

**FIRST ENGROSSMENT
with Conference Committee Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1012

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 human services; to provide a contingent appropriation; to provide for legislative council studies;
3 to provide statements of legislative intent; to create and enact a new subsection to section
4 50-25.1-05 of the North Dakota Century Code, relating to the adoption of rules regarding the
5 recording of interviews in child abuse or neglect cases; to amend and reenact sections
6 25-04-05, 50-24.1-02.6, 50-24.5-04, 50-29-04, and 50-30-02 of the North Dakota Century
7 Code, relating to developmental center admission screenings, the personal needs allowance
8 for individuals in basic care facilities, eligibility under the state children's health insurance
9 program, and use of the health care trust fund; to repeal section 4 of chapter 422 of the 2007
10 Session Laws, relating to the effective date of the expansion of medical assistance benefits;
11 and to declare an emergency.

12 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

13 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
14 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
15 treasury, not otherwise appropriated, and from special funds derived from federal funds and
16 other income, to the department of human services for the purpose of defraying the expenses
17 of its various divisions, for the biennium beginning July 1, 2009, and ending June 30, 2011, as
18 follows:

19 Subdivision 1.

	MANAGEMENT		
		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
22 Salaries and wages	\$11,512,358	\$2,520,060	\$14,032,418
23 Operating expenses	60,110,356	(13,567,566)	46,542,790

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1	Capital assets	<u>285</u>	<u>(285)</u>	<u>0</u>
2	Total all funds	\$71,622,999	(\$11,047,791)	\$60,575,208
3	Less estimated income	<u>50,663,834</u>	<u>(16,290,983)</u>	<u>34,372,851</u>
4	Total general fund	\$20,959,165	\$5,243,192	\$26,202,357

5 Subdivision 2.

6 PROGRAM AND POLICY

7			Adjustments or	
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	Salaries and wages	\$25,411,041	\$16,090,648	\$41,501,689
10	Operating expenses	67,811,802	4,966,224	72,778,026
11	Capital assets	399	12,601	13,000
12	Grants	344,019,216	111,831,588	455,850,804
13	Grants - Medical assistance	1,117,187,821	171,985,015	1,289,172,836
14	State administrative	12,488,292	(12,488,292)	0
15	child support	_____	_____	_____
16	Total all funds	\$1,566,918,571	\$292,397,784	\$1,859,316,355
17	Less estimated income	<u>1,126,663,567</u>	<u>250,532,515</u>	<u>1,377,196,082</u>
18	Total general fund	\$440,255,004	\$41,865,269	\$482,120,273

19 Subdivision 3.

20 HUMAN SERVICE CENTERS AND INSTITUTIONS

21			Adjustments or	
22		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
23	Northwest human service center	\$7,493,897	\$958,104	\$8,452,001
24	North central human service center	16,782,604	2,425,414	19,208,018
25	Lake region human service center	9,817,355	1,080,022	10,897,377
26	Northeast human service center	22,107,349	3,661,082	25,768,431
27	Southeast human service center	26,061,630	4,086,258	30,147,888
28	South central human service center	14,683,811	883,684	15,567,495
29	West central human service center	20,687,272	4,003,786	24,691,058
30	Badlands human service center	9,798,789	1,058,549	10,857,338
31	State hospital	57,391,944	11,226,902	68,618,846

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1	Developmental center	<u>46,793,933</u>	<u>7,019,985</u>	<u>53,813,918</u>
2	Total all funds	\$231,618,584	\$36,403,786	\$268,022,370
3	Less estimated income	<u>112,757,229</u>	<u>15,503,656</u>	<u>128,260,885</u>
4	Total general fund	\$118,861,355	\$20,900,130	\$139,761,485

5 Subdivision 4.

6 BILL TOTAL

7			Adjustments or	
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	Grand total general fund	\$580,075,524	\$68,008,591	\$648,084,115
10	Grand total special funds	<u>1,290,084,630</u>	<u>342,634,393</u>	<u>1,632,719,023</u>
11	Grand total all funds	\$1,870,160,154	\$410,642,984	\$2,280,803,138
12	Full-time equivalent positions	2223.38	(6.50)	2216.88

13 **SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS -**

14 **ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the
 15 funds as may be necessary, are appropriated from federal funds made available to the state
 16 under the federal American Recovery and Reinvestment Act of 2009, not otherwise
 17 appropriated, to the department of human services, for the period beginning with the effective
 18 date of this Act and ending June 30, 2011, as follows:

