

**FIRST ENGROSSMENT  
with Conference Committee Amendments  
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 sections to chapter  
5 50-06, and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to  
6 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

Sixty-seventh  
Legislative Assembly

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	(\$882,643)	\$19,339,857
9 Operating expenses	134,438,862	83,747,426	218,186,288
10 Capital assets	<u>50,000</u>	<u>25,000</u>	<u>75,000</u>
11 Total all funds	\$154,711,362	\$82,889,783	\$237,601,145
12 Less estimated income	<u>90,021,088</u>	<u>49,909,553</u>	<u>139,930,641</u>
13 Total general fund	\$64,690,274	\$32,980,230	\$97,670,504

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	\$53,731,256	\$122,726,129
19 Operating expenses	150,961,583	20,314,902	171,276,485
20 Capital assets	10,000	0	10,000
21 Grants	452,041,904	15,404,936	467,446,840
22 Grants - medical assistance	<u>2,742,157,720</u>	<u>295,998,870</u>	<u>3,038,156,590</u>
23 Total all funds	\$3,414,166,080	\$385,449,964	\$3,799,616,044
24 Less estimated income	<u>2,232,568,138</u>	<u>272,982,735</u>	<u>2,505,550,873</u>
25 Total general fund	\$1,181,597,942	\$112,467,229	\$1,294,065,171

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	(\$34,917,117)	\$169,784,026
31 Institutions	<u>137,476,480</u>	<u>(6,942,407)</u>	<u>130,534,073</u>

Sixty-seventh  
Legislative Assembly

1	Total all funds	\$342,177,623	(\$41,859,524)	\$300,318,099
2	Less estimated income	<u>127,314,955</u>	<u>(13,041,660)</u>	<u>114,273,295</u>
3	Total general fund	\$214,862,668	(\$28,817,864)	\$186,044,804
4	Subdivision 4.			

COUNTY SOCIAL SERVICE FINANCING

6			Adjustments or	
7		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
8	County social services	<u>\$173,700,000</u>	<u>\$16,217,386</u>	<u>\$189,917,386</u>
9	Total all funds	\$173,700,000	\$16,217,386	\$189,917,386
10	Less estimated income	<u>173,700,000</u>	<u>14,976,995</u>	<u>188,676,995</u>
11	Total general fund	\$0	\$1,240,391	\$1,240,391

Subdivision 5.

TOTAL - SECTION 1

14			Adjustments or	
15		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
16	Grand total general fund	\$1,461,150,884	\$117,869,986	\$1,579,020,870
17	Grant total special funds	<u>2,623,604,181</u>	<u>324,827,623</u>	<u>2,948,431,804</u>
18	Grant total all funds	\$4,084,755,065	\$442,697,609	\$4,527,452,674
19	Full-time equivalent positions	2,230.23	19.10	2,249.33

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

24	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
25	Technology projects	\$13,785,658	\$67,641,747
26	Capital projects - life skills and transition center	4,277,165	0
27	Capital projects - state hospital	2,493,500	0
28	Capital projects - southeast human service center	0	724,000
29	Developmental disabilities provider stabilization grants	0	125,000
30	Medically complex children provider funding	977,603	0
31	Hyperbaric oxygen therapy grant	335,000	0

1	State hospital study	200,000	0
2	Nursing facility payment methodology	<u>0</u>	<u>7,200,000</u>
3	Total all funds	\$22,068,926	\$75,690,747
4	Less estimated income	<u>20,556,323</u>	<u>51,457,531</u>
5	Total general fund	\$1,512,603	\$24,233,216

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

10 **SECTION 3. APPROPRIATION - 2019-21 BIENNIUM - DEPARTMENT OF HUMAN**

11 **SERVICES - FIRE PROTECTION AGREEMENTS - EXEMPTION.** There is appropriated out of  
12 any moneys in the department of human services operating fund in the state treasury, not  
13 otherwise appropriated, the sum of \$333,333, or so much of the sum as may be necessary, to  
14 the department of human services for the purpose of providing a grant to a city located in a  
15 county of fewer than 25,000 individuals and provides prevention and extinguishment of fires at  
16 the North Dakota state hospital, for the period beginning with the effective date of this Act and  
17 ending June 30, 2021. The funding appropriated in this section is a one-time funding item. The  
18 requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant  
19 award, or payments made under this section. The department of human services may not enter  
20 any future agreement with a political subdivision for fire protection services.

