



— State of —
North Dakota
Office of the Governor

John Hoeven
Governor

EXECUTIVE ORDER 2009-11

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, the Department of Health of Human Services declared that a Public Health Emergency exists within the State of North Dakota and waived the requirements of Section 1135 of the Social Security Act; and

WHEREAS, local public health units, medical facilities, and state and local officials determined it was necessary to relocate certain vulnerable individuals from possible flooding areas; and

WHEREAS, the Department of Health of Human Services declared that a Public Health Emergency exists within the State of North Dakota and waived the requirements of Section 1135 of the Social Security Act; 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 continued 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.

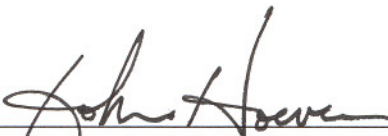
This order is issued upon the following basis and for the following reasons:

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 2009-10 and shall be effective immediately and remain in effect until 12:01 a.m. CDT April 30, 2009, or for the duration of the emergency, whichever is less.

Executed at Bismarck, North Dakota, this 7 day of April 2009.



John Hoeven
Governor

ATTEST:



Secretary of State

Deputy