19	Federal medical assistance percentage		\$66,500,000	
20	Elderly nutrition services		485,000	
21	Child support incentive matching funds		3,200,000	
22	Rehabilitation services and disability assistance		2,043,000	
23	and independent living			
24	Individuals With Disabilities Education Act - Part C		2,140,000	
25	Supplemental nutrition assistance program benefits		9,874,747	
26	and administration			
27	Senior employment program		143,288	
28	Older blind		<u>3,170</u>	
29	Total federal funds		\$84,389,205	

30 The department of human services may seek emergency commission and budget
 31 section approval under chapter 54-16 for authority to spend any additional federal funds

1 received under the federal American Recovery and Reinvestment Act of 2009 in excess of the
2 amounts appropriated in this section, for the period beginning with the effective date of this Act
3 and ending June 30, 2011.

4 Any federal funds appropriated under this section, except for the funding of \$66,500,000
5 relating to the federal medical assistance percentage and funding of \$2,763,082 of child
6 support incentive matching funds, are not a part of the agency's 2011-13 base budget. Any
7 program expenditures made with these funds will not be replaced with state funds after the
8 federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

9 **SECTION 3. GENERAL FUND TRANSFER TO BUDGET STABILIZATION FUND -**
10 **EXCEPTION - USE OF GENERAL FUND AMOUNTS.** Notwithstanding section 54-27.2-02, the
11 state treasurer and the office of management and budget may not include in the amount used
12 to determine general fund transfers to the budget stabilization fund at the end of the 2007-09
13 biennium under chapter 54-27.2 any general fund amounts resulting from the increased federal
14 share of medical assistance payments resulting from federal medical assistance percentage
15 changes under the federal American Recovery and Reinvestment Act of 2009. The state
16 treasurer and the office of management and budget shall separately account for these amounts
17 and 2009-11 biennium general fund amounts resulting from federal medical assistance
18 percentage changes under the federal American Recovery and Reinvestment Act of 2009 and
19 use these amounts to defray the expenses of continuing program costs of the department of
20 human services from the general fund, for the biennium beginning July 1, 2009, and ending
21 June 30, 2011, as follows:

22 Inflationary increases for human service providers	\$27,345,292
23 Rate increases for selected medicaid services due to rebasing	21,788,982
24 Rate increases for nursing homes due to property limit changes	7,788,572
25 and other nursing home increases	
26 Wage increases for employees of nursing homes, basic care, and	16,229,317
27 developmental disabilities services providers and qualified	
28 service providers	
29 Salary increases for department of human services employees	<u>14,293,872</u>
30 Total	\$87,446,035

1 **SECTION 4. BANK OF NORTH DAKOTA LOAN AUTHORIZATION - BUDGET**

2 **SECTION APPROVAL - CONTINGENT APPROPRIATION.** If the caseload/utilization of
3 medical services, long-term care, and developmental disabilities services is more than
4 anticipated by the sixty-first legislative assembly, the department of human services, subject to
5 budget section approval, may borrow the sum of \$8,500,000, or so much of the sum as may be
6 necessary, from the Bank of North Dakota, which is appropriated for the purpose of providing
7 the state matching share of additional medical assistance grants for medical services,
8 long-term care, and developmental disabilities services, for the biennium beginning July 1,
9 2009, and ending June 30, 2011. The department of human services shall request funding
10 from the sixty-second legislative assembly to repay any loan obtained pursuant to provisions of
11 this section, including accrued interest.

12 **SECTION 5. 2009-11 SPENDING LEVEL - AUTHORIZATION.** If department of
13 human services expenditures exceed funding levels, including loan proceeds appropriated in
14 section 4 of this Act, approved by the sixty-first legislative assembly during the 2009-11
15 biennium due to caseload/utilization of programs exceeding the level anticipated by the
16 legislative assembly, the department may continue to spend at the increased level and may
17 seek a deficiency appropriation from the sixty-second legislative assembly.