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

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

30 1. During the 2021-22 interim, the legislative management shall study the acute  
31 psychiatric hospitalization and related step down residential treatment and support

1 needs of individuals with mental illness. The legislative management shall create an  
2 acute psychiatric treatment committee consisting of eight members to conduct the  
3 study. The legislative management chairman shall designate the committee chairman  
4 and vice chairman and the legislative council shall provide staff services for the  
5 committee. The committee must complete the study by October 1, 2022.

- 6 2. As part of the study, the committee shall gather input from stakeholders and other  
7 groups, including private hospitals, the department of human services, and mental  
8 health advocates.
- 9 3. The study must review options for a long-term plan for acute psychiatric hospitalization  
10 and related step down residential treatment and support needs in the state and short-  
11 term options during the next two bienniums to contract with private provider acute  
12 psychiatric care facilities to provide treatment services in four or more cities in the  
13 state, workforce needs of such specific locations, and options to replace the existing  
14 state hospital facility with one or more treatment facilities focused on forensic  
15 psychiatric evaluation and treatment.
- 16 4. The committee, with the approval of the legislative management, may obtain  
17 consulting services to determine the total number of acute care beds needed in the  
18 state and to develop recommendations for private provider contracts, treatment  
19 requirements and outcome measures, locations in the state, including private and  
20 public facilities, the future use of facilities at the state hospital campus including the  
21 LaHaug building, and other items identified in subsection 3. The consulting services  
22 may also develop conceptual drawings for recommendations for a new state hospital.
- 23 5. The department of human services shall provide to the consultants and the committee  
24 a complete description of other outpatient and inpatient private and public behavioral  
25 health services, including substance use disorder facilities, existing in the state to  
26 prevent acute behavioral health hospitalization and to support patients following  
27 discharge from psychiatric hospitalization and related residential care.
- 28 6. The department of human services shall seek Medicaid plan amendments or Medicaid  
29 waivers to allow federal funding reimbursement for services provided in institutions for  
30 mental diseases to Medicaid beneficiaries between the ages of twenty-one and  
31 sixty-four.

1       7. The legislative management shall report its findings and recommendations, together  
2       with any legislation required to implement the recommendations, to the sixty-eighth  
3       legislative assembly.

4       8. There is appropriated out of any moneys in the general fund in the state treasury, not  
5       otherwise appropriated, the sum of \$500,000, or so much of the sum as may be  
6       necessary, to the legislative council for consulting services for the study identified in  
7       this section, for the period beginning with the effective date of this section, and ending  
8       June 30, 2023. The funding appropriated in the section is considered a one-time  
9       funding item.

10       **SECTION 6. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - CAPITOL**  
11 **BUILDING FUND.** There is appropriated out of any moneys in the capitol building fund in the  
12 state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the sum as may  
13 be necessary, to the office of management and budget for the purpose of utilizing a consultant  
14 to determine the compliance of the capitol building with 2010 Americans with Disabilities Act  
15 standards, for the biennium beginning July 1, 2021, and ending June 30, 2023. The funding  
16 appropriated in this section is considered a one-time funding item.

17       **SECTION 7. SPENDING RESTRICTION - 2021-23 BIENNIUM - FEDERAL MEDICAL**  
18 **ASSISTANCE PERCENTAGE.** The department of human services may not spend any general  
19 fund savings resulting from federal enhancements or adjustments that cause the federal  
20 medical assistance percentage to exceed the rates used by the sixty-seventh legislative  
21 assembly for budgeting purposes for the biennium beginning July 1, 2021, and ending June 30,  
22 2023.

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

1           **SECTION 9. FUNDING TRANSFERS - EXEMPTION - AUTHORIZATION - REPORT.**

2   Notwithstanding section 54-16-04, the director of the office of management and budget shall  
3   transfer appropriation authority from line items within subdivisions 1, 2, and 3 of section 1 of this  
4   Act to subdivision 4 of section 1 of this Act for the biennium beginning July 1, 2021, and ending  
5   June 30, 2023, as requested by the department of human services. The department of human  
6   services shall notify the legislative council of any transfer made pursuant to this section. The  
7   department shall report to the budget section after June 30, 2022, any transfer made in excess  
8   of \$50,000 and to the appropriations committees of the sixty-eighth legislative assembly  
9   regarding any transfers made pursuant to this section.

