

HOUSE BILL NO. 1407

Introduced by

Representatives Louser, Brandenburg, Jones, Monson, J. Nelson, Vigesaa

Senator Kannianen

1 A BILL for an Act to amend and reenact section 50-24.1-40 of the North Dakota Century Code,
2 relating to medical assistance tribal health care coordination agreements; to provide for a
3 legislative management report; and to provide a continuing appropriation.

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

5 **SECTION 1. AMENDMENT.** Section 50-24.1-40 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-24.1-40. Medical assistance - Tribal health care coordination agreements -**
8 **Continuing appropriation - Report to legislative management.**

9 1. As used in this section:

10 a. "Care coordination agreement" means an agreement between a health care
11 provider and tribal health care organization which will result in one hundred
12 percent federal funding for eligible medical assistance provided to an American
13 Indian.

14 b. "Tribal health care organization" means Indian health services or a tribal entity
15 providing health care under the federal Indian Self-Determination and Education
16 Assistance Act of 1975 [Pub. L. 93-638; 88 Stat. 2203; 25 U.S.C. 5301 et seq.].

17 2. The department of human services shall facilitate care coordination agreements. Of
18 any federal funding received in excess of the state's regular share of federal medical
19 assistance funding which results from care coordination agreements, the department
20 shall deposit ~~sixty~~ninety percent in the tribal health care coordination fund and ~~forty~~ten
21 percent in the general fund.

22 3. There is created in the state treasury a tribal health care coordination fund.

23 a. Moneys in the fund are appropriated to the department on a continuing basis for
24 distribution to a tribal government in accordance with an agreement between the

1 department and a tribal government. The agreement between the department
2 and a tribal government must require the tribe to:

3 (1) ~~Use use the money distributed under this section for health-related~~
4 ~~purposes related to the ten essential services of public health identified by~~
5 ~~the federal centers for disease control and prevention and the development~~
6 ~~or enhancement of community health representative programs or services.~~

7 ~~Health-related purposes may include population health programs or~~
8 ~~services, marketing or education related to health-related programs or~~
9 ~~services, or developing or enhancing community health representative~~
10 ~~programs or services. Health-related purposes may not include capital~~
11 ~~construction, stipends to individuals for services, or services that are~~
12 ~~covered by Indian health services, Medicaid, or other third-party payers, or~~
13 ~~state-funded programs.~~

14 (2) ~~Submit to the department annual reports detailing the use of the money~~
15 ~~distributed under this section.~~

16 (3) ~~Submit to the department every two years an audit report, conducted by an~~
17 ~~independent licensed certified public accountant, of the tribal government~~
18 ~~use of the money distributed under this section. A tribal government may~~
19 ~~use money distributed under this section to pay for this audit report. At the~~
20 ~~discretion of a tribal government, an audit may be conducted more often~~
21 ~~than every two years.~~

22 b. The distribution of moneys from the fund to a tribal government must be in
23 proportion to the federal funding received from care coordination agreement
24 requests for services originating from within that tribal nation.

25 c. ~~At least annually, upon completion of any auditing and verification actions of the~~
26 ~~department, the department shall distribute moneys from the fund to the tribal~~
27 ~~government.~~

28 d. ~~If a tribal government fails to file with the department a timely annual report or~~
29 ~~audit report, the department shall withhold distribution of moneys from the fund to~~
30 ~~the tribal government until the report is filed.~~

- 1 e. ~~If an audit report or the department's review of the annual report finds a tribal-~~
2 ~~government used moneys distributed from the fund for a purpose inconsistent-~~
3 ~~with this section, the department shall withhold future distributions to that tribal-~~
4 ~~government in an amount equal to the money used improperly. The department-~~
5 ~~shall distribute money withheld from a tribal government under this subdivision if-~~
6 ~~a future audit report indicates moneys distributed from the fund are used for-~~
7 ~~purposes consistent with this section.~~
- 8 4. Before August of each even-numbered year, the:
- 9 a. ~~The department shall compile and summarize the annual reports and audit-~~
10 ~~reports from the participating tribal governments~~data and provide the legislative
11 management with a biennial report on the ~~fund and tribal~~state government use of
12 money distributed from the fund.
- 13 b. The Three Affiliated Tribes of the Fort Berthold Reservation, Spirit Lake Tribe,
14 Standing Rock Sioux Tribe, and the Turtle Mountain Band of Chippewa Indians
15 each shall compile data and provide the legislative management with a biennial
16 report on the tribes' use of money distributed from the fund.