

Testimony
Administrative Rules Committee
March 14, 2012
North Dakota Department of Health
Environmental Health Practitioner Licensure, Food Code, Bed and Breakfasts, and
Assisted Living Facilities

Good morning Chairman Koppelman and members of the Administrative Rules Committee. My name is Kenan Bullinger, Director of the Division of Food and Lodging, North Dakota Department of Health. In the interest of time, I will be presenting information on four sets of regulations the Environmental Health Practitioners Licensure Board and the Department of Health have recently proposed for changes.

1. These rule changes did not result from any statutory changes made by the Legislative Assembly.
2. These rules are not a related to any federal statute or regulation. However, the changes to our state's food code regulations are modeled after the 2009 Food and Drug Administration's Food Code. We periodically make changes to our state's food code as the federal model code is updated, which is every four years.
3. A Notice of Intent to Amend Administrative Rules was sent to Legislative Council on July 29, 2011. Public notices on the administrative rules hearing were printed in the state's major newspapers in early August of 2011. A public hearing was held on September 8, 2011, and a thirteen-day written comment period after the hearing date was established.
4. A summary of the comments received and the department's consideration of those comments is attached for your information.
5. The approximate cost of giving the public notice and holding the hearing on the rules for all divisions was approximately \$1,814.
6. As mentioned earlier, the Division of Food and Lodging was involved with four sets of rules as follows:

Environmental Health Practitioner Licensure: The Environmental Health Practitioner Licensure Board, of which State Health Officer, Dr. Terry Dwelle serves as chairperson, proposed some changes to the rules involving the credentialing of the certified professionals in food safety. In addition to a simple definition change, an experience track was added as an option for licensure to the existing required degree track for qualified candidates.

Food Code: The department updated its' state food code regulations which are periodically amended to maintain uniformity with the federal model food code. These regulations are updated every four to five years.

Bed and Breakfasts: These changes were proposed to bring the food safety requirements of these facilities into uniformity with current science dealing with cold holding temperatures and potentially hazardous foods. In addition, a housekeeping change involving pools or spas in these facilities was amended as it referenced a repealed Article of code dealing with requirements for pool facilities.

Assisted Living Facilities: A small but very important chapter of rules dealing with fire/life safety provisions in assisted living facilities was proposed for adoption. Provisions for emergency lighting, the requirement for development of a written emergency evacuation plan, and if sprinkler systems are installed, those systems should be inspected and maintained according to National Fire Protection Association standards we've also proposed for adoption.

7. Attached for your information are the regulatory analyses for each set of regulations.
8. Also attached for your information are the economic impact statements on small entities.
9. These rules will not have a fiscal effect on state revenues and expenditures.
10. A constitutional takings assessment was not prepared as these rules will not limit the use of private real property.
11. These rules were not adopted as emergency rules under NDCC 28-32-03.

I am happy to answer any questions you may have.