10           **SECTION 10. FULL-TIME EQUIVALENT POSITION - AGING SERVICES - LEGISLATIVE**

11   **INTENT.** Section 1 of this Act includes one full-time equivalent position for the administration of  
12   services resulting from a federal department of justice lawsuit settlement. This position is  
13   authorized only for the biennium beginning July 1, 2021, and ending June 30, 2023, and may  
14   not be included in the department's base budget for the biennium beginning July 1, 2023, and  
15   ending June 30, 2025. It is the intent of the sixty-seventh legislative assembly that future  
16   legislative assemblies retain and exercise unfettered discretion to appropriate funds as they  
17   deem appropriate without regard to the federal department of justice lawsuit settlement.

18           **SECTION 11. TRANSFER OF APPROPRIATION AUTHORITY.** Section 1 of this Act  
19   includes appropriation authority for the department of human services for the biennium  
20   beginning July 1, 2021, and ending June 30, 2023. On September 1, 2022, in accordance with  
21   provisions of House Bill No. 1247, as approved by the sixty-seventh legislative assembly, the  
22   office of management and budget shall transfer remaining appropriation authority contained in  
23   section 1 of this Act, and any remaining appropriation authority for the department of human  
24   services in other bills approved by the sixty-seventh legislative assembly, to the department of  
25   health and human services. The appropriation authority in section 1 of this Act and appropriation  
26   authority for the department of human services from any other bill that is transferred to the  
27   department of health and human services must be maintained and reported separately from  
28   other appropriation authority transferred to the department of health and human services.

29           **SECTION 12. ESTIMATED INCOME - FEDERAL CORONAVIRUS RELIEF FUND.** The  
30   estimated income line item in subdivision 2 of section 1 of this Act includes the sum of  
31   \$2,457,638 from the federal coronavirus relief fund for senior nutrition services and the sum of

1 \$1,750,000 from the federal coronavirus relief fund for the community behavioral health  
2 program.

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

7 **SECTION 14. ESTIMATED INCOME - COMMUNITY HEALTH TRUST FUND.** The  
8 estimated income line item in subdivision 2 of section 1 of this Act includes the sum of  
9 \$31,500,000 from the community health trust fund for defraying expenses in the medical  
10 services division.

11 **SECTION 15. ESTIMATED INCOME - HEALTH CARE TRUST FUND.** The estimated  
12 income line item in subdivision 2 of section 1 of this Act includes the sum of \$1,000,000 from  
13 the health care trust fund and \$1,150,538 from federal funds for nursing facility operating  
14 margin adjustments.

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

18 **SECTION 17. CAPITAL PROJECTS - EMERGENCY COMMISSION APPROVAL.** During  
19 the biennium beginning July 1, 2021, and ending June 30, 2023, the department of human  
20 services is authorized to proceed with the demolition of the chapel, administrative building, and  
21 employee building and associated tunnels at the state hospital. Pursuant to section 8 of this Act,  
22 the director of the office of management and budget may transfer appropriation authority  
23 between line items within subdivisions 1, 2, and 3 of section 1 of this Act. The department may  
24 transfer funds for the demolition of the identified buildings and associated tunnels and for  
25 emergency capital projects. Notwithstanding section 54-27-12, the department of human  
26 services may spend up to \$5,000,000 for emergency projects under this section and may seek  
27 emergency commission approval to spend more than \$5,000,000 under this section.

28 **SECTION 18. PERMANENT SUPPORTIVE HOUSING GRANTS.** Subdivision 2 of  
29 section 1 of this Act includes the sum of \$4,672,536 from the general fund for permanent  
30 supportive housing grants. The department of human services shall develop a funding  
31 methodology to distribute the funding to qualified entities that utilize best practices for



1 permanent supportive housing, provide recovery-oriented and person-centered services, submit  
2 process and outcome measures to the department, and authorize the department to conduct  
3 onsite visits to review program operations.

