

Fifty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2038

Introduced by

Legislative Council

(Budget Committee on Long-Term Care)

1 A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North
2 Dakota Century Code, relating to a moratorium on additional basic care facility and nursing
3 facility bed capacity.

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

5 **SECTION 1. AMENDMENT.** Section 23-09.3-01.1 of the 1997 Supplement to the
6 North Dakota Century Code is amended and reenacted as follows:

7 **23-09.3-01.1. Moratorium on expansion of basic care bed capacity.**

- 8 1. Except when existing beds are converted for use by the alzheimer's and related
9 dementia population under the projects provided for in section 50-06-14.4, and for
10 one basic care facility, of a size provided under subsection 2, to be developed for
11 use by the traumatic brain-injured population in the western part of the state, the
12 state department of health may not issue a license under this chapter for any
13 additional bed capacity above the state's gross licensed capacity of one thousand
14 four hundred seventy-one beds, adjusted by any reduction in beds before July 31,
15 ~~4997~~ 1999, during the period between August 1, ~~4997~~ 1999, and July 31, ~~4999~~
16 2001. Transfers of existing beds from one municipality to another municipality
17 must be approved if the ~~department of health~~ licensing requirements are met,
18 during the period August 1, ~~4997~~ 1999, to July 31, ~~4999~~ 2001, only to the extent
19 that for each bed transfer approved the total number of licensed beds in the state is
20 reduced by the same number transferred.
- 21 2. The department of human services shall establish a limit on the bed size of a basic
22 care facility, developed for use by the traumatic brain-injured population of the
23 western part of the state, based upon the number of individuals who require this
24 type of care and the number of available service openings under a federal waiver

of requirements of title XIX of the Social Security Act [42 U.S.C. 1396 et seq.]
provided for services to traumatic brain-injured individuals.

SECTION 2. AMENDMENT. Section 23-16-01.1 of the 1997 Supplement to the North
Dakota Century Code is amended and reenacted as follows:

**23-16-01.1. Moratorium on expansion of long-term-care nursing facility bed
capacity.** Notwithstanding sections 23-16-06 and 23-16-10, except when existing beds are
converted for use by the alzheimer's and related dementia population under the projects
provided for in section 50-06-14.4, the state department of health may not issue a license for
any additional bed capacity above the state's gross licensed capacity of seven thousand one
hundred forty beds, adjusted by any reduction in beds before July 31, ~~1997~~ 1999, during the
period between August 1, ~~1997~~ 1999, and July 31, ~~1999~~ 2001. Transfers of existing beds from
one municipality to another municipality must be approved if the department of health licensing
requirements are met, during the period August 1, ~~1997~~ 1999, to July 31, ~~1999~~ 2001, only to
the extent that for each bed transfer approved the total number of licensed beds in the state is
reduced by the same number transferred. ~~Certificate-of-need projects approved by the state
health council before July 31, 1995, and not completed as of August 1, 1997, are considered to
be within the state's licensed long-term care bed capacity as authorized by this section and may
be completed. For long-term care bed transfers to be made within the state before the
application of the one-for-one provisions in this section, the proposals for the transfer must have
occurred and been discussed with the department of health before April 1, 1997, and confirmed
with contracts executed between the parties to the transfer, and filed with the department of
health before June 1, 1997, providing for the bed transfers to be completed by January 1, 1998,
and not exceeding the state's licensed long-term bed capacity as authorized by this section.~~