

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1012

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
2 human services; to provide an appropriation to the state department of health; to provide an
3 appropriation to the legislative council; to provide an appropriation to the office of management
4 and budget; to create and enact a new section to chapter 1-02, two new ~~section~~sections to
5 chapter 50-06, and a new section to chapter 50-24.1 of the North Dakota Century Code, relating
6 to person-first language, substance use disorder treatment voucher system grants, a behavioral
7 health bed management system, and medical assistance coverage of interpreter services; to
8 create and enact a new paragraph to subdivision I of subsection 1 of section 50-11.1-22 of the
9 North Dakota Century Code as created by section 8 of House Bill No. 1416, as approved by the
10 sixty-seventh legislative assembly, relating to the North Dakota early childhood council
11 membership; to amend and reenact sections 50-06-42, 50-11.1-14, 50-24.1-02.7, 50-24.1-31,
12 and 50-24.1-37 of the North Dakota Century Code, relating to the substance use disorder
13 voucher program, early childhood workforce development fees, Medicaid coverage for workers
14 with disability coverage and families of children with disabilities, and the Medicaid expansion
15 program; to repeal section 50-24.1-18.1 of the North Dakota Century Code, relating to
16 consumer-directed health maintenance services; to provide an exemption; to provide a
17 statement of legislative intent; to provide for a report; to provide for a study; to provide for a
18 transfer; to provide for the conveyance of land; to provide an application; to provide for
19 retroactive application; to provide an effective date; to provide an expiration date; and to declare
20 an emergency.

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

22 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
23 as may be necessary, are appropriated out of any moneys in the general fund in the state
24 treasury, not otherwise appropriated, and from special funds derived from federal funds and

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1 other income, to the department of human services for the purpose of defraying the expenses of
2 its various divisions, for the biennium beginning July 1, 2021, and ending June 30, 2023, as
3 follows:

4 Subdivision 1.

5 MANAGEMENT

	Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
8 Salaries and wages	\$20,222,500	(\$890,281)	\$19,332,219
9 Operating expenses	134,438,862	77,342,233	211,781,095
10 Capital assets	50,000	25,000	75,000
11 Total all funds	\$154,711,362	\$76,476,952	\$231,188,314
12 Less estimated income	90,021,088	49,907,855	139,928,943
13 Total general fund	\$64,690,274	\$26,569,097	\$91,259,371

14 ~~Subdivision 2.~~

15 PROGRAM AND POLICY

	Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18 Salaries and wages	\$68,994,873	\$50,364,134	\$119,359,007
19 Operating expenses	150,961,583	15,702,927	166,664,510
20 Capital assets	10,000	0	10,000
21 Grants	452,041,904	9,311,450	461,353,354
22 Grants - medical assistance	2,742,157,720	273,030,980	3,015,188,700
23 Total all funds	\$3,414,166,080	\$348,409,491	\$3,762,575,571
24 Less estimated income	2,232,568,138	235,823,355	2,468,391,493
25 Total general fund	\$1,181,597,942	\$112,586,136	\$1,294,184,078

26 ~~Subdivision 3.~~

27 FIELD SERVICES

	Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
30 Human service centers	\$204,701,143	(\$37,774,523)	\$166,926,620
31 Institutions	137,476,480	(6,858,717)	130,617,763

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1	Total all funds	\$342,177,623	(\$44,633,240)	\$297,544,383
2	Less estimated income	127,314,955	(13,370,943)	113,944,012
3	Total general fund	\$214,862,668	(\$31,262,297)	\$183,600,371
4	Subdivision 4.			
5	COUNTY SOCIAL SERVICE FINANCING			
6			Adjustments or	
7		Base Level	Enhancements	Appropriation
8	County social services	\$173,700,000	\$16,451,515	\$190,151,515
9	Total all funds	\$173,700,000	\$16,451,515	\$190,151,515
10	Less estimated income	173,700,000	15,139,791	188,839,791
11	Total general fund	\$0	\$1,311,724	\$1,311,724
12	Subdivision 5.			
13	TOTAL SECTION 1			
14			Adjustments or	
15		Base Level	Enhancements	Appropriation
16	Grand total general fund	\$1,461,150,884	\$109,204,660	\$1,570,355,544
17	Grant total special funds	2,623,604,181	287,500,058	2,911,104,239
18	Grant total all funds	\$4,084,755,065	\$396,704,718	\$4,481,459,783
19	Full-time equivalent positions	2,230.23	1.60	2,231.83
20	Salaries and wages	\$20,222,500	(\$882,643)	\$19,339,857
21	Operating expenses	134,438,862	83,747,426	218,186,288
22	Capital assets	50,000	25,000	75,000
23	Total all funds	\$154,711,362	\$82,889,783	\$237,601,145
24	Less estimated income	90,021,088	49,909,553	139,930,641
25	Total general fund	\$64,690,274	\$32,980,230	\$97,670,504
26	Subdivision 2.			
27	PROGRAM AND POLICY			
28			Adjustments or	
29		Base Level	Enhancements	Appropriation
30	Salaries and wages	\$68,994,873	\$53,731,256	\$122,726,129
31	Operating expenses	150,961,583	20,314,902	171,276,485

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1	Capital assets	10,000	0	10,000
2	Grants	452,041,904	15,404,936	467,446,840
3	Grants - medical assistance	2,742,157,720	295,998,870	3,038,156,590
4	Total all funds	\$3,414,166,080	\$385,449,964	\$3,799,616,044
5	Less estimated income	2,232,568,138	272,982,735	2,505,550,873
6	Total general fund	\$1,181,597,942	\$112,467,229	\$1,294,065,171
7	<u>Subdivision 3.</u>			
8	<u>FIELD SERVICES</u>			
9			<u>Adjustments or</u>	
10		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
11	Human service centers	\$204,701,143	(\$34,917,117)	\$169,784,026
12	Institutions	137,476,480	(6,942,407)	130,534,073
13	Total all funds	\$342,177,623	(\$41,859,524)	\$300,318,099
14	Less estimated income	127,314,955	(13,041,660)	114,273,295
15	Total general fund	\$214,862,668	(\$28,817,864)	\$186,044,804
16	<u>Subdivision 4.</u>			
17	<u>COUNTY SOCIAL SERVICE FINANCING</u>			
18			<u>Adjustments or</u>	
19		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
20	County social services	\$173,700,000	\$16,217,386	\$189,917,386
21	Total all funds	\$173,700,000	\$16,217,386	\$189,917,386
22	Less estimated income	173,700,000	14,976,995	188,676,995
23	Total general fund	\$0	\$1,240,391	\$1,240,391
24	<u>Subdivision 5.</u>			
25	<u>TOTAL - SECTION 1</u>			
26			<u>Adjustments or</u>	
27		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
28	Grand total general fund	\$1,461,150,884	\$117,869,986	\$1,579,020,870
29	Grant total special funds	2,623,604,181	324,827,623	2,948,431,804
30	Grant total all funds	\$4,084,755,065	\$442,697,609	\$4,527,452,674
31	Full-time equivalent positions	2,230.23	19.10	2,249.33