4 **SECTION 19. EMERGENCY STABILIZATION GRANTS - DEVELOPMENTAL**  
5 **DISABILITIES WAIVER.**

- 6 1. Subdivision 2 of subsection 1 of this Act includes the sum of \$125,000 from the  
7 general fund for the purpose of providing emergency stabilization grants to  
8 developmental disability in-home support providers to support the sustainability of  
9 newly licensed providers within the developmental disability provider network. To be  
10 eligible to receive an emergency stabilization grant, a licensed developmental  
11 disability in-home support provider must be in operation as of October 1, 2020, with an  
12 initial license date of October 15, 2015, or later, and comply with grant requirements  
13 established by the department of human services. The requirements of chapter  
14 54-44.4 do not apply to the selection of a grantee, the grant award, or payments made  
15 under this section.
- 16 2. The department of human services shall include in-home support providers in future  
17 appendix K applications, to allow eligibility for retainer payments in a manner  
18 equivalent to day support services.

19 **SECTION 20. REFUGEE RESETTLEMENT SERVICES - LEGISLATIVE MANAGEMENT**  
20 **REPORT.** Subdivision 2 of section 1 of this Act includes the sum of \$6,069,408 of federal funds  
21 for the refugee resettlement program. The department of human services shall collaborate with  
22 applicable federal and private placement agencies to develop a plan to resettle refugees in at  
23 least five geographically diverse communities in the state outside of the existing resettlement  
24 communities with a goal of resettling twenty-five percent of new refugees outside of existing  
25 resettlement communities. During the 2021-22 interim, the department of human services shall  
26 provide a report to the legislative management regarding refugee resettlement services.

27 **SECTION 21. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL**  
28 **ASSISTANCE EXPANSION PROGRAM - APPLICATION.**

- 29 1. Subdivision 2 of section 1 of this Act includes the sum of \$703,317,464, of which  
30 \$80,934,488 is from the general fund, for the medical assistance expansion program  
31 for the biennium beginning July 1, 2021, and ending June 30, 2023. The expenditures

- 1 for individuals eligible for the medical assistance expansion program may not exceed  
2 this amount. For purposes of this section:
- 3 a. Expenditures do not include those made for individuals identified as medically  
4 frail and who receive services through the traditional Medicaid program  
5 administered by the department of human services for which there is a separate  
6 appropriation of \$10,184,568 included in subdivision 2 of section 1 of this Act.
- 7 b. Expenditures do not include prescription drugs for the medical assistance  
8 expansion program population which is administered by the department of  
9 human services through its fee-for-service Medicaid program for which there is a  
10 separate appropriation of \$29,460,720 included in subdivision 2 of section 1 of  
11 this Act.
- 12 c. Expenditures do not include coverage for individuals ages nineteen and twenty  
13 for the medical assistance expansion program population which is administered  
14 by the department of human services through its fee-for-service Medicaid  
15 program for which there is a separate appropriation of \$12,705,466 included in  
16 subdivision 2 of section 1 of this Act.
- 17 2. The department of human services may exceed appropriations for increases in  
18 medical assistance expansion program caseload and for the addition of coverage  
19 consistent with the traditional Medicaid 1915i state plan.
- 20 3. The managed care organization under contract with the department to manage the  
21 medical assistance expansion program shall reimburse providers within the same  
22 provider type and specialty at consistent levels and with consistent methodology and  
23 may not provide incentive, quality, or supplemental payments to providers, unless part  
24 of a value-based program approved by the department. The managed care  
25 organization may consider urban and rural providers as different provider types.  
26 Critical access hospitals may not be paid less than one hundred percent of Medicare  
27 allowable costs.
- 28 4. The managed care organization and the department of human services shall ensure  
29 payments to Indian or Tribal 638 health care providers, federally qualified health  
30 centers, and rural health clinics meet the federally required minimum levels of  
31 reimbursement.

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

7           6. The department of human services and the Medicaid expansion managed care  
8           organization shall ensure the appropriate contract amendment is adopted for coverage  
9           through December 31, 2021. The contract amendment shall stay within the  
10          appropriation and the requirements of chapter 54-44.4 do not apply.