18 **SECTION 6. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
19 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
20 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the
21 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

22 <u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
23 Medicaid management information system project (MMIS)	\$3,643,133	\$0
24 State hospital - Sex offender treatment addition project	3,100,000	0
25 State hospital - Capital improvements	3,062,757	0
26 State hospital - Extraordinary repairs	1,153,500	0
27 Developmental center - Capital improvements	300,000	0
28 Developmental center - Extraordinary repairs	547,092	0
29 Developmental center - Equipment	80,782	0
30 Supplemental payment	0	400,000
31 Extraordinary repairs	0	3,443,692

1	Equipment over \$5,000	0	<u>352,606</u>
2	Total general fund	\$11,887,264	\$4,196,298

3 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the
4 2011-13 biennium. The department of human services shall report to the appropriations
5 committees of the sixty-second legislative assembly on the use of this one-time funding for the
6 biennium beginning July 1, 2009, and ending June 30, 2011.

7 **SECTION 7. FUNDING TRANSFERS - EXCEPTION - AUTHORIZATION.**

8 Notwithstanding section 54-16-04, the department of human services may transfer
9 appropriation authority between line items within each subdivision of section 1 of this Act and
10 between subdivisions within section 1 of this Act for the biennium beginning July 1, 2009, and
11 ending June 30, 2011. The department shall notify the office of management and budget of
12 any transfer made pursuant to this section. The department shall report to the budget section
13 after June 30, 2010, any transfers made in excess of \$50,000 and to the appropriations
14 committees of the sixty-second legislative assembly regarding any transfers made pursuant to
15 this section.

16 **SECTION 8. ESTIMATED INCOME - LIMIT - HEALTH CARE TRUST FUND.** The
17 estimated income line item in subdivision 2 of section 1 of this Act includes \$4,124,506 from the
18 health care trust fund for nursing facilities. The department of human services expenditures
19 from this fund may not exceed this amount for the biennium beginning July 1, 2009, and ending
20 June 30, 2011.

21 **SECTION 9. LEGISLATIVE COUNCIL STUDY - CHILD SUPPORT ENFORCEMENT.**

22 During the 2009-10 interim, the legislative council shall consider studying the department of
23 human services' child support enforcement program. The study should include the review of
24 arrearages in terms of total owed and interest accrued and child support enforcement activities
25 in other states. The legislative council shall report its findings and recommendations, together
26 with any legislation required to implement the recommendations, to the sixty-second legislative
27 assembly.

28 **SECTION 10. LEGISLATIVE COUNCIL STUDY - LONG-TERM CARE.** During the
29 2009-10 interim, the legislative council shall study long-term care services in the state. The
30 study must include a review of the department of human services' payment system and a
31 review of the state department of health's survey and inspection programs and processes. The

1 legislative council shall report its findings and recommendations, together with any legislation
2 required to implement the recommendations, to the sixty-second legislative assembly.

3 **SECTION 11. SUPPLEMENTAL PAYMENTS - BASIC CARE AND NURSING HOME**
4 **FACILITY SALARY AND BENEFIT INCREASES.** The funding appropriated in subdivision 2 of
5 section 1 of this Act includes \$17,977,513, of which \$5,512,441 is from the general fund,
6 \$800,000 is from the health care trust fund, and \$11,665,072 is from federal funds, for providing
7 supplemental payments to basic care and skilled nursing care facilities to allow for a salary and
8 benefit increase for employees beginning July 1, 2009. Basic care and skilled nursing care
9 facilities may not use the money received under this section for providing salary and benefit
10 enhancements to administrators or directors of nursing.

11 **SECTION 12. SUPPLEMENTAL PAYMENTS - DEVELOPMENTAL DISABILITIES**
12 **PROVIDER SALARY AND BENEFIT INCREASES.** The funding appropriated in subdivision 2
13 of section 1 of this Act includes \$21,639,106, of which \$7,086,807 is from the general fund and
14 \$14,552,299 is from federal funds, for providing supplemental payments to developmental
15 disabilities providers to allow for a salary and benefit increase for employees beginning July 1,
16 2009. Developmental disabilities service providers may not use the money received under this
17 section for providing salary and benefit enhancements to administrators.

18 **SECTION 13. LEGISLATIVE INTENT - MEDICAID PROVIDER PAYMENTS.** It is the
19 intent of the legislative assembly that the department of human services establish a goal to set
20 medicaid payments for hospitals, physicians, chiropractors, and ambulances at 100 percent of
21 cost.