1 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-**
 2 **EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items
 3 approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the one-time
 4 funding items included in the appropriation in section 1 of this Act:

5	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
6	Technology projects	\$13,785,658	\$67,641,747
7	Capital projects - life skills and transition center	4,277,165	0
8	Capital projects - state hospital	2,493,500	0
9	<u>Capital projects - southeast human service center</u>	<u>0</u>	<u>724,000</u>
10	<u>Developmental disabilities provider stabilization grants</u>	<u>0</u>	<u>125,000</u>
11	Medically complex children provider funding	977,603	0
12	Hyperbaric oxygen therapy grant	335,000	0
13	State hospital study	200,000	300,000
14	Medicaid system consultant	0	300,000
15	<u>State hospital study</u>	<u>200,000</u>	<u>0</u>
16	Nursing facility payment methodology	<u>0</u>	<u>7,200,000</u>
17	Total all funds	\$22,068,926	\$75,441,747
18	Less estimated income	20,556,323	51,607,531
19	Total general fund	\$1,512,603	\$23,834,216
20	<u>Total all funds</u>	<u>\$22,068,926</u>	<u>\$75,690,747</u>
21	<u>Less estimated income</u>	<u>20,556,323</u>	<u>51,457,531</u>
22	<u>Total general fund</u>	<u>\$1,512,603</u>	<u>\$24,233,216</u>

23 The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget
 24 for the 2023-25 biennium. The department of human services shall report to the appropriations
 25 committees of the sixty-eighth legislative assembly on the use of this one-time funding for the
 26 biennium beginning July 1, 2021, and ending June 30, 2023.

27 **SECTION 3. APPROPRIATION - 2019-21 BIENNIUM - DEPARTMENT OF HUMAN**
 28 **SERVICES - FIRE PROTECTION AGREEMENTS - EXEMPTION.** There is appropriated out of
 29 any moneys in the department of human services operating fund in the state treasury, not
 30 otherwise appropriated, the sum of \$333,333, or so much of the sum as may be necessary, to
 31 the department of human services for the purpose of providing a grant to a ~~political subdivision~~

1 ~~for the state share of costs relating to the purchase of a fire truck~~city located in a county of
2 ~~fewer than 25,000 individuals and provides prevention and extinguishment of fires at the North~~
3 ~~Dakota state hospital~~, for the period beginning with the effective date of this Act and ending
4 June 30, 2021. The funding appropriated in this section is a one-time funding item. The
5 requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant
6 award, or payments made under this section. The department of human services ~~shall~~
7 ~~discontinue any agreement with a political subdivision for fire protection services and~~ may not
8 enter any future agreement with a political subdivision for fire protection services.

9 **SECTION 4. APPROPRIATION - STATE DEPARTMENT OF HEALTH.** There is
10 appropriated out of any moneys in the general fund in the state treasury, not otherwise
11 appropriated, the sum of \$281,715, or so much of the sum as may be necessary, and the sum
12 of \$281,715 from special funds derived from grants, donations, and other income, to the state
13 department of health for the purpose of providing a grant to the task force on the prevention of
14 sexual abuse of children for staff and programming materials focused on primary prevention
15 activities, for the biennium beginning July 1, 2021, and ending June 30, 2023.

16 **SECTION 5. APPROPRIATION - LEGISLATIVE MANAGEMENT STUDY - STATEWIDE**
17 **ACUTE PSYCHIATRIC AND RESIDENTIAL CARE NEEDS.**

- 18 1. During the 2021-22 interim, the legislative management shall study the acute
19 psychiatric hospitalization and related step down residential treatment and support
20 needs of individuals with mental illness. The legislative management shall create an
21 acute psychiatric treatment committee consisting of eight members to conduct the
22 study. The legislative management chairman shall designate the committee chairman
23 and vice chairman and the legislative council shall provide staff services for the
24 committee. The committee must complete the study by October 1, 2022.
- 25 2. As part of the study, the committee shall gather input from stakeholders and other
26 groups, including private hospitals, the department of human services, and mental
27 health advocates.
- 28 3. The study must review options for a long-term plan for acute psychiatric hospitalization
29 and related step down residential treatment and support needs in the state and short-
30 term options during the next two bienniums to contract with private provider acute
31 psychiatric care facilities to provide treatment services in four or more cities in the

1 state, workforce needs of such specific locations, and options to replace the existing
2 state hospital facility with one or more treatment facilities focused on forensic
3 psychiatric evaluation and treatment.

- 4 4. The committee, with the approval of the legislative management, may obtain
5 consulting services to determine the total number of acute care beds needed in the
6 state and to develop recommendations for private provider contracts, treatment
7 requirements and outcome measures, locations in the state, including private and
8 public facilities, the future use of facilities at the state hospital campus including the
9 LaHaug building, and other items identified in subsection 3. The consulting services
10 may also develop conceptual drawings for recommendations for a new state hospital.
- 11 5. The department of human services shall provide to the consultants and the committee
12 a complete description of other outpatient and inpatient private and public behavioral
13 health services, including substance use disorder facilities, existing in the state to
14 prevent acute behavioral health hospitalization and to support patients following
15 discharge from psychiatric hospitalization and related residential care.
- 16 6. The department of human services shall seek Medicaid plan amendments or Medicaid
17 waivers to allow federal funding reimbursement for services provided in institutions for
18 mental diseases to Medicaid beneficiaries between the ages of twenty-one and
19 sixty-four.
- 20 7. The legislative management shall report its findings and recommendations, together
21 with any legislation required to implement the recommendations, to the sixty-eighth
22 legislative assembly.
- 23 8. There is appropriated out of any moneys in the general fund in the state treasury, not
24 otherwise appropriated, the sum of \$500,000, or so much of the sum as may be
25 necessary, to the legislative council for consulting services for the study identified in
26 this section, for the period beginning with the effective date of this section, and ending
27 June 30, 2023. The funding appropriated in the section is considered a one-time
28 funding item.

29 **SECTION 6. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - CAPITOL**
30 **BUILDING FUND.** There is appropriated out of any moneys in the capitol building fund in the
31 state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the sum as may

1 be necessary, to the office of management and budget for the purpose of utilizing a consultant
2 to determine the compliance of the capitol building with 2010 Americans with Disabilities Act
3 standards, for the biennium beginning July 1, 2021, and ending June 30, 2023. The funding
4 appropriated in this section is considered a one-time funding item.

5 **SECTION 7. SPENDING RESTRICTION - 2021-23 BIENNIUM - FEDERAL MEDICAL**
6 **ASSISTANCE PERCENTAGE.** The department of human services may not spend any general
7 fund savings resulting from federal enhancements or adjustments that cause the federal
8 medical assistance percentage to exceed the rates used by the sixty-seventh legislative
9 assembly for budgeting purposes for the biennium beginning July 1, 2021, and ending June 30,
10 2023.