11           **SECTION 22. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL**  
12           **ASSISTANCE EXPANSION PROGRAM - APPLICATION.**

13          1. Subdivision 2 of section 1 of this Act includes the sum of \$703,317,464, of which  
14          \$80,934,488 is from the general fund, for the medical assistance expansion program  
15          for the biennium beginning July 1, 2021, and ending June 30, 2023. The expenditures  
16          for individuals eligible for the medical assistance expansion program may not exceed  
17          this amount. For purposes of this section:

18          a. Expenditures do not include those made for individuals identified as medically  
19          frail and who receive services through the traditional Medicaid program  
20          administered by the department of human services for which there is a separate  
21          appropriation of \$10,184,568 included in subdivision 2 of section 1 of this Act.

22          b. Expenditures do not include prescription drugs for the medical assistance  
23          expansion program population which is administered by the department of  
24          human services through its fee-for-service Medicaid program for which there is a  
25          separate appropriation of \$29,460,720 included in subdivision 2 of section 1 of  
26          this Act.

27          c. Expenditures do not include coverage for individuals ages nineteen and twenty  
28          for the medical assistance expansion program population which is administered  
29          by the department of human services through its fee-for-service Medicaid  
30          program for which there is a separate appropriation of \$12,705,466 included in  
31          subdivision 2 of section 1 of this Act.

- 1        2.    The department of human services may exceed appropriations for increases in  
2            medical assistance expansion program caseload and for the addition of coverage  
3            consistent with the traditional Medicaid 1915(i) state plan.
- 4        3.    The managed care organization under contract with the department to manage the  
5            medical assistance expansion program shall reimburse providers within the same  
6            provider type and specialty at consistent levels and with consistent methodology and  
7            may not provide incentive, quality, or supplemental payments to providers, unless part  
8            of a value-based program approved by the department. The managed care  
9            organization shall reimburse all North Dakota substance use providers of American  
10           society of addiction medicine level 2.5 at consistent levels and with consistent  
11           methodology. The managed care organization may consider urban and rural providers  
12           as different provider types. Critical access hospitals may not be paid less than one  
13           hundred percent of Medicare allowable costs.
- 14       4.    The managed care organization and the department of human services shall ensure  
15           payments to Indian or Tribal 638 health care providers, federally qualified health  
16           centers, and rural health clinics meet the federally required minimum levels of  
17           reimbursement.
- 18       5.    The department of human services shall ensure providers within the same provider  
19           type and specialty are reimbursed at consistent levels and with consistent  
20           methodology and shall ensure the capitation rates under risk contracts are actuarially  
21           sound and are adequate to meet managed care organization contractual requirements  
22           regarding availability of services, assurance of adequate capacity and services, and  
23           coordination and continuity of care.

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

26        **Person-first language**

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

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

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

- 2        1. A licensed substance abuse treatment program, excluding regional human service  
3        centers and hospital or medical clinic-based programs for medical management of  
4        withdrawal, may apply for a competitive substance use disorder treatment voucher  
5        system grant. A licensed substance abuse treatment program is eligible for a one-time  
6        grant award. To receive a grant, a licensed substance abuse treatment program shall:  
7        a. Submit an application in the form and manner prescribed by the department;  
8        b. Enter a grant agreement with the department;  
9        c. Use grant funds for a licensed substance abuse treatment program with fewer  
10       than seventeen beds in an underserved area, as determined by the department,  
11       in the state's substance abuse treatment system;  
12       d. Use the grant funds to support the provision of substance use disorder treatment  
13       in underserved areas of the state's substance abuse treatment system;  
14       e. Provide and disclose information needed to comply with the department's data  
15       collection requirements; and  
16       f. Operate in compliance with grant requirements.  
17       2. The department, within legislative appropriations, may distribute up to two grants  
18       under this section to licensed substance abuse treatment programs.  
19       3. The department may recapture grant funds distributed to a licensed program found by  
20       the department to be out of compliance with the requirements established by the grant  
21       program, including ending or reducing the operation of the substance use disorder  
22       treatment services in the underserved area.  
23       4. The department may not collect property, equipment, or supplies purchased with grant  
24       funds from the licensed substance abuse treatment program after successful  
25       completion of the terms of the grant.  
26       5. The grant term must be for five years.

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

29        **50-06-42. Substance use disorder treatment voucher system.**

- 30        1. The department shall establish and administer, within the limits of legislative  
31        appropriations, a voucher system to address underserved areas and gaps in the

1 state's substance abuse treatment system and to assist in the payment of addiction  
2 treatment services provided by licensed substance abuse treatment programs,  
3 excluding regional human service centers, and hospital- or medical clinic-based  
4 programs for medical management of withdrawal, and any institution for mental  
5 diseases in accordance with subsection 2.