22 **SECTION 14. SUPPLEMENTAL PAYMENT - CRITICAL ACCESS HOSPITALS.** The
23 grants - medical assistance line item in subdivision 2 of section 1 of this Act includes the sum of
24 \$400,000 of one-time funding from the general fund that the department of human services
25 shall use for providing a supplemental payment to eligible critical access hospitals. A critical
26 access hospital is eligible for a payment under this section only if its percentage of medical
27 payments exceeds 25 percent of its total annual revenue in its most recent audited financial
28 statements and is located in a city with a population that does not exceed 1,450. The
29 department shall seek federal medicaid funding to provide a portion of the \$400,000
30 supplemental payment. If federal medicaid funding is not available for a portion of the
31 payment, the department may spend the \$400,000 from the general fund for making the

1 supplemental payment only if the action will not result in a reduction in federal medicaid funding
2 to the state.

3 **SECTION 15. LEGISLATIVE INTENT - DEMENTIA CARE SERVICES.** It is the intent
4 of the sixty-first legislative assembly that the department of human services integrate the
5 dementia care services program established in House Bill No. 1043, as approved by the
6 sixty-first legislative assembly, with the home and community-based care services programs of
7 the department.

8 **SECTION 16. LEGISLATIVE COUNCIL STUDY - TRAUMATIC BRAIN INJURY.**
9 During the 2009-11 interim, the legislative council shall consider studying the impact of
10 individuals with traumatic brain injury, including veterans who are returning from wars, on the
11 state's human services system. The study must include an analysis of the estimated cost of
12 providing human service-related services to the individuals with traumatic brain injury. The
13 legislative council shall report its findings and recommendations, together with any legislation
14 required to implement the recommendations, to the sixty-second legislative assembly.

15 **SECTION 17. LEGISLATIVE INTENT - CHILDREN'S HEALTH INSURANCE**
16 **PROGRAM OUTREACH.** It is the intent of the sixty-first legislative assembly that the
17 department of human services award a contract for outreach services for the state children's
18 health insurance program to an entity other than an insurance company, for the biennium
19 beginning July 1, 2009, and ending June 30, 2011.

20 **SECTION 18. UNSPENT 2007-09 BIENNIUM GENERAL FUND APPROPRIATIONS**
21 **- EXCEPTION.** The amount of \$270,000 of the \$3,100,000 for a sexual offender treatment
22 addition at the state hospital appropriated in subdivision 3 of section 3 of 2007 Senate Bill No.
23 2012 is not subject to section 54-44.1-11 and may be spent during the 2009-11 biennium for
24 completing roof repairs at the state hospital.

25 **SECTION 19. AMENDMENT.** Section 25-04-05 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **25-04-05. Qualifications for admission to state facility - Temporary Screening**
28 **required prior to admission or readmission - Educational or related services without**
29 **charge for persons twenty-one years of age and under.**

30 1. The superintendent may admit a person to the developmental center at westwood
31 park, Grafton when all of the following conditions have been met:

- 1 a. Application for admission has been made on behalf of the person by a parent
2 or guardian or the person or agency having legal custody, or by the person
3 seeking admission, in accordance with procedures established by the
4 department of human services.
- 5 b. A comprehensive evaluation of the person has been made within three
6 months of the date of application, a report of which has been filed with the
7 superintendent and which, together with such other information or reviews as
8 the department of human services may require, indicates to the
9 superintendent's satisfaction that the person is eligible for admission to the
10 developmental center at westwood park, Grafton.
- 11 c. The person may be admitted without exceeding the resident capacity of the
12 facility as specified in the professional standards adopted by the department
13 of human services.
- 14 2. ~~The superintendent~~ No person may admit be admitted or readmitted to the
15 developmental center at westwood park, Grafton, ~~temporarily for the purposes of~~
16 ~~observation, without commitment,~~ unless that person has undergone a screening
17 process at the developmental center to determine whether the admission or
18 readmission is appropriate. Length of stay criteria may be established under rules
19 as the department of human services may adopt, ~~any.~~ Any person who is
20 suspected of being able to benefit from the services offered at the center; may be
21 screened to ascertain whether or not that person is actually a proper case for care,
22 treatment, and training ~~in at the state facility~~ developmental center. If in the
23 opinion of the superintendent the person ~~temporarily admitted to the~~
24 ~~developmental center at westwood park, Grafton~~ screened under this subsection is
25 a proper subject for institutional care, treatment, and training at the developmental
26 center, that person may remain as a voluntary resident at ~~such~~ the center at the
27 discretion of the superintendent if all other conditions for admission required by this
28 section are met.
- 29 3. Notwithstanding any other provision of this chapter, no handicapped patient,
30 twenty-one years of age or under, or the estate or the parent of such patient, may
31 be charged for educational or related services provided at the developmental