11 **SECTION 8. FUNDING TRANSFERS - EXEMPTION - AUTHORIZATION - REPORT.**
12 Notwithstanding section 54-16-04, the director of the office of management and budget shall
13 transfer appropriation authority between line items within subdivisions 1, 2, and 3 of section 1 of
14 this Act for the biennium beginning July 1, 2021, and ending June 30, 2023, as requested by the
15 department of human services. The department of human services shall notify the legislative
16 council of any transfer made pursuant to this section. The department shall report to the budget
17 section after June 30, 2022, any transfer made in excess of \$50,000 and to the appropriations
18 committees of the sixty-eighth legislative assembly regarding any transfers made pursuant to
19 this section.

20 **SECTION 9. FUNDING TRANSFERS - EXEMPTION - AUTHORIZATION - REPORT.**
21 Notwithstanding section 54-16-04, the director of the office of management and budget shall
22 transfer appropriation authority from line items within subdivisions 1, 2, and 3 of section 1 of this
23 Act to subdivision 4 of section 1 of this Act for the biennium beginning July 1, 2021, and ending
24 June 30, 2023, as requested by the department of human services. The department of human
25 services shall notify the legislative council of any transfer made pursuant to this section. The
26 department shall report to the budget section after June 30, 2022, any transfer made in excess
27 of \$50,000 and to the appropriations committees of the sixty-eighth legislative assembly
28 regarding any transfers made pursuant to this section.

29 **SECTION 10. FULL-TIME EQUIVALENT POSITION - AGING SERVICES - LEGISLATIVE**
30 **INTENT.** Section 1 of this Act includes one full-time equivalent position for the administration of
31 services resulting from a federal department of justice lawsuit settlement. This position is

1 authorized only for the biennium beginning July 1, 2021, and ending June 30, 2023, and may
2 not be included in the department's base budget for the biennium beginning July 1, 2023, and
3 ending June 30, 2025. It is the intent of the sixty-seventh legislative assembly that future
4 legislative assemblies retain and exercise unfettered discretion to appropriate funds as they
5 deem appropriate without regard to the federal department of justice lawsuit settlement.

6 **SECTION 11. TRANSFER OF APPROPRIATION AUTHORITY.** Section 1 of this Act
7 includes appropriation authority for the department of human services for the biennium
8 beginning July 1, 2021, and ending June 30, 2023. On September 1, 2022, in accordance with
9 provisions of House Bill No. 1247, as approved by the sixty-seventh legislative assembly, the
10 office of management and budget shall transfer remaining appropriation authority contained in
11 section 1 of this Act, and any remaining appropriation authority for the department of human
12 services in other bills approved by the sixty-seventh legislative assembly, to the department of
13 health and human services. The appropriation authority in section 1 of this Act and appropriation
14 authority for the department of human services from any other bill that is transferred to the
15 department of health and human services must be maintained and reported separately from
16 other appropriation authority transferred to the department of health and human services.

17 **SECTION 12. ESTIMATED INCOME - FEDERAL CORONAVIRUS RELIEF FUND.** The
18 estimated income line item in subdivision 2 of section 1 of this Act includes the sum of
19 \$2,457,638 from the federal coronavirus relief fund for senior nutrition services and the sum of
20 \$1,750,000 from the federal coronavirus relief fund for the community behavioral health
21 program.

22 **SECTION 13. ESTIMATED INCOME - HUMAN SERVICE FINANCE FUND.** The estimated
23 income line item in subdivision 4 of section 1 of this Act includes the sum of
24 ~~\$187,385,888~~\$187,223,092 from the human service finance fund for state-paid economic
25 assistance and social and human services.

26 **SECTION 14. ESTIMATED INCOME - COMMUNITY HEALTH TRUST FUND.** The
27 estimated income line item in subdivision 2 of section 1 of this Act includes the sum of
28 ~~\$24,000,000~~\$31,500,000 from the community health trust fund for defraying expenses in the
29 medical services division.

30 **SECTION 15. ESTIMATED INCOME - HEALTH CARE TRUST FUND.** The estimated
31 income line item in subdivision 2 of section 1 of this Act includes the sum of \$1,000,000 from

1 the health care trust fund and \$1,150,538 from federal funds for nursing facility operating
2 margin adjustments.

3 **SECTION 16. CAPITAL PAYMENTS.** During the biennium beginning July 1, 2021, and
4 ending June 30, 2023, the department of human services is authorized to expend funds for the
5 payment of special assessments at the state hospital and life skills and transition center.

6 **SECTION 17. CAPITAL PROJECTS - ~~STATE HOSPITAL~~ - EMERGENCY COMMISSION**

7 **APPROVAL.** During the biennium beginning July 1, 2021, and ending June 30, 2023, the
8 department of human services is authorized to proceed with the demolition of the chapel,

9 [administrative building](#), and employee building and associated tunnels at the state hospital.

10 Pursuant to section [48](#) of this Act, the director of the office of management and budget may
11 transfer appropriation authority between line items within subdivisions 1, 2, and 3 of section 1 of
12 this Act. The department may transfer funds for the demolition of the identified buildings and
13 associated tunnels and for emergency capital projects. Notwithstanding section 54-27-12, the
14 department of human services may spend up to \$5,000,000 for emergency projects under this
15 section and may seek emergency commission approval to spend more than \$5,000,000 under
16 this section.

17 **SECTION 18. PERMANENT SUPPORTIVE HOUSING GRANTS.** Subdivision 2 of
18 section 1 of this Act includes the sum of \$4,672,536 from the general fund for permanent
19 supportive housing grants. The department of human services shall develop a funding
20 methodology to distribute the funding to qualified entities that utilize best practices for
21 permanent supportive housing, provide recovery-oriented and person-centered services, submit
22 process and outcome measures to the department, and authorize the department to conduct
23 onsite visits to review program operations.

24 **SECTION 19. EMERGENCY STABILIZATION GRANTS - DEVELOPMENTAL**
25 **DISABILITIES WAIVER.**

26 1. Subdivision 2 of subsection 1 of this Act includes the sum of \$125,000 from the
27 general fund for the purpose of providing emergency stabilization grants to
28 developmental disability in-home support providers to support the sustainability of
29 newly licensed providers within the developmental disability provider network. To be
30 eligible to receive an emergency stabilization grant, a licensed developmental
31 disability in-home support provider must be in operation as of October 1, 2020, with an

1 initial license date of October 15, 2015, or later, and comply with grant requirements
2 established by the department of human services. The requirements of chapter
3 54-44.4 do not apply to the selection of a grantee, the grant award, or payments made
4 under this section.

- 5 2. The department of human services shall include in-home support providers in future
6 appendix K applications, to allow eligibility for retainer payments in a manner
7 equivalent to day support services.

8 **SECTION 20. REFUGEE RESETTLEMENT SERVICES - LEGISLATIVE MANAGEMENT**

9 **REPORT.** Subdivision 2 of section 1 of this Act includes the sum of \$6,069,408 of federal funds
10 for the refugee resettlement program. The department of human services shall collaborate with
11 applicable federal and private placement agencies to develop a plan to resettle refugees in at
12 least five geographically diverse communities in the state outside of the existing resettlement
13 communities with a goal of resettling twenty-five percent of new refugees outside of existing
14 resettlement communities. During the 2021-22 interim, the department of human services shall
15 provide a report to the legislative management regarding refugee resettlement services.