6 2. The department shall deny a licensed substance abuse treatment program's  
7 substance use disorder treatment voucher system application and deny  
8 reimbursement by the substance use disorder treatment voucher system if the  
9 licensed substance abuse treatment program is an institution for mental diseases and  
10 reimbursement is requested for residential beds added on or after July 1, 2020.

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

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

22 **50-06-42. Substance use disorder treatment voucher system.**

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

1 reimbursement by the substance use disorder treatment voucher system if the  
2 licensed substance abuse treatment program is an institution for mental diseases and  
3 reimbursement is requested for residential beds added on or after July 1, 2020.

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

- 13 4. The department shall allocate funding appropriated for the substance use disorder  
14 treatment voucher as follows:

- 15 a. No more than forty-five percent of the appropriated amount may be allocated for  
16 residential substance use disorder services administered by licensed substance  
17 abuse treatment programs with more than sixteen beds.  
18 b. The remaining appropriation must be allocated for residential programs with  
19 sixteen or fewer beds, nonresidential outpatient, and ancillary substance use  
20 disorder services administered by licensed substance abuse treatment programs.

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

23 **Behavioral health bed management system.**

24 The department shall establish and maintain a behavioral health bed management system  
25 to improve utilization of behavioral health bed capacity. Public and private providers of  
26 residential or inpatient behavioral health services shall participate in and report daily to the  
27 department the information and documentation necessary to maintain the behavioral health bed  
28 management system in the form and manner prescribed by the department.

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

1       **50-11.1-14. Workforce development.**

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

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

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

13                       A special education director;

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

16       **50-24.1-02.7. Workers with disabilities coverage.**

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

22       1. ~~Be~~Must be made available to an individual with a disability who is a member of a  
23       household with a net income less than two hundred twenty-five percent of the most  
24       recently revised official poverty line published by the federal office of management and  
25       budget applicable to the household size;

26       2. ~~Allow~~Must allow up to an additional ten thousand dollars in assets;

27       3. ~~Require~~Must require the payment of a premium that is based upon a sliding scale  
28       which may not be less than two and one-half percent nor more than seven and  
29       one-half percent of the individual's gross countable income;

30       4. ~~Include~~Must include a one-time program enrollment fee of one hundred dollars; ~~and~~



- 1       5. ~~Provide~~Must provide that the failure of an enrolled individual to pay premiums for three  
2       months may result in the termination of enrollment in the program; and  
3       6. May not require the payment of a premium or enrollment fee or disenroll an individual  
4       for failure to pay a premium or enrollment fee for workers with disabilities coverage  
5       during a federally declared emergency if collection of the premium or enrollment fee  
6       may impact the receipt of federal funds.

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

9       **50-24.1-31. Optional medical assistance for families of children with disabilities.**

- 10      1. The department shall establish and implement a buyin program under the federal  
11      Family Opportunity Act enacted as part of the Deficit Reduction Act of 2005 [Pub. L.  
12      109-171; 120 Stat. 4; 42 U.S.C. 1396] to provide medical assistance and other health  
13      coverage options to families of children with disabilities and whose net income does  
14      not exceed two hundred fifty percent of the federal poverty line published by the  
15      federal office of management and budget applicable to the household size.  
16      2. The department may not require the payment of a premium or disenroll an individual  
17      for failure to pay a premium for families of children with disabilities coverage during a  
18      federally declared emergency if collection of the premium may impact the receipt of  
19      federal funds.

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

22      **50-24.1-37. Medicaid expansion - Legislative management report. (Effective through-**  
23      **July 31, 2021-- Contingent repeal - [See note](#))**

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

- 1        2.    The department shall inform new enrollees in the medical assistance expansion  
2            program that benefits may be reduced or eliminated if federal participation decreases  
3            or is eliminated.
- 4        3.    Except for pharmacy services, the department shall implement the expansion by  
5            bidding through private carriers or utilizing the health insurance exchange.
- 6        4.    The contract between the department and the private carrier must provide the  
7            department with full access to provider reimbursement rates. The department shall  
8            consider provider reimbursement rate information in selecting a private carrier under  
9            this section. Before August first of each even-numbered year, the department shall  
10          submit a report to the legislative management regarding provider reimbursement rates  
11          under the medical assistance expansion program. This report may provide cumulative  
12          data and trend data but may not disclose identifiable provider reimbursement rates.
- 13       5.    Provider reimbursement rate information received by the department under this  
14          section is confidential, except the department may use the reimbursement rate  
15          information to prepare the report to the legislative management as required under this  
16          section.

