

**SENATE BILL NO. 2227**  
**with House Amendments**  
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Introduced by

Senators Lee, Dever, Hogan

Representatives Nelson, M. Ruby, Weisz

1 A BILL for an Act to amend and reenact sections 23-01-02 and 23-01-03 of the North Dakota  
2 Century Code, relating to the membership and duties of the health council.

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

4 **SECTION 1. AMENDMENT.** Section 23-01-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **23-01-02. Health council - Members, terms of office, ~~vacancies,~~ compensation,**  
7 **~~officers, meetings.~~**

8 1. The health council shall assure the coordination of the health division with all other  
9 health activities of the state. The health council consists of ~~nineteen~~ members  
10 appointed by the governor including four persons from the health care field, and five  
11 persons representing consumer interests. The governor may select members to the  
12 council from recommendations submitted by trade, professional, and consumer  
13 organizations. On the expiration of the term of any member, the governor, in the  
14 manner provided by this section, shall appoint for a term of three years, persons to  
15 take the place of members whose terms on the council are about to expire. The  
16 officers of the council must be elected annually. Any state agency may serve in an  
17 advisory capacity to the health council at the discretion of the council. The council  
18 shall meet at least twice each year and at other times as the council or its chairman  
19 may direct. The health council shall have as standing committees any committees the  
20 council may find necessary. The chairman of the council shall select the members of  
21 these committees. The members of the council are entitled to receive compensation at  
22 the rate set for a member of the legislative assembly under subsection 1 of section  
23 54-03-20 and their necessary mileage and travel expenses as provided in sections  
24 44-08-04 and 54-06-09 while attending council meetings or in the performance of any

1           special duties as the council may direct. The per diem and expenses must be audited  
2           and paid in the manner in which the expenses of state officers are audited and paid.  
3           The compensation provided for in this section may not be paid to any member of the  
4           council who received salary or other compensation as a regular employee of the state,  
5           or any of its political subdivisions, or any institution or industry operated by the state;

- 6           a. One member representing tribal health, appointed by the director of the Indian  
7           affairs commission for a term of at least one year.
- 8           b. One member representing the university of North Dakota school of medicine and  
9           health sciences, appointed by the dean of the school for a term of at least one  
10          year.
- 11          c. One member representing the university of North Dakota, appointed by the  
12          president of the university for a term of at least one year.
- 13          d. One member representing North Dakota state university, appointed by the  
14          president of the university for a term of at least one year.
- 15          e. One public health officer, appointed by the state health officer for a term of at  
16          least one year.
- 17          f. Eight members appointed by the state health officer as provided under this  
18          subdivision for terms of three years. The state health officer shall identify  
19          statewide entities representing each of the following interests and shall request  
20          each entity submit the name of one individual to represent the entity.
- 21               (1) An entity representing pharmacies.
- 22               (2) An entity representing physicians.
- 23               (3) An entity representing hospitals.
- 24               (4) An entity representing public health.
- 25               (5) An entity representing nurses.
- 26               (6) An entity representing long-term care facilities.
- 27               (7) An entity representing a licensed registered dietician.
- 28               (8) An entity representing a social worker or licensed clinical counselor.

- 29          2. Each member of the health council shall serve until the member's successor is  
30          appointed. If a member ceases to represent the entity the member is appointed to  
31          represent, the member is no longer qualified to serve and must be replaced.

1       3. The council shall elect from its membership a presiding officer. The state health officer  
2       shall serve as executive secretary of the health council. The executive secretary does  
3       not have voting privileges. The council shall meet no fewer than two times per year  
4       and shall meet at the call of the presiding officer and at the request of the state health  
5       officer.

6       4. At the request of the health council, a state agency may serve in an advisory capacity  
7       to the council.

8       5. The health council may appoint standing committees as determined necessary. The  
9       presiding officer shall select the members of any standing committee.

10       6. A member of the health council is entitled to receive per diem at the rate set for a  
11       member of the legislative assembly under subsection 1 of section 54-03-20 and  
12       necessary mileage and travel expenses as provided under sections 44-08-04 and  
13       54-06-09 while attending council meetings or in the performance of any special duties  
14       as the council may direct. To the extent a member of the council receives salary or  
15       other compensation from the state or a political subdivision, that member is not eligible  
16       to receive per diem or reimbursement under this subsection.

17       **SECTION 2. AMENDMENT.** Section 23-01-03 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19       **23-01-03. Powers and duties of the health council.**

20       The health council shall:

- 21       1. Fix, subject to the provisions of section 23-01-02, the time and place of the meetings  
22       of the council.
- 23       2. Make regulations for the government of the council and its officers and meetings.
- 24       3. ~~Establish~~Collaborate and advise in the establishment of standards, rules, and  
25       regulations, which are found necessary for the maintenance of public health, including  
26       sanitation and disease control.
- 27       4. ~~Provide for~~Collaborate and support the development,~~establishment, and enforcement~~  
28       of basic standards for hospitals and related medical institutions which render medical  
29       and nursing care, and for the construction and maintenance of ~~such~~the institutions,  
30       ~~such~~ standards to cover matters pertaining to sanitation, building construction, fire  
31       protection measures, nursing procedures, and preservation of medical records. ~~No~~

1           ~~regulation~~A rule may not be adopted with respect to building construction of existing  
2           medical hospitals or related medical institutions unless the ~~regulation~~rule relates to  
3           safety factors or the hospital or related medical institution changes the scope of  
4           service in such a way that a different license is required from the department pursuant  
5           to rules adopted under chapter 23-16.

6           5. Hold hearings on all matters brought before ~~the council~~ by applicants and licensees  
7           of medical hospitals with reference to the denial, suspension, or revocation of licenses  
8           and make appropriate determination ~~as specified herein~~regarding these matters.

9           ~~The council may direct the state health officer to do or cause to be done any or all of the things~~  
10          ~~which may be required in the proper performance of the various duties placed upon the~~  
11          ~~department of health and human services~~

12          6. Inform and advise the governor, department of health and human services, legislative  
13          assembly, and North Dakotans on public health issues that are important to the needs  
14          of North Dakotans, and in the event of a public health emergency.

15          7. Monitor progress on the state public health strategic plan and advocate for evidence-  
16          based practices and policies necessary to improve the health of North Dakotans.

17          8. In consultation with the state health officer and other agencies, associations, and  
18          institutions represented on the health council, study and make recommendations  
19          regarding the strategic plan and programs of the health division of the department of  
20          health and human services. The recommendation may address public health  
21          education and training, factors influencing the practice environment for health care  
22          professionals, access to health care, and patient safety.

23          9. As the health council determines appropriate, consult with an individual or entity in  
24          performing the council's duties under this section.