1 center at westwood park, Grafton. Except as provided in subsection 4, the
2 department of human services has prior claim on all benefits accruing to such
3 patients for medical and medically related services under entitlement from the
4 federal government, medical or hospital insurance contracts, workforce safety and
5 insurance, or medical care and disability programs. For purposes of this
6 subsection, "related services" means transportation and such developmental,
7 corrective, and other supportive services, as determined by the department of
8 public instruction, as are required to assist a handicapped patient to benefit from
9 special education. The cost of related services other than medical and medically
10 related services must be paid by the developmental center at westwood park,
11 Grafton, the school district of residence of the handicapped child, and other
12 appropriate state agencies and political subdivisions of this state. The department
13 of public instruction, the department of human services, the school district of
14 residence, and other appropriate state agencies and political subdivisions, as
15 determined by the department of public instruction, shall determine and agree to
16 that portion of related services, other than medical and medically related services,
17 for which each agency and political subdivision is liable. The department of public
18 instruction may adopt rules necessary to implement this section.

- 19 4. Parents of a handicapped patient, twenty-one years of age or under, are not
20 required to file, assist in filing, agree to filing, or assign an insurance claim when
21 filing the claim would pose a realistic threat that the parents would suffer a financial
22 loss not incurred by similarly situated parents of nonhandicapped children.
23 Financial losses do not include incidental costs such as the time needed to file or
24 assist in filing an insurance claim or the postage needed to mail the claim.
25 Financial losses include:
- 26 a. A decrease in available lifetime coverage or any other benefit under an
27 insurance policy.
 - 28 b. An increase in premiums or the discontinuation of a policy.
 - 29 c. An out-of-pocket expense such as the payment of a deductible amount
30 incurred in filing a claim unless the developmental center pays or waives the
31 out-of-pocket expense.

1 **SECTION 20. AMENDMENT.** Section 50-24.1-02.6 of the North Dakota Century Code
2 is amended and reenacted as follows:

3 ~~50-24.1-02.6. (Contingent effective date—See note) Medical assistance benefits—~~
4 ~~Eligibility criteria.~~

5 ~~1. The department shall provide medical assistance benefits to otherwise eligible~~
6 ~~persons who are:~~

7 ~~a. Medically needy persons who have countable income that does not exceed~~
8 ~~an amount determined under subsection 2; and~~

9 ~~b. Minors who have countable income that does not exceed an amount~~
10 ~~determined under subsection 3.~~

11 ~~2. The department of human services shall establish an income level for medically~~
12 ~~needy persons at an amount, no less than required by federal law, that, consistent~~
13 ~~with the requirements of subsection 3, is the greatest income level achievable~~
14 ~~without exceeding legislative appropriations for that purpose.~~

15 ~~3. The department of human services shall establish income levels for minors, based~~
16 ~~on the age of the minors, at amounts, no less than required by federal law, that~~
17 ~~provide an income level for all minors born before September 30, 1983, equal to~~
18 ~~one hundred percent of the federal poverty level in the month for which eligibility~~
19 ~~for medical assistance benefits is being determined and that do not exceed~~
20 ~~legislative appropriations for that purpose.~~

21 ~~4. The department of human services shall provide medical assistance benefits to~~
22 ~~children and families coverage groups and pregnant women without consideration~~
23 ~~of assets.~~

24 ~~(Contingent effective date—See note) Medical assistance benefits - Eligibility~~
25 ~~criteria.~~

26 1. The department shall provide medical assistance benefits to otherwise eligible
27 persons who are:

28 a. Medically needy persons who have countable income that does not exceed
29 an amount determined under subsection 2; and

30 b. Minors who have countable income that does not exceed an amount
31 determined under subsection 3.

1 2. The department of human services shall establish an income level for medically
2 needy persons at an amount, no less than required by federal law, that, consistent
3 with the requirements of subsection 3, is the greatest income level achievable
4 without exceeding legislative appropriations for that purpose.