16 **SECTION 21. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL**
17 **ASSISTANCE EXPANSION PROGRAM - APPLICATION.**

- 18 1. Subdivision 2 of section 1 of this Act includes the sum of \$703,317,464, of which
19 \$80,934,488 is from the general fund, for the medical assistance expansion program
20 for the biennium beginning July 1, 2021, and ending June 30, 2023. The expenditures
21 for individuals eligible for the medical assistance expansion program may not exceed
22 this amount. For purposes of this section:
- 23 a. Expenditures do not include those made for individuals identified as medically
24 frail and who receive services through the traditional Medicaid program
25 administered by the department of human services for which there is a separate
26 appropriation of \$10,184,568 included in subdivision 2 of section 1 of this Act.
- 27 b. Expenditures do not include prescription drugs for the medical assistance
28 expansion program population which is administered by the department of
29 human services through its fee-for-service Medicaid program for which there is a
30 separate appropriation of \$29,460,720 included in subdivision 2 of section 1 of
31 this Act.

- 1 c. Expenditures do not include coverage for individuals ages nineteen and twenty
2 for the medical assistance expansion program population which is administered
3 by the department of human services through its fee-for-service Medicaid
4 program for which there is a separate appropriation of \$12,705,466 included in
5 subdivision 2 of section 1 of this Act.
- 6 2. The department of human services may exceed appropriations for increases in
7 medical assistance expansion program caseload and for the addition of coverage
8 consistent with the traditional Medicaid 1915i state plan.
- 9 3. The managed care organization under contract with the department to manage the
10 medical assistance expansion program shall reimburse providers within the same
11 provider type and specialty at consistent levels and with consistent methodology and
12 may not provide incentive, quality, or supplemental payments to providers, unless part
13 of a value-based program approved by the department. The managed care
14 organization may consider urban and rural providers as different provider types.
15 Critical access hospitals may not be paid less than one hundred percent of Medicare
16 allowable costs.
- 17 4. The managed care organization and the department of human services shall ensure
18 payments to Indian or Tribal 638 health care providers, federally qualified health
19 centers, and rural health clinics meet the federally required minimum levels of
20 reimbursement.
- 21 5. The department of human services shall ensure providers within the same provider
22 type and specialty are reimbursed at consistent levels and with consistent
23 methodology and shall ensure the capitation rates under risk contracts are actuarially
24 sound and are adequate to meet managed care organization contractual requirements
25 regarding availability of services, assurance of adequate capacity and services, and
26 coordination and continuity of care.
- 27 6. The department of human services and the Medicaid expansion managed care
28 organization shall ensure the appropriate contract amendment is adopted for coverage
29 through December 31, 2021. The contract amendment shall stay within the
30 appropriation and the requirements of chapter 54-44.4 do not apply.

1 ~~SECTION 16. EXPENDITURES MAY NOT EXCEED APPROPRIATION – NURSING HOME~~
2 ~~RATES. Subdivision 2 of section 1 of this Act includes the sum of \$621,362,568, of which~~
3 ~~\$288,313,216 is from the general fund, for nursing home payments for the biennium beginning~~
4 ~~July 1, 2021, and ending June 30, 2023. The expenditures for nursing homes may not exceed~~
5 ~~this amount.~~

6 **SECTION 22. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL**
7 **ASSISTANCE EXPANSION PROGRAM - APPLICATION.**

- 8 1. Subdivision 2 of section 1 of this Act includes the sum of \$703,317,464, of which
9 \$80,934,488 is from the general fund, for the medical assistance expansion program
10 for the biennium beginning July 1, 2021, and ending June 30, 2023. The expenditures
11 for individuals eligible for the medical assistance expansion program may not exceed
12 this amount. For purposes of this section:
- 13 a. Expenditures do not include those made for individuals identified as medically
14 frail and who receive services through the traditional Medicaid program
15 administered by the department of human services for which there is a separate
16 appropriation of \$10,184,568 included in subdivision 2 of section 1 of this Act.
 - 17 b. Expenditures do not include prescription drugs for the medical assistance
18 expansion program population which is administered by the department of
19 human services through its fee-for-service Medicaid program for which there is a
20 separate appropriation of \$29,460,720 included in subdivision 2 of section 1 of
21 this Act.
 - 22 c. Expenditures do not include coverage for individuals ages nineteen and twenty
23 for the medical assistance expansion program population which is administered
24 by the department of human services through its fee-for-service Medicaid
25 program for which there is a separate appropriation of \$12,705,466 included in
26 subdivision 2 of section 1 of this Act.
- 27 2. The department of human services may exceed appropriations for increases in
28 medical assistance expansion program caseload and for the addition of coverage
29 consistent with the traditional Medicaid 1915(i) state plan.
- 30 3. The managed care organization under contract with the department to manage the
31 medical assistance expansion program shall reimburse providers within the same

1 provider type and specialty at consistent levels and with consistent methodology and
2 may not provide incentive, quality, or supplemental payments to providers, unless part
3 of a value-based program approved by the department. The managed care
4 organization shall reimburse all North Dakota substance use providers of American
5 society of addiction medicine level 2.5 at consistent levels and with consistent
6 methodology. The managed care organization may consider urban and rural providers
7 as different provider types. Critical access hospitals may not be paid less than one
8 hundred percent of Medicare allowable costs.

9 4. The managed care organization and the department of human services shall ensure
10 payments to Indian or Tribal 638 health care providers, federally qualified health
11 centers, and rural health clinics meet the federally required minimum levels of
12 reimbursement.

13 5. The department of human services shall ensure providers within the same provider
14 type and specialty are reimbursed at consistent levels and with consistent
15 methodology and shall ensure the capitation rates under risk contracts are actuarially
16 sound and are adequate to meet managed care organization contractual requirements
17 regarding availability of services, assurance of adequate capacity and services, and
18 coordination and continuity of care.

19 **SECTION 23.** A new section to chapter 1-02 of the North Dakota Century Code is created
20 and enacted as follows:

21 **Person-first language**

22 The provisions of this code, unless the context otherwise requires, must be construed in
23 person-first language and any new enactments of this code must be written in person-first
24 language.

25 **SECTION 24.** A new section to chapter 50-06 of the North Dakota Century Code is created
26 and enacted as follows:

27 **Substance use disorder treatment voucher system grants.**

28 1. A licensed substance abuse treatment program, excluding regional human service
29 centers and hospital or medical clinic-based programs for medical management of
30 withdrawal, may apply for a competitive substance use disorder treatment voucher

1 system grant. A licensed substance abuse treatment program is eligible for a one-time
2 grant award. To receive a grant, a licensed substance abuse treatment program shall:

3 a. Submit an application in the form and manner prescribed by the department;

4 b. Enter a grant agreement with the department;

5 c. Use grant funds for a licensed substance abuse treatment program with fewer
6 than seventeen beds in an underserved area, as determined by the department,
7 in the state's substance abuse treatment system;

8 d. Use the grant funds to support the provision of substance use disorder treatment
9 in underserved areas of the state's substance abuse treatment system;

10 e. Provide and disclose information needed to comply with the department's data
11 collection requirements; and

12 f. Operate in compliance with grant requirements.

