

HOUSE BILL NO. 1035

Introduced by

Legislative Management

(Health Services Committee)

1 | A BILL for an Act to amend and reenact ~~subsection 1 of section 23-09.3-01.1 and~~ subsection 1
2 | of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on
3 | ~~expansion of basic care bed capacity and the moratorium on~~ expansion of long-term care bed
4 | capacity.

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

6 | **~~SECTION 1. AMENDMENT.~~** ~~Subsection 1 of section 23-09.3-01.1 of the North Dakota~~
7 | ~~Century Code is amended and reenacted as follows:~~

8 | ~~1. Basic care beds may not be added to the state's licensed bed capacity during the~~
9 | ~~period between August 1, 2011~~2013~~, and July 31, 2013~~2015~~, except when:~~

10 | ~~a. A nursing facility converts nursing facility beds to basic care;~~

11 | ~~b. An entity licenses bed capacity transferred as basic care bed capacity under~~
12 | ~~section 23-16-01.1;~~

13 | ~~c. An entity demonstrates to the state department of health and the department of~~
14 | ~~human services that basic care services are not readily available within a~~
15 | ~~designated area of the state or that existing basic care beds within a fifty-mile~~
16 | ~~[80.47-kilometer] radius have been occupied at ninety percent or more for the~~
17 | ~~previous twelve months. In determining whether basic care services will be~~
18 | ~~readily available if an additional license is issued, preference may be given to an~~
19 | ~~entity that agrees to any participation program established by the department of~~
20 | ~~human services for individuals eligible for services under the medical assistance~~
21 | ~~program under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.]; or~~

22 | ~~d. The state department of health and the department of human services~~
23 | ~~grant approval of new basic care beds to an entity. The approved entity shall~~
24 | ~~license the beds within forty-eight months from the date of approval.~~

1 **SECTION 1. AMENDMENT.** Subsection 1 of section 23-16-01.1 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 1. Notwithstanding sections 23-16-06 and 23-16-10, except when a facility reverts basic
4 care beds to nursing facility beds or relicenses nursing facility beds delicensed after
5 July 31, 2011, nursing facility beds may not be added to the state's licensed bed
6 capacity during the period between August 1, ~~2011~~2013, and July 31, ~~2013~~2015. A
7 nursing facility may not delicense nursing facility bed capacity, relicense nursing facility
8 bed capacity, convert licensed nursing bed capacity to basic care bed capacity, revert
9 licensed basic care bed capacity back to nursing facility bed capacity, or otherwise
10 reconfigure licensed nursing facility bed capacity more than one time in a
11 twelve-month period.