responsibility to maintain proper standards of medical care.
13. "Misappropriation of resident property" means the willful misplacement, exploitation, or wrongful temporary or permanent use of a resident's belongings or money without the resident's consent. Willful for the purpose of this definition means to do so intentionally, knowingly, or recklessly.
 - a. "Intentionally" means to do deliberately or purposely.

- b. "Knowingly" means to be aware or cognizant of what one is doing, whether or not it is one's purpose to do so.
 - c. "Recklessly" means to consciously engage in an act without regard or thought to the consequences.
14. "Neglect" for the purposes of this chapter is defined in section 33-07-06-01.
 15. "Nursing facility" means an institution or a distinct part of an institution established to provide health care under the supervision of a licensed health care practitioner and continuous nursing care for twenty-four or more consecutive hours to two or more residents who are not related to the licensee by marriage, blood, or adoption; and who do not require care in a hospital setting.
 16. "Paid feeding assistant" means an individual who has successfully completed a department-approved paid feeding assistant training course and is paid to feed or provide assistance with feeding residents of a nursing facility.
 17. ~~"Rural area" means an area defined by the United States bureau of the census as a rural area.~~
 18. "Secured unit" means a specific area of the facility that has a restricting device separating the residents in the unit from the residents in the remainder of the facility.
 - ~~19.~~ 18. "Signature" means the name of the individual written by the individual or an otherwise approved identification mechanism used by the individual that may include the approved use of a rubber stamp or an electronic signature.
 - ~~20.~~ 19. "Transfer" means movement from a facility to another institutional setting when the legal responsibility for the care of the resident changes from the transferring facility to the receiving institutional setting.
 - ~~21.~~ 20. "Writing" means the use of any tangible medium for entries into the medical record, including ink or electronic or computer coding, unless otherwise specifically required.

History: Effective July 1, 1996; amended effective May 1, 2001; July 1, 2004; January 1, 2024.

General Authority: NDCC 23-01-03, 28-32-02

Law Implemented: NDCC 23-16-01, 28-32-02

SECTION 2. Subsection 3 of Section 33-07-03.2-17 is amended as follows:

3. ~~If the facility does not employ an accredited record technician or registered record administrator, an~~An employee of the facility must be assigned the

responsibility for ensuring ~~that~~ records are maintained, completed, and preserved. ~~The designated employee shall receive consultation at least annually from an accredited record technician or registered record administrator.~~

History: Effective July 1, 1996; amended effective January 1, 2024.

General Authority: NDCC 23-01-03, 28-32-02

Law Implemented: NDCC 23-16-01, 28-32-02