13 2. The department, within legislative appropriations, may distribute up to ~~three~~two grants
14 under this section to licensed substance abuse treatment programs.

15 3. The department may recapture grant funds distributed to a licensed program found by
16 the department to be out of compliance with the requirements established by the grant
17 program, including ending or reducing the operation of the substance use disorder
18 treatment services in the underserved area.

19 4. The department may not collect property, equipment, or supplies purchased with grant
20 funds from the licensed substance abuse treatment program after successful
21 completion of the terms of the grant.

22 5. The grant term must be for five years.

23 ~~**SECTION 17. AMENDMENT. Section 50-06-42 of the North Dakota Century Code is**~~
24 ~~**amended and reenacted as follows:**~~

25 ~~**50-06-42. Substance use disorder treatment voucher system.**~~

26 ~~**1.** The department shall establish and administer, within the limits of legislative~~
27 ~~appropriations, a voucher system to address underserved areas and gaps in the~~
28 ~~state's substance abuse treatment system and to assist in the payment of addiction~~
29 ~~treatment services provided by licensed substance abuse treatment programs,~~
30 ~~excluding regional human service centers, and hospital or medical clinic-based~~
31 ~~programs for medical management of withdrawal. Services eligible for the voucher~~

1 ~~program include only those levels of care recognized by the American society of~~
2 ~~addiction medicine, with particular emphasis given to underserved areas and~~
3 ~~programs. The department shall ensure that a licensed substance abuse treatment~~
4 ~~program, hospital, and medical clinic program accepting vouchers collects and reports~~
5 ~~process and outcome measures. The department shall develop requirements and~~
6 ~~provide training and technical assistance to a licensed substance abuse treatment~~
7 ~~program, hospital, and medical clinic program accepting vouchers. A licensed~~
8 ~~substance abuse treatment program, hospital, and medical clinic program accepting~~
9 ~~vouchers shall provide evidence based services.~~

10 ~~2. The department shall allocate funding appropriated for the substance use disorder~~
11 ~~treatment voucher as follows:~~

12 ~~a. No more than thirty percent of the appropriated amount may be allocated for~~
13 ~~residential substance use disorder services administered by licensed substance~~
14 ~~abuse treatment programs with more than sixteen beds.~~

15 ~~b. The remaining appropriation must be allocated for nonresidential~~
16 ~~outpatient and ancillary substance use disorder services administered by~~
17 ~~licensed substance abuse treatment programs.~~

18 **SECTION 25. AMENDMENT.** Section 50-06-42 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **50-06-42. Substance use disorder treatment voucher system.**

21 1. The department shall establish and administer, within the limits of legislative
22 appropriations, a voucher system to address underserved areas and gaps in the
23 state's substance abuse treatment system and to assist in the payment of addiction
24 treatment services provided by licensed substance abuse treatment programs,
25 excluding regional human service centers, ~~and~~ hospital- or medical clinic-based
26 programs for medical management of withdrawal, and any institution for mental
27 diseases in accordance with subsection 2.

28 2. The department shall deny a licensed substance abuse treatment program's
29 substance use disorder treatment voucher system application and deny
30 reimbursement by the substance use disorder treatment voucher system if the

licensed substance abuse treatment program is an institution for mental diseases and reimbursement is requested for residential beds added on or after July 1, 2020.

3. Services eligible for the voucher program include only those levels of care recognized by the American society of addiction medicine, with particular emphasis given to underserved areas and programs. The department shall ensure that a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers collects and reports process and outcome measures. The department shall develop requirements and provide training and technical assistance to a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers. A licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers shall provide evidence-based services.

SECTION 26. AMENDMENT. Section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

50-06-42. Substance use disorder treatment voucher system.

1. The department shall establish and administer, within the limits of legislative appropriations, a voucher system to address underserved areas and gaps in the state's substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs, excluding regional human service centers, hospital- or medical clinic-based programs for medical management of withdrawal, and any institution for mental diseases in accordance with subsection 2.
2. The department shall deny a licensed substance abuse treatment program's substance use disorder treatment voucher system application and deny reimbursement by the substance use disorder treatment voucher system if the licensed substance abuse treatment program is an institution for mental diseases and reimbursement is requested for residential beds added on or after July 1, 2020.
3. Services eligible for the voucher program include only those levels of care recognized by the American society of addiction medicine, with particular emphasis given to underserved areas and programs. The department shall ensure that a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers collects and reports process and outcome measures. The department shall

1 develop requirements and provide training and technical assistance to a licensed
2 substance abuse treatment program, hospital, and medical clinic program accepting
3 vouchers. A licensed substance abuse treatment program, hospital, and medical clinic
4 program accepting vouchers shall provide evidence-based services.

5 4. The department shall allocate funding appropriated for the substance use disorder
6 treatment voucher as follows:

7 a. No more than forty-five percent of the appropriated amount may be allocated for
8 residential substance use disorder services administered by licensed substance
9 abuse treatment programs with more than sixteen beds.

10 b. The remaining appropriation must be allocated for residential programs with
11 sixteen or fewer beds, nonresidential outpatient, and ancillary substance use
12 disorder services administered by licensed substance abuse treatment programs.

13 **SECTION 27.** A new section to chapter 50-06 of the North Dakota Century Code is created
14 and enacted as follows:

15 **Behavioral health bed management system.**

16 The department shall establish and maintain a behavioral health bed management system
17 to improve utilization of behavioral health bed capacity. Public and private providers of
18 residential or inpatient behavioral health services shall participate in and report daily to the
19 department the information and documentation necessary to maintain the behavioral health bed
20 management system in the form and manner prescribed by the department.

21 **SECTION 28. AMENDMENT.** Section 50-11.1-14 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **50-11.1-14. Workforce development.**

24 1. The department may establish a statewide system to build systematic early childhood
25 workforce voluntary training which may include distance learning formats, a
26 professional registry, certificates, and specializations.

27 2. The department may charge reasonable fees for all training and development courses
28 to offset costs. All fees collected under this section must be paid to the department or
29 the department's authorized agent and must be used to defray the cost of providing
30 training and development courses to providers and staff members of early childhood
31 services.

1 **SECTION 29.** A new paragraph to subdivision I of subsection 1 of section 50-11.1-22 of the
2 North Dakota Century Code, as created by section 8 of House Bill No. 1416, as approved by
3 the sixty-seventh legislative assembly, is created and enacted as follows:

4 A special education director;

5 **SECTION 30. AMENDMENT.** Section 50-24.1-02.7 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-24.1-02.7. Workers with disabilities coverage.**

8 The department shall establish and implement a buyin program to provide medical
9 assistance to an individual who, except for substantial gainful activity, meets the definition of
10 disabled under the supplemental security income program under title XVI of the federal Social
11 Security Act, who is at least sixteen but less than sixty-five years of age, and who is gainfully
12 employed. The program ~~must~~:

- 13 1. ~~Be~~Must be made available to an individual with a disability who is a member of a
14 household with a net income less than two hundred twenty-five percent of the most
15 recently revised official poverty line published by the federal office of management and
16 budget applicable to the household size;
- 17 2. ~~Allow~~Must allow up to an additional ten thousand dollars in assets;
- 18 3. ~~Require~~Must require the payment of a premium that is based upon a sliding scale
19 which may not be less than two and one-half percent nor more than seven and
20 one-half percent of the individual's gross countable income;
- 21 4. ~~Include~~Must include a one-time program enrollment fee of one hundred dollars; ~~and~~
22 5. ~~Provide~~Must provide that the failure of an enrolled individual to pay premiums for three
23 months may result in the termination of enrollment in the program; and
24 6. May not require the payment of a premium or enrollment fee or disenroll an individual
25 for failure to pay a premium or enrollment fee for workers with disabilities coverage
26 during a federally declared emergency if collection of the premium or enrollment fee
27 may impact the receipt of federal funds.

