



— State of —
North Dakota
Office of the Governor

John Hoeven
Governor

EXECUTIVE ORDER 2009-10

I, John Hoeven, Governor of the State of North Dakota, by authority vested in me, having proclaimed a flood emergency exists within the state; and

WHEREAS, it may be necessary to utilize unlicensed hospitals, long-term care facilities, and other facilities during this emergency; and

WHEREAS, out-of-state health care providers and out-of-state ambulance services may be necessary to provide transfer and treatment to citizens and residents of North Dakota, and other licensed professionals and may be needed to provide assistance and response to flooding; and

WHEREAS, based on these factors, suspension of certain statutes and administrative rules are necessary to address threats to public health and safety, reduce economic hardships, and continue response, recovery and mitigation efforts.

NOW, THEREFORE, I order the suspension of N.D.C.C. § 23-16-03, N.D.C.C. § 23-16-04, and N.D.C.C. § 23-16-05, relating to licensing hospitals and other health care facilities, N.D.C.C. chapter 23-09.3, relating to licensing basic care facilities, N.D.C.C. chapter 23-09, relating to licensing assisted living facilities, N.D.C.C. chapter 25-16, relating to licensing intermediate care facilities for the mentally retarded, subject to temporary emergency requirements established by the State Health Officer, and the executive director of the department human services with respect to intermediate care facilities; and I further order the suspension of N.D.C.C. chapter 23-27, except 23-27-04.1, relating to licensing and certification of emergency medical service operators and related personnel, and chapters 12.1 and 17 of title 43 of N.D.C.C. relating to the licensing of nurses, physicians and surgeons, and related health care providers, subject to such requirements of identification, verification of credentials, and other temporary emergency requirements established by the State Health Officer.

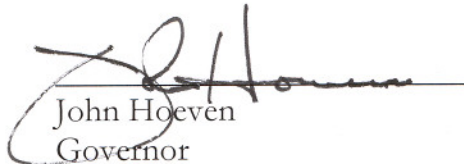
This order is issued upon the following basis and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1, of the North Dakota Constitution.

2. The Governor is vested with statutory authority to issue executive orders, to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code.
3. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.

This order supersedes Executive Order 2009-08 and shall be effective immediately and remain in effect until 12:01 a.m. CDT April 7, 2009, or for the duration of the emergency, whichever is less.

Executed at Bismarck, North Dakota, this 30th day of March 2009.


John Hoeven
Governor

ATTEST:


Secretary of State

Deputy