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

19        **50-24.1-37. Medicaid expansion - Legislative management report. (Contingent repeal -**  
20 **[See note](#))**

- 21        1.    The department of human services shall expand medical assistance coverage as  
22            authorized by the federal Patient Protection and Affordable Care Act [Pub. L. 111-148],  
23            as amended by the Health Care and Education Reconciliation Act of 2010  
24            [Pub. L. 111-152] to individuals under sixty-five years of age with income below one  
25            hundred thirty-eight percent of the federal poverty line published by the federal office  
26            of management and budget applicable to the household size.
- 27        2.    The department shall inform new enrollees in the medical assistance expansion  
28            program that benefits may be reduced or eliminated if federal participation decreases  
29            or is eliminated.

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

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

11      5.    Provider reimbursement rate information received by the department under this  
12      section is confidential, ~~except the department may use the reimbursement rate~~  
13      ~~information to prepare the report to the legislative management as required under this~~  
14      ~~section~~ an open record.

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

17      **Interpreter services.**

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

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

24      **SECTION 36. CONVEYANCE OF LAND AUTHORIZED - LIFE SKILLS AND TRANSITION**

25      **CENTER.** The state of North Dakota, by and through the department of human services, may  
26      convey real property associated with the life skills and transition center in Grafton to the Grafton  
27      parks and recreation department. The department of human services may convey a portion of  
28      two parcels of land commonly referred to as "the bowl" on the terms and conditions determined  
29      appropriate by the department and the attorney general. Sections 54-01-05.2 and 54-01-05.5  
30      do not apply to this conveyance.

1       **SECTION 37. CONVEYANCE OF LAND AUTHORIZED - LIFE SKILLS AND TRANSITION**

2       **CENTER.** The state of North Dakota, by and through the department of human services, may  
3 convey real property associated with the life skills and transition center in Grafton to the Grafton  
4 fire department. The department of human services may convey a parcel of land, 7.45 acres,  
5 more or less, located in part of lot 1, block 1, state school first addition to the city of Grafton,  
6 which is located within the southwest ¼ of the southwest ¼ of section 13, township 157 north,  
7 range 53 west, on the terms and conditions determined appropriate by the department and  
8 attorney general. Sections 54-01-05.2 and 54-01-05.5 do not apply to this conveyance.

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

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

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

22       **SECTION 41. COMMUNITY BEHAVIORAL HEALTH PROGRAM.** Pursuant to section 8 of  
23 this Act, the director of the office of management and budget may transfer appropriation  
24 authority between line items within subdivisions 1, 2, and 3 of section 1 of this Act for the  
25 biennium beginning July 1, 2021, and ending June 30, 2023, as requested by the department of  
26 human services. The department may transfer funds for the continuation of the community  
27 behavioral health program pursuant to subsection 2 of section 54-23.3-10.

28       **SECTION 42. EXEMPTION.** The amount appropriated for the Medicaid management  
29 information system technology stack upgrade in chapter 37 of the 2019 Session Laws is not  
30 subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation

1 are available for the completion of the Medicaid management information system technology  
2 stack upgrade during the biennium beginning July 1, 2021, and ending June 30, 2023.

3 **SECTION 43. EXEMPTION.** The amount appropriated for the modification of the  
4 department of human services' eligibility systems in chapter 578 of the 2011 Special Session  
5 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from  
6 this appropriation approved under section 54-44.1-11 for continuation into the 2013-15  
7 biennium, then the 2015-17 biennium, then the 2017-19 biennium, and then the 2019-21  
8 biennium are available for the completion of the modification of the eligibility systems project  
9 during the biennium beginning July 1, 2021, and ending June 30, 2023.