5 3. The department of human services shall establish income levels for minors, based
6 on the age of the minors, at amounts, no less than required by federal law, ~~that~~
7 ~~provide an income level for all individuals from birth through age eighteen equal to~~
8 ~~one hundred thirty-three percent of the federal poverty level in the month for which~~
9 ~~eligibility for medical assistance benefits is being determined.~~

10 4. The department of human services shall provide medical assistance benefits to
11 children and families coverage groups and pregnant women without consideration
12 of assets.

13 **SECTION 21. AMENDMENT.** Section 50-24.5-04 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **50-24.5-04. Services provided - Limit on cost.** Services provided under this chapter
16 must be treated as necessary remedial care to the extent those services are not covered under
17 the medical assistance program. The cost of the services provided under this chapter to a
18 person residing in a basic care or adult family foster care facility for which the rate charged
19 includes room and board is limited to the rate set for services in that facility, plus ~~sixty~~
20 seventy-five dollars, less that person's total income.

21 **SECTION 22.** A new subsection to section 50-25.1-05 of the North Dakota Century
22 Code is created and enacted as follows:

23 The department shall adopt guidelines for case referrals to a children's advocacy
24 center. When cases are referred to a children's advocacy center, all interviews of
25 the alleged abused or neglected child conducted at the children's advocacy center
26 under this section shall be audio-recorded or video-recorded.

27 **SECTION 23. AMENDMENT.** Section 50-29-04 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **50-29-04. Plan requirements.** The plan:

- 30 1. Must be provided through private contracts with insurance carriers;
31 2. Must allow conversion to another health insurance policy;

- 1 3. Must be based on an actuarial equivalent of a benchmark plan;
- 2 4. Must incorporate every state-required waiver approved by the federal government;
- 3 5. Must include community-based eligibility outreach services; and
- 4 6. Must provide:
 - 5 a. A net income eligibility limit of one hundred ~~fifty~~ sixty percent of the poverty
 - 6 line;
 - 7 b. A copayment requirement for each pharmaceutical prescription and for each
 - 8 emergency room visit;
 - 9 c. A deductible for each inpatient hospital visit;
 - 10 d. Coverage for:
 - 11 (1) Inpatient hospital, medical, and surgical services;
 - 12 (2) Outpatient hospital and medical services;
 - 13 (3) Psychiatric and substance abuse services;
 - 14 (4) Prescription medications;
 - 15 (5) Preventive screening services;
 - 16 (6) Preventive dental and vision services; and
 - 17 (7) Prenatal services; and
 - 18 e. A coverage effective date that is the first day of the month, following the date
 - 19 of application and determination of eligibility.

20 **SECTION 24. AMENDMENT.** Section 50-30-02 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **50-30-02. North Dakota health care trust fund created - Uses - Continuing**
23 **appropriation.**

- 24 1. There is created in the state treasury a special fund known as the North Dakota
- 25 health care trust fund. The fund consists of revenue received from government
- 26 nursing facilities for remittance to the fund under former section 50-24.4-30. The
- 27 department shall administer the fund. The state investment board shall invest
- 28 moneys in the fund in accordance with chapter 21-10, and the income earned must
- 29 be deposited in the North Dakota health care trust fund. All moneys deposited in
- 30 the North Dakota health care trust fund are available to the department for:

- 1 a. Transfer to the long-term care facility loan fund, as authorized by legislative
- 2 appropriation, for making loans pursuant to the requirements of this chapter.
- 3 b. Payment, as authorized by legislative appropriation, of costs of other
- 4 programs authorized by the legislative assembly.
- 5 c. Repayment of federal funds, which are appropriated and may be spent if the
- 6 United States department of health and human services determines that
- 7 funds were inappropriately claimed under former section 50-24.4-30.
- 8 2. The department shall continue to access the intergovernmental transfer program if
- 9 permitted by the federal government and if use of the program is found to be
- 10 beneficial.
- 11 3. Moneys in the fund may not be included in draft appropriation acts under section
- 12 54-44.1-06.

13 **SECTION 25. REPEAL.** Section 4 of chapter 422 of the 2007 Session Laws is
14 repealed.

15 **SECTION 26. EMERGENCY.** Sections 2 and 18 of this Act are declared to be an
16 emergency measure.