

## **CHAPTER 23-17**

### **LICENSING CHIROPRACTIC HOSPITALS**

#### **23-17-01. Chiropractic hospitals shall obtain licenses.**

No person, partnership, association, corporation, or limited liability company may establish, conduct, or maintain in the state of North Dakota a chiropractic hospital, sanatorium, or related institution for the hospitalization and care of the sick or injured without first obtaining a license in the manner hereinafter provided.

Chiropractic hospitals, sanatoriums, or other related institutions within the meaning of this chapter mean any institution, place, building, or agency in which any accommodation is maintained, furnished, or offered for the hospitalization of the sick or injured, by chiropractic methods.

Hospitalization within the meaning of this chapter is defined as the reception and care of any person for a continued period longer than twenty-four hours for the purpose of giving advice, diagnosis, or treatment bearing on the physical or mental health of such persons. Nothing in this chapter applies to hotels or other similar places that furnish only board or room, or either, to their guests. Nothing in this chapter authorizes any person, partnership, association, corporation, or limited liability company to engage in the practice of the healing art or the practice of chiropractic as defined by law.

#### **23-17-02. Existing hospitals, institutions, to obtain licenses.**

No person, partnership, association, corporation, or limited liability company may continue to operate an existing chiropractic hospital, sanatorium, or related institution, or open a chiropractic hospital, sanatorium, or related institution, after January 1, 1948, unless such operation has been approved by the national council of chiropractic hospitals and sanatoriums, and regularly licensed by the state board of chiropractic examiners as provided hereinafter. Before a license may be issued under this chapter, the person applying shall submit evidence satisfactory to the chiropractic board of examiners that the person is not less than eighteen years of age and is of reputable and responsible character; in the event the applicant is an association, limited liability company, or corporation, like evidence must be submitted as to the members thereof and the persons in charge. All applicants shall, in addition, submit satisfactory evidence of their ability to comply with the minimum standards of this chapter and all rules adopted thereunder.

#### **23-17-03. Application for licenses.**

Any person, partnership, association, corporation, or limited liability company desiring a license hereunder shall file with the state chiropractic board of examiners a verified application containing the name of the applicant desiring the license; whether such person so applying is eighteen years of age; the type of institution to be operated; the location thereof; the name of the person or persons in charge thereof, and if they have met the minimum standards set by the national council of chiropractic hospitals and sanatoriums; and such other information as the state board of chiropractic examiners may require. Application on behalf of a corporation, limited liability company, or association must be made by any two officers or managers thereof or by its managing agents.

#### **23-17-04. Fees.**

The application for a license to operate a chiropractic hospital, sanatorium, or related institution within the meaning of this chapter must be accompanied by a fee of five dollars. No such fee may be refunded. All such licenses issued by the North Dakota state chiropractic board of examiners under this chapter expire on the thirty-first day of December each year, must be on a form prescribed by said department, shall not be transferred or assignable, may be issued only for the premises named in the application, must be posted in a conspicuous place on the licensed premises, and may be renewed from year to year upon application, investigation by the state chiropractic board of examiners, and payment of a license fee, as in the case of procurement of an original license.

### **23-17-05. Inspections.**

Every building, institution, or establishment for which a license has been issued under this chapter must be periodically inspected by sanitary engineers and firefighters who shall report as to safety of the institution to the state chiropractic board of examiners which board shall also inspect the institution under the rules to be established by said board of examiners. No institution of any kind licensed pursuant to the provisions of this chapter may be required to be licensed or inspected under the laws of this state relating to hotels, restaurants, or lodginghouses.

### **23-17-06. State chiropractic board of examiners to issue licenses.**

The state chiropractic board of examiners is hereby authorized to issue licenses to operate chiropractic hospitals and sanatoriums or other related institutions as herein defined, which, after inspection are to comply with the provisions of this chapter, and any regulations adopted by said state board of examiners. All decisions of this board may be reviewed in the district court in the county in which such institution is located or contemplated. The state board of chiropractic examiners is hereby authorized to suspend or revoke a license issued hereunder, on any of the following grounds:

1. Violation of any of the provisions of this chapter or the rules and regulations issued pursuant thereto.
2. Permitting, aiding, or abetting the commission of any illegal act in such institution.
3. Conduct or practices detrimental to the welfare of the patient of said institution.

Provided that before any such license issued hereunder is suspended or revoked, thirty days' written notice must be given the holder thereof of the date set for hearing of the complaint. The holder of such license must be furnished with a copy of said complaint and is entitled to be represented by legal counsel at such hearing. Such notice must be given by the state board of chiropractic examiners by registered or certified mail. If a license is revoked as herein provided, a new application for license may be considered by the state chiropractic board of examiners when, and after, the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and all provisions of this chapter and rules and regulations hereunder as heretofore and hereinafter provided have been complied with.

### **23-17-07. Standards established.**

The state chiropractic board of examiners has the power to establish standards under this chapter which it finds necessary and in public interests and, in like manner, it may rescind, amend, or modify such regulations from time to time as may be in the public interests, insofar as such action is not in conflict with any of the provisions of this chapter.

### **23-17-08. Establishment of advisory committee. (Effective through August 31, 2022)**

The chiropractic board of examiners shall request the governor to appoint an advisory committee consisting of the executive director of the department of human services, one chiropractic hospital superintendent, and one person interested in chiropractic hospitals. One member is to serve for three years, one for two, and one is to serve for one year from the date of their appointment or until their successors are duly appointed. Following this first appointment, the term of office must be for three years. This advisory committee shall act in an advisory capacity to the chiropractic board of examiners in dealing with matters pertaining to particular problems of chiropractic hospitals and sanatoriums and other related institutions.

### **Establishment of advisory committee. (Effective after August 31, 2022)**

The chiropractic board of examiners shall request the governor to appoint an advisory committee consisting of the executive director of the department of health and human services, one chiropractic hospital superintendent, and one person interested in chiropractic hospitals. One member is to serve for three years, one for two, and one is to serve for one year from the date of their appointment or until their successors are duly appointed. Following this first appointment, the term of office must be for three years. This advisory committee shall act in an

advisory capacity to the chiropractic board of examiners in dealing with matters pertaining to particular problems of chiropractic hospitals and sanatoriums and other related institutions.

**23-17-09. Information not to be disclosed.**

Information received by the state board of chiropractic examiners through inspections and authorized under this chapter is confidential and may not be disclosed except in a proceeding involving the question of licensure.

**23-17-10. Violations - Penalties.**

Any person establishing, conducting, managing, or operating any chiropractic hospital or sanatorium within the meaning of this chapter, without first obtaining a license therefor as herein provided, or who violates any provision of this chapter or regulation thereunder, is guilty of an infraction.

**23-17-11. Acceptance of federal funds, supplies, and equipment for chiropractic hospitals.**

The state board of chiropractic examiners is hereby authorized and empowered for, and on behalf of, the chiropractic profession and their patients in the state of North Dakota to accept any funds or grants through appropriate channels and any supplies and equipment which may be made available to this state for hospital facilities, goods, and services.