28 **SECTION 31. AMENDMENT.** Section 50-24.1-31 of the North Dakota Century Code is
29 amended and reenacted as follows:

50-24.1-31. Optional medical assistance for families of children with disabilities.

1. The department shall establish and implement a buyin program under the federal Family Opportunity Act enacted as part of the Deficit Reduction Act of 2005 [Pub. L. 109-171; 120 Stat. 4; 42 U.S.C. 1396] to provide medical assistance and other health coverage options to families of children with disabilities and whose net income does not exceed two hundred fifty percent of the federal poverty line published by the federal office of management and budget applicable to the household size.

2. The department may not require the payment of a premium or disenroll an individual for failure to pay a premium for families of children with disabilities coverage during a federally declared emergency if collection of the premium may impact the receipt of federal funds.

SECTION 32. AMENDMENT. Section 50-24.1-37 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-37. Medicaid expansion - Legislative management report. (~~Effective through July 31, 2021~~2023--Contingent repeal - [See note](#))

1. The department of human services shall expand medical assistance coverage as authorized by the federal Patient Protection and Affordable Care Act [Pub. L. 111-148], as amended by the Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152] to individuals under sixty-five years of age with income below one hundred thirty-eight percent of the federal poverty line published by the federal office of management and budget applicable to the household size.
2. The department shall inform new enrollees in the medical assistance expansion program that benefits may be reduced or eliminated if federal participation decreases or is eliminated.
3. Except for pharmacy services, the department shall implement the expansion by bidding through private carriers or utilizing the health insurance exchange.
4. The contract between the department and the private carrier must provide the department with full access to provider reimbursement rates. The department shall consider provider reimbursement rate information in selecting a private carrier under this section. Before August first of each even-numbered year, the department shall submit a report to the legislative management regarding provider reimbursement rates

1 under the medical assistance expansion program. This report may provide cumulative
2 data and trend data but may not disclose identifiable provider reimbursement rates.

3 5. Provider reimbursement rate information received by the department under this
4 section is confidential, except the department may use the reimbursement rate
5 information to prepare the report to the legislative management as required under this
6 section.

7 **SECTION 33. AMENDMENT.** Section 50-24.1-37 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **50-24.1-37. Medicaid expansion - Legislative management report. (Contingent repeal -**
10 **[See note](#))**

11 1. The department of human services shall expand medical assistance coverage as
12 authorized by the federal Patient Protection and Affordable Care Act [Pub. L. 111-148],
13 as amended by the Health Care and Education Reconciliation Act of 2010
14 [Pub. L. 111-152] to individuals under sixty-five years of age with income below one
15 hundred thirty-eight percent of the federal poverty line published by the federal office
16 of management and budget applicable to the household size.

17 2. The department shall inform new enrollees in the medical assistance expansion
18 program that benefits may be reduced or eliminated if federal participation decreases
19 or is eliminated.

20 3. Except for pharmacy services and coverages for individuals ages nineteen and twenty,
21 the department shall implement the expansion by bidding through private carriers or
22 utilizing the health insurance exchange.

23 4. The contract between the department and the private carrier must provide the
24 department with full access to provider reimbursement rates. The department shall
25 consider provider reimbursement rate information in selecting a private carrier under
26 this section. Before August first of each even-numbered year, the department shall
27 submit a report to the legislative management regarding provider reimbursement rates
28 under the medical assistance expansion program. ~~This report may provide cumulative
29 data and trend data but may not disclose identifiable provider reimbursement rates.~~

30 5. [Provider reimbursement rate information received by the department under this](#)
31 [section is confidential, except the department may use the reimbursement rate](#)

1 information to prepare the report to the legislative management as required under this
2 section an open record.

3 **SECTION 34.** A new section to chapter 50-24.1 of the North Dakota Century Code is
4 created and enacted as follows:

5 **Interpreter services.**

6 Medical assistance coverage, including Medicaid expansion, must include payment for sign
7 and oral language interpreter services for assistance in providing covered health care services
8 to a recipient of medical assistance who has limited English proficiency or who has hearing loss
9 and uses interpreting services. The department shall adopt rules to implement this section.

10 **SECTION 35. REPEAL.** Section 50-24.1-18.1 of the North Dakota Century Code is
11 repealed.

12 **SECTION 36. CONVEYANCE OF LAND AUTHORIZED - LIFE SKILLS AND TRANSITION**
13 **CENTER.** The state of North Dakota, by and through the department of human services, may
14 convey real property associated with the life skills and transition center in Grafton to the Grafton
15 parks and recreation department. The department of human services may convey a portion of
16 two parcels of land commonly referred to as "the bowl" on the terms and conditions determined
17 appropriate by the department and the attorney general. Sections 54-01-05.2 and 54-01-05.5
18 do not apply to this conveyance.

19 **SECTION 37. CONVEYANCE OF LAND AUTHORIZED - LIFE SKILLS AND TRANSITION**
20 **CENTER.** The state of North Dakota, by and through the department of human services, may
21 convey real property associated with the life skills and transition center in Grafton to the Grafton
22 fire department. The department of human services may convey a parcel of land, 7.45 acres,
23 more or less, located in part of lot 1, block 1, state school first addition to the city of Grafton,
24 which is located within the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of section 13, township 157 north,
25 range 53 west, on the terms and conditions determined appropriate by the department and
26 attorney general. Sections 54-01-05.2 and 54-01-05.5 do not apply to this conveyance.

27 **SECTION 38. LEASE OF LAND - STATE HOSPITAL.** The department of human services
28 and national guard may enter an agreement to lease up to twenty acres of real property
29 associated with the state hospital for the national guard to construct a new training and storage
30 facility.

1 **SECTION 39. PROVIDER PROCESS AND OUTCOME MEASURES.** Providers that
2 receive funding from the department of human services shall submit process and outcome
3 measures, as required by the department, to the department of human services for programs
4 and services supported by state funding during the biennium beginning July 1, 2021, and
5 ending June 30, 2023.