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

16 **SECTION 45. EXEMPTION.** The amount appropriated for the development of the health  
17 information network in chapter 11 of the 2017 Session Laws is not subject to the provisions of  
18 section 54-44.1-11. Any unexpended funds from this appropriation approved under section  
19 54-44.1-11 for continuation into the 2019-21 biennium are available for the completion of the  
20 health information network during the biennium beginning July 1, 2021, and ending June 30,  
21 2023.

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

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

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

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

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

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

25       **SECTION 52. EXEMPTION.** The amount appropriated for the development of the electronic  
26 visit verification project in chapter 11 of the 2017 Session Laws is not subject to the provisions  
27 of section 54-44.1-11. Any unexpended funds from this appropriation approved under section  
28 54-44.1-11 for continuation into the 2019-21 biennium are available for the completion of the  
29 electronic visit verification project during the biennium beginning July 1, 2021, and ending  
30 June 30, 2023.

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

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

14       **SECTION 55. LEGISLATIVE INTENT - STATE FISCAL RECOVERY FUND OR OTHER**  
15 **FUNDS - TRANSITION OF INDIVIDUALS FROM LIFE SKILLS AND TRANSITION CENTER.**  
16 It is the intent of the sixty-seventh legislative assembly that the department of human services  
17 seek an appropriation during any special session of the sixty-seventh legislative assembly from  
18 the state fiscal recovery fund received through H.R. 1319 of the 117th Congress, also known as  
19 the federal American Rescue Plan Act, or from any eligible federal or other funds made  
20 available to the department, for the purpose of transitioning individuals from the life skills and  
21 transition center to community-based providers.

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

28       **SECTION 57. LEGISLATIVE INTENT - CONSULTANTS.** It is the intent of the sixty-seventh  
29 legislative assembly that the department of human services and state department of health  
30 utilize federal funds available to the departments to obtain consulting services to facilitate the  
31 merger of the department of human services and state department of health as provided for in

1 House Bill No. 1247 as approved by the sixty-seventh legislative assembly for the biennium  
2 beginning July 1, 2021, and ending June 30, 2023.

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

11 **SECTION 59. REPORT TO LEGISLATIVE MANAGEMENT - EARLY AND PERIODIC**  
12 **SCREENING, DIAGNOSTIC, AND TREATMENT PROGRAM.** During the 2021-22 interim, the  
13 department of human services shall conduct a study of the early and periodic screening,  
14 diagnostic, and treatment program and prepare a report. The department of human services  
15 may contract with a consultant to assist in the study and the preparation of the report. The  
16 report shall include data on the number, ages, and geographic locations of children receiving  
17 screening, diagnostic, and treatment services; the capacity of the program to ensure all children  
18 who require screening, diagnostic, and treatment services are identified and receive services;  
19 data on the disposition of referrals of children who are screened and eligible for diagnostic and  
20 treatment services, including how many receive services and how many do not receive those  
21 services by county; an assessment of the program's efforts to provide comprehensive screening  
22 and treatment for children as required by federal law; an assessment of the deficits of the  
23 program's efforts to provide comprehensive screening and treatment as required by federal law;  
24 recommendations to ensure or expand services so that all eligible children are adequately  
25 served by the program; and additional data needed to assess the program accountability and  
26 efficiency. Before October 1, 2022, the department of human services shall provide the report to  
27 the legislative management.

28 **SECTION 60. REPORT TO LEGISLATIVE MANAGEMENT - REVISED PAYMENT**  
29 **METHODOLOGY FOR BASIC CARE FACILITIES.** The department of human services, in  
30 collaboration with basic care providers and other representatives of the basic care industry,



1 shall develop a report for payment methodology revisions for basic care facilities that must  
2 include recommendations for:

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

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

11 **SECTION 61. LEGISLATIVE MANAGEMENT REPORT - FOUR-YEAR OLD PROGRAM -**  
12 **EARLY CHILDHOOD GRANTS.** During the 2021-22 interim, the department of human services  
13 shall provide reports to the legislative management regarding the status of four-year old  
14 program approvals, the North Dakota early childhood council, and the early childhood grant for  
15 best in class four-year old experiences.

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

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

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

28 **SECTION 65. EFFECTIVE DATE.** Sections 22 and 33 of this Act become effective  
29 January 1, 2022.

30 **SECTION 66. EXPIRATION DATE.** Section 24 of this Act is effective through July 1, 2027,  
31 and after that date is ineffective.

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