

**SENATE BILL NO. 2253**

Introduced by

Senators Andrist, Naaden, Solberg

Representatives Huether, Kempenich, Klein

1 A BILL for an Act to provide for a board of health services; to amend and reenact section  
2 23-16-08.1, subsection 3 of section 23-17.4-01, subsection 1 of section 23-18.2-02,  
3 subsection 3 of section 31-01-06.3, section 43-46-01, subsection 3 of section 50-10.1-01,  
4 section 50-24.1-12, subsection 11 of section 50-24.4-01, and subsection 5 of section  
5 54-52.4-01 of the North Dakota Century Code, relating to the certification, licensing, and  
6 registration of various occupations and professions and the duties and powers of various  
7 certification, licensing, and registration boards; to repeal chapters 43-25, 43-26, 43-32, 43-34,  
8 43-37, 43-39, 43-40, 43-41, 43-42, 43-44, 43-45, 43-47, and 43-48 of the North Dakota Century  
9 Code, relating to the certification, licensure, and registration of massage therapists, physical  
10 therapists, psychologists, nursing home administrators, audiologists and speech-language  
11 pathologists, athletic trainers, occupational therapists, social workers, respiratory care  
12 practitioners, dietitians, addiction counselors, counselors, and clinical laboratory personnel; and  
13 to authorize the legislative council to correct certain references in the code.

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

15 **SECTION 1. AMENDMENT.** Section 23-16-08.1 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **23-16-08.1. Access to pharmacist.** Irrespective of the type of distribution system  
18 used, no person may refuse to allow a resident of a nursing home, ~~as defined in subsection 3 of~~  
19 ~~section 43-34-01,~~ to choose a pharmacist of the resident's choice for the compounding and  
20 dispensing of drugs pursuant to chapter 43-15.

21 **SECTION 2. AMENDMENT.** Subsection 3 of section 23-17.4-01 of the 1995  
22 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23 3. "Hospice care team" means an interdisciplinary working unit including the hospice  
24 patient and the hospice patient's family, the attending physician, the medical

1 director of the hospice program, a registered professional nurse as defined under  
2 chapter 43-12.1, a social worker licensed pursuant to ~~chapter 43-41~~ by the board  
3 of health services providing medical social services, and trained hospice  
4 volunteers. Providers of special services, including a spiritual counselor, a  
5 pharmacist, a registered dietitian, or professionals in the field of mental health may  
6 be included on the interdisciplinary team as determined to be appropriate by the  
7 hospice program.

8 **SECTION 3. AMENDMENT.** Subsection 1 of section 23-18.2-02 of the North Dakota  
9 Century Code is amended and reenacted as follows:

10 1. "Nursing home" means such institutions or facilities ~~defined by subsection 3 of~~  
11 ~~section 43-34-01~~ licensed by the department of health, with the exception of those  
12 institutions or facilities administered by state government or any agency or political  
13 subdivision thereof, but including those institutions or facilities constructed,  
14 acquired, leased, or rehabilitated under the provisions of this chapter, and also  
15 including any institution or facility defined by and included in section 23-09.3-01.

16 **SECTION 4. AMENDMENT.** Subsection 3 of section 31-01-06.3 of the North Dakota  
17 Century Code is amended and reenacted as follows:

18 3. "Counselor" means ~~an~~ a licensed addiction counselor ~~who has been licensed~~  
19 ~~under chapter 43-45-01~~ or who is reasonably believed by the client so to be, while  
20 engaged in the diagnosis or treatment of a physical, mental, or emotional condition,  
21 including alcohol or any addiction.

22 **SECTION 5. AMENDMENT.** Section 43-46-01 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **43-46-01. Definitions.**

- 25 1. "Board" means:
- 26 a. The board of registry in podiatry;
  - 27 b. The state board of chiropractic examiners;
  - 28 c. The state board of funeral service;
  - 29 d. The North Dakota board of nursing;
  - 30 e. The North Dakota state board of optometry;
  - 31 f. The state board of pharmacy;

- 1 g. The state board of medical examiners;  
2 h. ~~The North Dakota board of massage;~~  
3 i. ~~The state examining committee for physical therapists;~~  
4 j. The state board of dental examiners;  
5 k. i. The state board of veterinary medical examiners;  
6 l. ~~The North Dakota state board of psychologist examiners;~~  
7 m. j. The board for licensing hearing aid dealers and fitters;  
8 n. ~~The North Dakota state board of examiners for nursing home administrators;~~  
9 o. ~~The state board of examiners of audiology and speech pathology;~~  
10 p. ~~The North Dakota board of athletic trainers;~~  
11 q. ~~The board of occupational therapy practice;~~  
12 r. ~~The North Dakota board of social work examiners;~~  
13 s. ~~The North Dakota respiratory care examining board;~~  
14 t. ~~The board of dietetic practice;~~  
15 u. ~~The board of addiction counseling examiners;~~ and  
16 v. k. Any health care related board granted licensing authority by the legislative  
17 assembly after July 1, 1989.
- 18 2. "Peer assistance entity" means an organization, a program, or a committee or a  
19 professional association which is designed to address the issues of alcoholism and  
20 other drug dependency and impairment affecting practitioners of the health care  
21 professions.