6 ~~**SECTION 29. IN-HOME SUPPORT SERVICES -- DEVELOPMENTAL DISABILITIES**~~

7 ~~**WAIVER.** The department of human services shall add in-home support services to the~~
8 ~~appendix K application submitted by the department to the centers for Medicare and Medicaid~~
9 ~~services for the developmental disability services waiver for the COVID-19 emergency. Funding~~
10 ~~for in-home support services under the appendix K application may not exceed \$250,000 during~~
11 ~~the COVID-19 emergency.~~

12 **SECTION 40. QUALIFIED RESIDENTIAL TREATMENT PROVIDERS.** The department of
13 human services shall adopt rules, on or before October 1, 2021, establishing a new ratesetting
14 process and requirements for foster care maintenance rates for qualified residential treatment
15 providers based on the appropriation approved by the sixty-seventh legislative assembly.

16 **SECTION 41. COMMUNITY BEHAVIORAL HEALTH PROGRAM.** Pursuant to section 48
17 of this Act, the director of the office of management and budget may transfer appropriation
18 authority between line items within subdivisions 1, 2, and 3 of section 1 of this Act for the
19 biennium beginning July 1, 2021, and ending June 30, 2023, as requested by the department of
20 human services. The department may transfer funds for the continuation of the community
21 behavioral health program pursuant to subsection 2 of section 54-23.3-10.

22 **SECTION 42. EXEMPTION.** The amount appropriated for the Medicaid management
23 information system technology stack upgrade in chapter 37 of the 2019 Session Laws is not
24 subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation
25 are available for the completion of the Medicaid management information system technology
26 stack upgrade during the biennium beginning July 1, 2021, and ending June 30, 2023.

27 **SECTION 43. EXEMPTION.** The amount appropriated for the modification of the
28 department of human services' eligibility systems in chapter 578 of the 2011 Special Session
29 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from
30 this appropriation approved under section 54-44.1-11 for continuation into the 2013-15
31 biennium, then the 2015-17 biennium, then the 2017-19 biennium, and then the 2019-21

1 biennium are available for the completion of the modification of the eligibility systems project
2 during the biennium beginning July 1, 2021, and ending June 30, 2023.

3 **SECTION 44. EXEMPTION.** The amount appropriated for the development of the child care
4 licensing and data system in chapter 11 of the 2017 Session Laws is not subject to the
5 provisions of section 54-44.1-11. Any unexpended funds from this appropriation approved under
6 section 54-44.1-11 for continuation into the 2019-21 biennium are available for the completion of
7 the child care licensing and data system during the biennium beginning July 1, 2021, and
8 ending June 30, 2023.

9 **SECTION 45. EXEMPTION.** The amount appropriated for the development of the health
10 information network in chapter 11 of the 2017 Session Laws is not subject to the provisions of
11 section 54-44.1-11. Any unexpended funds from this appropriation approved under section
12 54-44.1-11 for continuation into the 2019-21 biennium are available for the completion of the
13 health information network during the biennium beginning July 1, 2021, and ending June 30,
14 2023.

15 **SECTION 46. EXEMPTION.** The sum of \$200,000 from the general fund appropriated for
16 the department's operating expenses for the school behavioral health program in chapter 37 of
17 the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended
18 funds from this appropriation are available for the completion of the school behavioral health
19 pilot projects during the biennium beginning July 1, 2021, and ending June 30, 2023.

20 **SECTION 47. EXEMPTION.** The sum of \$150,000 from the general fund appropriated for
21 the department's operating expenses for behavioral health recovery home grants in chapter 37
22 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any
23 unexpended funds from this appropriation may be used for behavioral health recovery home
24 grants during the biennium beginning July 1, 2021, and ending June 30, 2023.

25 ~~—SECTION 47. LEGISLATIVE INTENT -- DEVELOPMENTAL DISABILITY RATES. The~~
26 ~~appropriation in section 1 of this Act includes adjustments to reimbursement rates for~~
27 ~~developmental disability service providers. It is the intent of the sixty-seventh legislative~~
28 ~~assembly that the department of human services seek a deficiency appropriation from the~~
29 ~~sixty-eighth legislative assembly if funding provided for developmental disability provider~~
30 ~~payments is not sufficient to pay actual expenses.~~

~~— SECTION 48. STATE HOSPITAL TREATMENT CAMPUS -- REPORT TO LEGISLATIVE~~

~~MANAGEMENT. During the 2021-22 interim, the department of human services, with the assistance of the state hospital's governing body, stakeholders, members of the legislative assembly, and consultants, shall conduct a study and prepare a report. The report must provide a cost-benefit analysis and available options and address the feasibility and desirability of closing the state hospital, renovating the state hospital, or building a new treatment campus to meet the health care needs of the state. Before October 1, 2022, the department of human services shall provide a report to the legislative management regarding the results of the study. Subdivision 3 of section 1 of this Act includes the sum of \$300,000 for the purpose of contracting with a consultant to assist in the report and recommendation.~~

~~— SECTION 49. BEHAVIORAL HEALTH SERVICES -- REPORT TO LEGISLATIVE~~

~~MANAGEMENT. During the 2021-22 interim, the department of human services shall study the feasibility and desirability of implementing behavioral health services for the medical assistance expansion program through an administrative services organization. Subdivision 2 of section 1 of this Act includes the sum of \$300,000 for the purpose of contracting with a consultant to assist in the study and to develop a plan to implement behavioral health services for the medical assistance expansion program through an administrative services organization. The department of human services shall provide reports to the legislative management regarding the status and results of the study.~~

SECTION 48. EXEMPTION. The sum of \$750,000 from the general fund appropriated to the department of human services for the purpose of providing suicide prevention grants in chapter 37 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the suicide prevention grants during the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 49. EXEMPTION. The sum of \$3,000,000 from the general fund appropriated to the department of human services for the purpose of providing a community behavioral health program to provide comprehensive community-based services for individuals who have serious behavioral health conditions in chapter 37 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the community behavioral health program during the biennium beginning July 1, 2021, and ending June 30, 2023.

1 **SECTION 50. EXEMPTION.** The sum of \$335,000 from the general fund appropriated to
2 the department of human services for the purpose of providing a grant to an entity to develop a
3 hyperbaric oxygen therapy pilot program in chapter 37 of the 2019 Session Laws is not subject
4 to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are
5 available for the completion of the grant to an entity to develop a hyperbaric oxygen therapy
6 pilot program during the biennium beginning July 1, 2021, and ending June 30, 2023.

7 **SECTION 51. EXEMPTION.** The sum of \$572,000 from the strategic investment and
8 improvements fund appropriated to the department of human services for the purpose of a roof
9 replacement project at the state hospital in chapter 37 of the 2019 Session Laws is not subject
10 to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are
11 available for the completion of the roof replacement project at the state hospital during the
12 biennium beginning July 1, 2021, and ending June 30, 2023.

13 **SECTION 52. EXEMPTION.** The amount appropriated for the development of the electronic
14 visit verification project in chapter 11 of the 2017 Session Laws is not subject to the provisions
15 of section 54-44.1-11. Any unexpended funds from this appropriation approved under section
16 54-44.1-11 for continuation into the 2019-21 biennium are available for the completion of the
17 electronic visit verification project during the biennium beginning July 1, 2021, and ending
18 June 30, 2023.

