

Assisted Living — North Dakota Century Code Requirements

An assisted living facility is required to be licensed by both the Department of Human Services and the Department of Health

[NDCC Chapter 50-32](#) "Assisted Living Facilities"

This chapter defines assisted living, outlines the licensing requirements by the Department of Human Services and gives the department authority to establish rules regarding approval, denial and revocation of license to operate as an assisted living facility. This chapter also addresses tenancy criteria, continuing education of the administrator and direct care staff, record keeping requirements for each tenant, pre-employment checks on all staff, and completion of consumer satisfaction surveys.

[NDCC Chapter 23-09](#) "Lodging Establishments and Assisted Living Facilities"

This chapter includes the requirements of the North Dakota Department of Health necessary to obtain and maintain a license to operate an Assisted Living Facility. This chapter defines an assisted living facility and includes requirements for smoke detection and alarms, exiting requirements, fire escapes, fire extinguishers, elevators, sleeping room door looks, sanitation and safety, drinking water standards, inspection reports, authority to prosecute and penalties for non-compliance.

Tenants of an assisted living facility are covered under the North Dakota's Bill of Rights and the Ombudsman program.

[NDCC Chapter 50-10.2](#) "Rights of Health Care Facility Residents"

This chapter outlines the rights of individuals living in an assisted living facility, provides for authorization of electronic monitoring and allows a facility to request financial information from an individual prior to admission. A facility must provide a copy of these rights to a tenant upon admission, a member of the tenant's immediate family or any legal guardian. Within 30 days after admission, the rights must be orally explained to the tenant and, if they are unable to understand, to the tenant's family member(s) and any legal guardian. 'The Bill of Rights must be reviewed annually with all tenants.

[NDCC Chapter 50-10.1](#) "Long-Term Care Ombudsmen"

A copy of this chapter must be posted in every long term care facility along with a statement of the right to file a complaint. The ombudsman investigates and resolves complaints that may adversely affect assisted living tenants. The ombudsman shall have access to all records of assisted living tenants who have sought their services.

[NDCC Chapter 50-25.2](#) "Vulnerable Adult Protection Services"

This chapter requires mandatory reporting of abuse, neglect and exploitation of vulnerable adults by certain health professionals including "congregate care staff." Reports or complaints will be investigated by either the Department of Human Services or the Department of Health depending upon the circumstances.