22 **SECTION 6. Board of health services.** The governor shall appoint a thirteen-member  
23 board of health services. The governor shall appoint a board member to represent each of the  
24 following occupational groups: addiction counselors, athletic trainers, clinical laboratory  
25 personnel, counselors, audiologists and speech-language pathologists, occupational therapists,  
26 nursing home administrators, dietitians and nutritionists, social workers, respiratory care  
27 practitioners, massage therapists, psychologists, and physical therapists. The term of office of  
28 each member is three years, except that of the members first appointed to the board, five must  
29 be appointed for a term of three years, four must be appointed for a term of two years, and four  
30 must be appointed for a term of one year. A vacancy in the office of a member must be filled by  
31 appointment for the unexpired term. A board member is entitled to receive expenses as

1 provided in section 54-06-09 and sixty-two dollars and fifty cents per day for each day spent  
2 conducting business of the board.

3 **Powers and duties.**

4 1. The board may employ an executive director and other officers and employees as  
5 are necessary, and establish their compensation.

6 2. The board shall adopt rules governing the licensing of addiction counselors,  
7 athletic trainers, clinical laboratory personnel, counselors, audiologists and  
8 speech-language pathologists, occupational therapists, nursing home  
9 administrators, dietitians and nutritionists, social workers, respiratory care  
10 practitioners, massage therapists, psychologists, and physical therapists. The  
11 rules adopted by the board must be equivalent to the statutory requirements and  
12 any administrative rules in effect on July 31, 1997, with respect to certification,  
13 licensure, and registration of the occupations and professions under the authority  
14 of the board. The board may amend its rules regarding licensing to maintain  
15 nationally recognized competency to practice standards for the various  
16 occupations and professions governed by the board.

17 3. The board may establish and administer licensing examinations for each of the  
18 occupations and professions governed by the board.

19 4. The board shall establish procedures for expedited licensure of applicants from  
20 other states who have met standards and qualifications equivalent to those  
21 required of residents of this state.

22 5. The board shall establish reasonable license fees based upon the actual cost to  
23 the board to administer the licensure process.

24 6. The board may refer to the office of administrative hearings any matter related to a  
25 licensee's qualifications to practice including the denial, suspension, or revocation  
26 of a license due to a licensee's gross violation of ethical standards or  
27 incompetency to practice.

28 **Transfer of funds - Rules - Transition.** All funds under the control of the board of  
29 massage, state examining committee for physical therapists, state board of psychologist  
30 examiners, state board of examiners on audiology and speech-language pathology, board of  
31 athletic trainers, board of occupational therapy practice, board of social work examiners,

1 respiratory care examining board, board of dietetic practice, board of addiction counseling  
2 examiners, board of counselor examiners, board of clinical laboratory practice, and board of  
3 examiners for nursing home administrators on the effective date of this Act are transferred to  
4 the board of health services. Funds transferred to the board of health services may be used by  
5 the board for administrative expenses.

6 Any rules adopted by any of the boards listed in this section and not related to  
7 standards and qualifications for admission to practice become ineffective on the effective date  
8 of this Act. Rules relating to standards and qualifications for certification, licensure, or  
9 registration to practice remain effective until amended or repealed by the board of health  
10 services.

11 **SECTION 7. AMENDMENT.** Subsection 3 of section 50-10.1-01 of the North Dakota  
12 Century Code is amended and reenacted as follows:

13 3. "Long-term care facility" means any skilled nursing facility, intermediate care  
14 facility, basic care facility, nursing home ~~as defined in subsection 3 of section~~  
15 ~~43-34-04~~, boardinghouse, or swing bed hospital approved to furnish long-term care  
16 services; provided, that a facility, as defined by subsection 2 of section 25-01.2-01,  
17 providing services to developmentally disabled persons is not a long-term care  
18 facility.

19 **SECTION 8. AMENDMENT.** Section 50-24.1-12 of the 1995 Supplement to the North  
20 Dakota Century Code is amended and reenacted as follows:

21 **50-24.1-12. Medical assistance - Services provided by psychologists.** Within the  
22 limits of legislative appropriations, the department of human services shall provide medical  
23 assistance to eligible recipients for services provided by licensed psychologists ~~licensed under~~  
24 ~~chapter 43-32~~.

25 **SECTION 9. AMENDMENT.** Subsection 11 of section 50-24.4-01 of the 1995  
26 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27 11. "Nursing home" means a facility licensed as such by the department of health, not  
28 owned or administered by the state government, ~~described in subsection 3 of~~  
29 ~~section 43-34-04~~ or a facility owned or administered by the state, which agrees to  
30 accept a rate established under this chapter.

1           **SECTION 10. AMENDMENT.** Subsection 5 of section 54-52.4-01 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3           5. "Health care provider" means a registered nurse licensed under chapter 43-12.1, a  
4 physician licensed under chapter 43-17, a psychologist licensed ~~under chapter~~  
5 ~~43-32~~ by the board of health services, or a ~~licensed-certified~~ social worker licensed  
6 ~~under chapter 43-41~~ by the board of health services.

7           **SECTION 11. REPEAL.** Chapters 43-25, 43-26, 43-32, 43-34, 43-37, 43-39, 43-40,  
8 43-41, 43-42, 43-44, 43-45, 43-47, and 43-48 of the North Dakota Century Code are repealed.

9           **SECTION 12. LEGISLATIVE COUNCIL MAY CORRECT REFERENCES.** The  
10 legislative council may delete and correct, where appropriate, references to any board repealed  
11 by this Act, wherever they appear in the North Dakota Century Code or its supplements.