

**Guidelines for Operation  
of the  
State Health Council  
of the  
North Dakota Department of Health**

**ARTICLE I -- Name**

The name of this board shall be the Health Council of the North Dakota Department of Health as provided in chapter 23-01 of the North Dakota Century Code.

**ARTICLE II -- Powers and Duties**

The powers and duties of this Council, as defined by law, are to:

**Section 1.** Fix the time and place of the Council meetings.

**Section 2.** Make rules for the government of the Council and its officers and meetings.

**Section 3.** Establish standards and rules which are found necessary for the maintenance of public health, including sanitation and disease control.

**Section 4.** Provide for the development, establishment, and enforcement of basic standards for hospitals and related medical institutions which render medical and nursing care, and for the construction and maintenance of such institutions, such standards to cover matters pertaining to sanitation, building construction, fire protection measures, nursing procedures, and preservation of medical records.

**Section 5.** Hold hearings on all matters brought before the Council by applicants and licensees of medical hospitals with reference to the denial, suspension, or revocation of licenses and make appropriate determinations.

**Section 6.** Establish, as deemed necessary, Department divisions.

**Section 7.** Establish guidelines for control of communicable and contagious diseases.

**Section 8.** Hold hearings requested by a person who has received an emergency order to determine continuance, modification or revocation of such order. (Applies to action necessary to protect public health and safety from ionizing radiation, air pollution, solid waste and land pollution.)

**Section 9.** Hold hearings on petitions for the establishment of vector control districts and boundaries thereof and, as deemed necessary, create such districts.

**Section 10.** Set license fees for operation and performance of ambulance services.

**Section 11.** Issue, deny, suspend or revoke electrologist or electronic hair removal technician licenses.

**Section 12.** Review and, as deemed appropriate, approve loan applications to the Bank of North Dakota for construction of nursing homes and basic care facilities in accordance with chapter 50-21 of the North Dakota Century Code.

**Section 13.** Establish rules, as deemed necessary, and make inspections regarding cesspools, septic tanks and privies.

**Section 14.** The Council may direct the State Health Officer to do, or cause to be done, any or all of the things which may be required in the proper performance of the various duties placed upon the North Dakota Department of Health.

**Section 15.** Hold hearings and establish standards for alternative health care services pilot projects in accordance with section 23-01-04.3 of the North Dakota Century Code.

**Section 16.** Administer and oversee the state community matching loan repayment programs for physicians, physicians assistants, nurse practitioners, and certified nurse midwives.

### **ARTICLE III -- Members**

**Section 1.** The Health Council shall consist of eleven members appointed by the Governor in the following manner: Four persons from the health care field, five persons representing consumer interests, one person from the energy industry, and one from the manufacturing and processing industry. The Governor may select members from recommendations submitted by trade, professional, and consumer organizations.

**Section 2.** The term of each member shall be three years unless that member is filling an uncompleted term of a previous member.

**Section 3.** Vacancies for any reason shall be filled by appointment by the Governor.

### **ARTICLE IV -- Officers and Their Duties**

**Section 1.** The officers of the Council shall be Chairman, Vice Chairman and Secretary elected from the membership. The officers shall be elected by a majority of the members for a term of one year.

A member may be elected as chairman for any number of terms; however, the member may serve no more than two of those terms consecutively. A member appointed or elected to fill the unexpired term of another chairman may serve two consecutive terms immediately following the unexpired term.

**Section 2.** All officers shall be elected annually at a meeting held at the first meeting after August 1<sup>st</sup> of each year.

**Section 3.** It shall be the duty of the Chairman to preside at all meetings of the Council. The Chairman shall perform the duties usually pertaining to the office and such as are specified by statute and in these guidelines. The Chairman:

- (a) may appoint special committees for special studies;
- (b) shall call special meetings of the Council upon his own motion or on the request of three members;
- (c) shall enforce these guidelines and perform such other duties as may pertain to the office; and
- (d) is an ex-officio member of all committees.

**Section 4.** In the absence of the Chairman of the Council, the duties of the Chairman shall be performed by the Vice Chairman or the Secretary, if the Vice Chairman is also absent.

**Section 5.** The Secretary shall see that a correct record of each meeting of the Council is made and mailed to all members.

## **ARTICLE V -- General Meetings**

**Section 1.** The Council shall meet at least twice each year and at such other times as the Chairman or a majority of the Council may direct.

**Section 2.** Six members shall constitute a quorum for a meeting of the Council.

## **ARTICLE VI -- Advisors of the Health Council**

**Section 1.** Any state agency may serve in an advisory capacity to the Health Council at the discretion of the Council.

**Section 2.** In addition to any state agency, the Council may call on other individuals to serve in an advisory capacity.

**Section 3.** The persons serving in an advisory capacity to the Council may be invited to attend all general meetings of the Council.

## **ARTICLE VII -- Committees**

**Section 1.** A Health Care Data Committee shall be appointed from the Council by the Chairman. The Health Care Data Committee shall be a standing committee of the Council, consisting of not less than three or more than five members. A majority of the members shall be consumer members of the Health Council. The Health Care Data Committee:

- (a) may establish rules in accordance with North Dakota Century Code chapter 23-01.1;
- (b) may hold hearings under North Dakota Century Code chapter 23-01.1 and North Dakota Administrative Code chapter 33-03-23 with regard to health care data;
- (c) may establish procedures, formats and guidelines for the collection, analysis, maintenance and dissemination of health care data;
- (d) may prepare and distribute a report comparing physicians' average charges for selected services to include all physicians licensed to practice medicine in this state and determined by the health care data committee to be actively providing direct patient care services in this state; and
- (e) shall create a data collection, retention, processing and reporting system that will allow the distribution of information comparing the average fees charged by each licensed physician practicing medicine in this state. Insurers, nonprofit health service corporations, health maintenance organizations, and state agencies shall provide the data and information. The committee shall prepare a report which must include a physician's type of practice and specialization and other information that the data committee may determine are necessary for consumers to use in comparing total physician costs and to assist policymakers or providers in their deliberations on future health care decisions.

**Section 2.** The Health Council shall have as standing committees any other committees the Council may find necessary.

**Section 3.** A vacancy occurring in any committee shall be filled by appointment by the Chairman of the Council. Persons so appointed will serve until the next election of officers.

### **ARTICLE VIII -- Compensation**

The members of the Health Council shall receive the same compensation per day as provided in section 54-35-10 of the North Dakota Century Code for members of the Legislative Council and their necessary mileage and travel expenses as provided in section 54-06-09 and 44-08-04 while attending Council meetings, or in the performance of such special duties as the Council may direct. Such per diem and expenses shall be audited and paid in the manner in which the expenses of state officers are audited and paid. The compensation provided for in this section shall not be paid to any member of the Council who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state.

### **ARTICLE IX -- Parliamentary Authority**

The rules contained in Robert's Rules of Order, Revised, shall govern this Council in all cases in which they are applicable and consistent with these guidelines.

### **ARTICLE X -- Amendments to Guidelines**

**Section 1.** These guidelines may be amended to the extent not inconsistent with statutes or administrative rule, by a two-thirds vote of those voting at any meeting at which a quorum is present or by a majority vote of the entire Health Council membership.

**Section 2.** A copy of any proposed amendment to the guidelines shall be presented to the members of the Council at least fifteen days preceding the meeting.