

NORTH DAKOTA DEPARTMENT OF HEALTH

MEMORANDUM

TO: Hospital, Nursing Facility, and Basic Care Facility Administrators

FROM: Dave L. Nelson, Division Director, Life Safety & Construction

EFFECTIVE DATE: June 1, 2020

SUBJECT: Fees for Construction Plans Review and Onsite Construction Visits to Health Care Facilities subject to Licensure by the Division of Health Facilities

The Department of Health has the authority to charge a reasonable fee for the review of plans for construction, remodeling, and installation projects in health care facilities licensed by the Division of Health Facilities. This includes licensed hospitals, nursing facilities, basic care facilities, and inpatient hospice facilities.

The intent is that partial cost of plan review and onsite construction visits would be based on fees collected from the licensed providers for plans review. The fee schedule is adjusted periodically based on the revenue generated from fees and/or increased costs of the program. At this time, there is a need to adjust the fee schedule based on legislative action in the recent 2019 session. The revised fee schedule will typically be based on the estimated cost of the project.

Upon receipt of the construction plans and the estimated cost of the project, the fee will be determined by our office. A request for payment of this fee will be sent to the licensed provider. Plans will be reviewed in the order received; however, department approval of plans will not be given until the fees for plans review have been received. An exception to the sequence and fees related to plans review may occur at the discretion of the department when plans are submitted in response to a Life Safety Code (LSC) survey deficiency. In addition, recent law changes now require the department to make an initial determination on those projects of \$1,000,000 or less within 60 days of receipt.

If plans are submitted in phases, each phase or package will be considered as a new submission. A new fee will be allocated, and the plans will be considered separately in the timing of review. Changes to plans previously submitted will not be charged an additional fee for review and approval.

State licensing rules require our office to review and approve plans and specifications for all construction, remodeling, and installations prior to the start of construction. For hospitals this rule is found in North Dakota Administrative Code 33-07-02.1-02, for nursing facilities it is found in NDAC 33-07-04.2-08, and for basic care facilities in NDAC 33-03-24.1-03. If there are changes to the plans that have been approved, the changes are required to be submitted to the department and approved prior to implementation.

Routine maintenance does not require the submission of plans and specifications. Routine maintenance is the repair or replacement of existing equipment, room finishes and furnishings, and similar activities. If you have questions whether your planned construction or remodeling activities are subject to review, please contact our office.

If you have questions regarding this information, please contact the Director, Division of Life Safety and Construction, North Dakota Department of Health at 701-328-2352.

North Dakota Department of Health

**Procedure for Construction or Renovation Plans Review for Facilities
Subject to Licensure by the Division of Health Facilities
Effective June 1, 2020**

Procedure:

1. The health care facility subject to licensure by the Division of Health Facilities submits directly, or through an architect or engineer, construction or renovation project plans for review by the Department. The estimated cost of the project is to accompany the submission of the project plans. The submission form used to submit a project for review can be found on the department's website.
2. Based on the estimated cost of the project, a letter is sent to the facility administrator or designee indicating the plans review fee that needs to be submitted.
3. Effective August 1, 2019 the current fee schedule is:

Plan Review Fee Scale Based on Size and Project Cost (PC)		
Small (PC \$0 - \$50,000)	Medium (PC \$50,001 - \$4,000,000)	Large (PC > \$4,000,000)
Minimum - \$500	Range - \$500 - \$40,250 (\$500 + 1.0% PC \$50,001 - \$4,000,000)	Range – Over \$40,250 (\$40,250 + 0.25% PC > \$4,000,000)

4. Review of the fee schedule is completed annually and adjusted as necessary.
5. If plans are submitted in phases, each phase is considered as a separate project and fees are charged consistent with the above fee schedule.
6. A copy of the letter from the department and fee to be remitted is to be sent from the facility administrator or designee to:

North Dakota Department of Health
Division of Life Safety & Construction
1720 Burlington Drive
Bismarck, ND 58504-7736
7. Plans are reviewed in the order received. If plans are received in phases, each project phase is considered separately and reviewed in the order received along with the other plans received by our office.
8. The fee for plans review must be received by the department prior to approval of plans.
9. An exception to the sequence of plans review may occur at the discretion of the department, when plans are submitted in response to a Life Safety Code (LSC) certification survey citation. If the plans review related to deficiency citations meets the small project criteria, no fee will be charged. If the plans are submitted prior to the LSC survey or are larger than a small review, the fee schedule is applied.
10. An exception to the sequence of plans review may also occur if the submitted project cost is \$1,000,000 or less. In this instance, state law requires an initial determination of compliance within 60 days of the date of the completed submission.
11. Changes to plans previously submitted and reviewed are not charged an additional fee for review.

12. A health care facility may choose to utilize individuals and/or entities, with an approved contract with the State of North Dakota, to perform reviews of construction documents for proposed construction in health care facilities in North Dakota. The owner will be responsible for the repayment of review services directly to the reviewing contractor. The North Dakota Department of Health will receive a separate review fee based on the Plan Review Fee Scale Based on Size and Project Cost (PC) X 25%. This fee will be assessed for project administration, over-sight review and construction inspection.