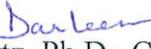


**NORTH DAKOTA DEPARTMENT OF HEALTH**

**MEMORANDUM**

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**TO:** Hospitals, long term care facilities, basic care facilities, and architects

**FROM:**  Darleen Bartz, Ph.D., Chief, Health Resources Section

**DATE:** September 8, 2009

**SUBJECT:** Construction Approval

Our office continues to see an increasing problem with construction occurring in facilities prior to or without department approval. You should be aware that the state licensing rules require our office to review and approve plans and specifications for all construction, remodeling, and installations. For hospitals this rule is found in North Dakota Administrative Code (NDAC) 33-07-02.1-02, for long term care facilities it is found in NDAC 33-07-04.2-08, and for basic care facilities in NDAC 33-03-24.1-03.

Hospitals and long term care facilities are regulated under North Dakota Century Code Chapter 23-16. This statute allows the department to obtain an injunction to stop construction. It also permits criminal penalties for violations of the chapter. An infraction may bring a fine of up to \$500. A second infraction within one year can bring a charge of a class B misdemeanor and a fine of up to \$10,000. In addition, civil sanctions of up to \$1,000 for each violation and for each day the violation continues are possible.

Basic care facilities are regulated under NDCC Chapter 23-09.3, which also allows for an injunction to stop construction. In addition, further violation of this chapter is a class B misdemeanor, punishable with a fine of up to \$10,000.

Our office wishes to avoid implementation of the above options. Therefore, we are asking for your cooperation in planning physical changes to your buildings. Again, these changes must be reviewed and approved by our office prior to the actual start of construction. This requirement also applies to any changes that would affect any of the standards for approval that are made to the plans and specifications, or to the actual construction, after the Department has given approval.

Should you have any questions on the information contained in this memorandum, please contact Monte Engel, Director, division of Life Safety & Construction, (701) 328-2352.