

CHAPTER 50-19 MATERNITY HOMES

50-19-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Department" means the department of human services.
2. "Maternity home" means any home or other premises, operating especially to provide social services, maternity care, and child care to pregnant or recently delivered mothers and their infants, which receives more than one woman for any length of time for shelter or care during pregnancy or within one hundred twenty days after delivery. It does not include any home or other premises owned or operated by state or federal governments.

50-19-02. License required.

Any person, partnership, voluntary association, corporation, or limited liability company which operates a maternity home shall secure from the department a license at least once every two years as required in this chapter.

50-19-03. Requirements for license.

A license for the operation of a maternity home must be issued by the department to a reputable and responsible person, partnership, voluntary association, corporation, or limited liability company, upon showing that:

1. The premises to be used are in fit sanitary condition and properly equipped to provide good care and treatment;
2. The persons in active charge of the home and their assistants are qualified by training and experience to carry on efficiently the duties required of them;
3. The home is to be conducted for the public good and in accordance with sound social policy; and
4. The health and well-being of the infants and of the parties who receive services will be properly safeguarded.

50-19-03.1. Conviction not bar to licensure - Exceptions.

Conviction of an offense does not disqualify a person from licensure under this chapter unless the department determines that the offense has a direct bearing upon a person's ability to serve the public as the owner or operator of a maternity home, or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

50-19-04. Inspection and report by state department of health and state fire marshal.

The department shall give notice to the state department of health and state fire marshal of each application for a license to operate a maternity home. Upon receipt of the notice, the state department of health and the state fire marshal shall inspect the facilities and premises of the applicant to determine compliance with health and fire safety standards and shall report their findings to the department.

50-19-05. Contents of license.

The license to operate a maternity home issued under the provisions of this chapter must set forth:

1. The name of the licensee.
2. The premises to which the license is applicable.
3. The number of patients who may be received in such premises at any one time.
4. The date of expiration of the license.

50-19-06. Regulation by department.

The department may prescribe forms for the registration and record of any individual who receives services in maternity homes and may adopt reasonable rules for the conduct of such

homes as are necessary to carry out the purposes of this chapter. The department shall require reports from the licensee which must include a statement of plans made for the mother and her child.

50-19-07. Inspection of maternity home and the records thereof.

The department and its authorized agents may inspect any maternity home licensed under this chapter at any time. The department and its agents shall have free access to every part of such home and to the records thereof, and they may see and interview any individual who receives services from the maternity home.

50-19-08. Every birth attended by qualified physician.

Repealed by S.L. 2007, ch. 420, § 14.

50-19-09. Reporting births.

Repealed by S.L. 2007, ch. 420, § 14.

50-19-10. Records of maternity home confidential.

Except as otherwise authorized by law, no agent of the state department of health, the state fire marshal, or the department, or the licensee, under this chapter, may disclose the contents of the records of a maternity home nor of the reports received from them, except:

1. In a judicial or administrative proceeding in response to an order of a court or administrative tribunal; or
2. For a law enforcement purpose to a law enforcement official or a health oversight agency for oversight activities authorized by law.

50-19-11. Offer or advertise to place a child for adoption prohibited.

No maternity home licensed under this chapter may in any way offer to place a child, or advertise that it will give children for adoption, or hold itself out, directly or indirectly, as being able to place children for adoption, but may inform a mother of licensed child-placing agencies.

50-19-12. Revocation of license.

The department may revoke a license of any maternity home upon a proper showing of any of the following:

1. Any of the conditions set forth in section 50-19-03 as requirements for the issuance of the license no longer exists.
2. The license was issued upon fraudulent or untrue representations.
3. The owner or operator has violated any of the rules of the department.
4. The owner or operator of the maternity home has been guilty of an offense determined by the department to have a direct bearing upon a person's ability to serve the public as an owner or operator, or the department determines, following the owner's or operator's conviction of any other offense, that the owner or operator is not sufficiently rehabilitated under section 12.1-33-02.1.

50-19-13. Hearing on denial or revocation of license.

Before any application for a license to conduct a maternity home is denied or before the revocation of any such license by the department, written charges as to the reasons therefor must be served upon the applicant or licensee, who has the right to a hearing before the department, if a hearing is requested within ten days after service of the written charges.

50-19-14. Cooperation of interested persons and agencies.

The licensee of a maternity home, the state department of health and its agents, the state fire marshal and the state fire marshal's designees, and the department and its agents shall cooperate in all measures and services for improving and safeguarding the health and social well-being of mothers and their infants who receive services in a maternity home.

50-19-15. Penalty.

Every person who violates any of the provisions of this chapter is guilty of a class B misdemeanor.