19 **SECTION 53. LEGISLATIVE INTENT - UTILIZATION RATE ADJUSTMENT.** It is the intent
20 of the sixty-seventh legislative assembly that the department of human services seek a
21 deficiency appropriation from the sixty-eighth legislative assembly for any expenditures that
22 exceed appropriated amounts as a result of utilization rates, nursing home costs associated
23 with the establishment of the new rate structure as provided in House Bill No. 1090, or
24 developmental disability provider reimbursement rate adjustments, during the biennium
25 beginning July 1, 2021, and ending June 30, 2023, if funding is not sufficient to pay actual
26 expenses.

27 **SECTION 54. DEVELOPMENTAL DISABILITY PROVIDER RATES.** By July 1, 2021, the
28 department of human services, in consultation with the developmental disabilities payment
29 steering committee, shall identify \$6,950,000 in reductions to be made to payment rates for
30 intermediate care facilities and residential services for individuals with developmental
31 disabilities, for the biennium beginning July 1, 2021, and ending June 30, 2023.

1 **SECTION 55. LEGISLATIVE INTENT - STATE FISCAL RECOVERY FUND OR OTHER**
2 **FUNDS - TRANSITION OF INDIVIDUALS FROM LIFE SKILLS AND TRANSITION CENTER.**

3 It is the intent of the sixty-seventh legislative assembly that the department of human services
4 seek an appropriation during any special session of the sixty-seventh legislative assembly from
5 the state fiscal recovery fund received through H.R. 1319 of the 117th Congress, also known as
6 the federal American Rescue Plan Act, or from any eligible federal or other funds made
7 available to the department, for the purpose of transitioning individuals from the life skills and
8 transition center to community-based providers.

9 **SECTION 56. LEGISLATIVE INTENT - SUPPORTED EMPLOYMENT FUNDING.** It is the
10 intent of the sixty-seventh legislative assembly that funding appropriated from the general fund
11 for supported employment in section 1 of this Act be used to continue contracts with existing
12 evidence-based supported employment providers during the biennium beginning July 1, 2021,
13 and ending June 30, 2023, and that any funding available through the federal Medicaid 1915(i)
14 state plan amendment be utilized before funding appropriated from the general fund.

15 **SECTION 57. LEGISLATIVE INTENT - CONSULTANTS.** It is the intent of the sixty-seventh
16 legislative assembly that the department of human services and state department of health
17 utilize federal funds available to the departments to obtain consulting services to facilitate the
18 merger of the department of human services and state department of health as provided for in
19 House Bill No. 1247 as approved by the sixty-seventh legislative assembly for the biennium
20 beginning July 1, 2021, and ending June 30, 2023.

21 **SECTION 58. LEGISLATIVE INTENT - PROVIDER RATE INCREASE.** Section 1 of this Act
22 includes funding for human service provider inflation increases of two percent the first year and
23 one-quarter of one percent the second year of the biennium beginning July 1, 2021, and ending
24 June 30, 2023. It is the intent of the sixty-seventh legislative assembly that future special
25 sessions of the sixty-seventh legislative assembly consider an additional second year
26 inflationary increase during the 2021-23 biennium based on any extensions of the enhanced
27 federal Medicaid assistance percentage and a review of budget needs of all areas of the
28 department of human services.

29 **SECTION 59. REPORT TO LEGISLATIVE MANAGEMENT - EARLY AND PERIODIC**
30 **SCREENING, DIAGNOSTIC, AND TREATMENT PROGRAM.** During the 2021-22 interim, the
31 department of human services shall conduct a study of the early and periodic screening,

1 diagnostic, and treatment program and prepare a report. The department of human services
2 may contract with a consultant to assist in the study and the preparation of the report. The
3 report shall include data on the number, ages, and geographic locations of children receiving
4 screening, diagnostic, and treatment services; the capacity of the program to ensure all children
5 who require screening, diagnostic, and treatment services are identified and receive services;
6 data on the disposition of referrals of children who are screened and eligible for diagnostic and
7 treatment services, including how many receive services and how many do not receive those
8 services by county; an assessment of the program's efforts to provide comprehensive screening
9 and treatment for children as required by federal law; an assessment of the deficits of the
10 program's efforts to provide comprehensive screening and treatment as required by federal law;
11 recommendations to ensure or expand services so that all eligible children are adequately
12 served by the program; and additional data needed to assess the program accountability and
13 efficiency. Before October 1, 2022, the department of human services shall provide the report to
14 the legislative management.

15 **SECTION 60. REPORT TO LEGISLATIVE MANAGEMENT - REVISED PAYMENT**

16 **METHODOLOGY FOR BASIC CARE FACILITIES.** The department of human services, in
17 collaboration with basic care providers and other representatives of the basic care industry,
18 shall develop a report for payment methodology revisions for basic care facilities that must
19 include recommendations for:

- 20 1. Methods of reimbursement for basic care facility cost categories, including direct care,
21 indirect care, room and board, and property; and
- 22 2. The feasibility of standardizing payments for basic care facilities in the same peer
23 group.

24 Before October 1, 2022, the department shall present the report to the legislative management
25 regarding the revised payment methodology. The estimated costs related to the implementation
26 of the payment methodology revisions must be included in the department's 2023-25 biennium
27 budget request submitted to the sixty-eighth legislative assembly.

28 **SECTION 61. LEGISLATIVE MANAGEMENT REPORT - FOUR-YEAR OLD PROGRAM -**
29 **EARLY CHILDHOOD GRANTS.** During the 2021-22 interim, the department of human services
30 shall provide reports to the legislative management regarding the status of four-year old

1 program approvals, the North Dakota early childhood council, and the early childhood grant for
2 best in class four-year old experiences.

3 **SECTION 62. SUBSTANCE USE DISORDER TREATMENT VOUCHERS - REPORT TO**
4 **BUDGET SECTION.** During the 2021-22 interim, the department of human services behavioral
5 health division shall submit quarterly reports to the budget section on the status of the
6 substance use disorder treatment voucher system program, including data on the utilization of
7 the program, data on program expenditures, and an estimate of the number of months of
8 funding remaining in the program.

9 **SECTION 63. TRANSFER OF EMPLOYEES.** The department of human services may use
10 the identified twenty-seven full-time equivalent child care licensing positions of the human
11 service zone transferred to the department pursuant to chapter 391 of the 2019 Session Laws
12 for child care licensing, quality control, and early childhood administration.

13 **SECTION 64. RETROACTIVE APPLICATION.** Section 25 of this Act applies retroactively to
14 July 1, 2020.

15 **SECTION 65. EFFECTIVE DATE.** ~~Section 17~~Sections 22 and 33 of this Act
16 ~~becomes~~become effective January 1, 2022.

17 **SECTION 66. EXPIRATION DATE.** Section ~~14~~24 of this Act is effective through July 1,
18 2027, and after that date is ineffective.

19 **SECTION 67. EMERGENCY.** ~~Section~~The sum of \$2,457,638 from the federal coronavirus
20 relief fund included in subdivision 2 of section 1 for senior nutrition services, sections 3, 5, 30,
21 31, and 54 of this Act~~is,~~ and section 22 of Senate Bill No. 2086, as approved by the
22 sixty-seventh legislative assembly, are declared to be an emergency measure.