

33-07-03.2-07. Governing body.

The governing body is legally responsible for the quality of resident care services; for resident safety and security; for the conduct, operation, and obligations of the facility; and for ensuring compliance with all federal, state, and local laws.

1. The governing body shall establish, cause to implement, maintain, and as necessary, revise its practices, policies, procedures, and bylaws for the ongoing evaluation of the services operated or delivered by the facility and for the identification, assessment, and resolution of problems that may develop in the conduct of the facility. These policies, procedures, and bylaws must be in writing, dated, and made available to all members of the governing body and facility staff.

2. The governing body shall appoint a qualified administrator who is responsible for the management of the facility.

a. The administrator shall hold a valid North Dakota nursing home administrator's license.

b. In the absence of the administrator, an employee must be designated in writing to act on behalf of the administrator.

3. The governing body must ensure sufficient trained and competent staff is employed to meet the residents' needs. The governing body shall approve and ensure implementation of written personnel policies and procedures including:

a. Written job descriptions for personnel positions in all service areas. Job descriptions must include definition of title, qualifications, duties, responsibilities, and to whom the position reports.

b. Provisions for checking state registries and licensing boards for current licensure or registry status and history of disciplinary actions prior to employment.

c. Procedures to ensure all personnel for whom licensure, certification, or registration is required have a valid and current license, certificate, or registration.

d. Prohibitions on resident abuse, neglect, and misappropriation of resident property, and procedures for investigation, reporting, and followup action.

4. The governing body shall ensure the development and implementation of written policies and procedures for all services provided by the facility,

including emanating services. These policies and procedures must be current and shall be revised when changes in standards of practice occur.

5. The governing body shall ensure the development and implementation of written resident care policies, procedures, and practices including:

a. Admission or retention policies which ensure:

(1) Only those persons whose needs can be met within the accommodations and services provided by the facility are admitted and retained by the facility.

(2) Residents are admitted to the facility only by the order of a licensed health care practitioner.

(3) Resident information, including current medical findings, diagnosis, and orders from the licensed health care practitioner for immediate care of the resident are available to the facility prior to or at the time of admission.

(4) Other pertinent information including family history and past medical history is received from the licensed health care practitioner within forty-eight hours of admission.

(5) A physical examination of the resident is performed by the licensed health care practitioner within five days prior to admission or within forty-eight hours after admission, unless the licensed health care practitioner documents the current examination remains accurate.

(6) Each resident in the facility is under the supervision of a licensed health care practitioner.

(a) Licensed health care practitioners shall visit residents as often as medically indicated, but no less frequently than annually.

(b) Orders must be signed by the licensed health care practitioner at the time of each visit.

(c) Progress notes must be written or dictated at the time of each visit and signed within a timeframe as determined by the facility, not to exceed thirty days.

b. A procedure whereby an ongoing evaluation of resident status and need for facility care is conducted and made a part of the resident record.

c. Arrangements are made in the form of a written contract for specific resident care services to be provided by outside resources if the specific resident care services required are not available by facility staff. Outside resource shall apprise the appropriate facility staff of recommendations, plans for implementation, and continuing assessment through dated, and signed reports.

d. Provisions to ensure resident rights are met in compliance with North Dakota Century Code chapter 50-10.2.

e. Prohibition of resident abuse, neglect, or misappropriation of resident property.

f. Provisions to ensure residents are free from physical restraints imposed or psychoactive drugs administered for the purpose of discipline or convenience that are not required to treat the resident's medical symptoms.

6. The governing body is responsible for services furnished in the facility whether or not they are furnished directly by the facility or by outside resources. The governing body shall ensure that a contractor of services furnishes such services that permit the facility to comply with all applicable laws, codes, rules, and regulations. The governing body shall:

a. Ensure the services performed under contract are provided in a safe and effective manner.

b. Maintain a copy of current contracts for all contracted services. The contracts must identify the scope and nature of the services provided.

History: Effective July 1, 1996.

General Authority: NDCC 23-01-03, 28-32-02

Law Implemented: NDCC 23-16-01, 28-32-02