

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2012

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of various divisions of
2 the department of health and human services; to provide an appropriation to the university of
3 North Dakota school of medicine and health sciences; to provide an exemption; to create and
4 enact a new section to chapter 50-06 and a new subsection to section 50-24.1-07 of the North
5 Dakota Century Code, relating to a North Dakota legislative health care task force, and
6 Medicaid claims; to amend and reenact sections 50-01.2-01, 50-06-42, 50-11.1-02, 50-11.1-22,
7 50-11.1-23, 50-11.1-24, 50-24.1-26, subsection 5 of section 50-24.1-37 and sections
8 50-24.5-02.3 and 50-29-04 of the North Dakota Century Code, relating to human service zone
9 board membership, the substance use disorder treatment voucher system, Medicaid in-home
10 services, the best in class program, basic care payment rates, the Medicaid expansion
11 program, and the children's health insurance program; to repeal section 50-06-32.1 of the North
12 Dakota Century Code, relating to the autism voucher; to provide a statement of legislative
13 intent; to provide for a legislative management study; to provide for a report; ~~and~~ to provide an
14 effective date; and to declare an emergency.

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

16 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
17 as may be necessary, are appropriated out of any moneys in the general fund in the state
18 treasury, not otherwise appropriated, and from special funds derived from federal funds and
19 other income, to the department of health and human services for the purpose of defraying the
20 expenses of its various divisions, for the biennium beginning July 1, 2023, and ending June 30,
21 2025, as follows:

22 Subdivision 1.

23

MANAGEMENT

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
1				
2				
3	Salaries and wages	\$21,363,556	\$3,045,900	\$24,409,456
4	Operating expenses	151,161,924	89,904,000	241,065,924
5	Capital assets	75,000	0	75,000
6	Total all funds	\$172,600,480	\$92,949,900	\$265,550,380
7	Less estimated income	92,905,426	93,255,417	186,160,843
8	Total general fund	\$79,695,054	(\$305,517)	\$79,389,537
9	Subdivision 2.			
10	PROGRAM AND POLICY			
11		Adjustments or		
12		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13	Salaries and wages	\$122,081,310	\$19,537,197	\$141,618,507
14	Operating expenses	176,078,719	55,722,549	231,801,268
15	Capital assets	10,000	0	10,000
16	Grants	467,144,387	190,506,682	657,651,069
17	Grants - medical assistance	3,028,666,463	556,176,867	3,584,843,330
18	Opioid prevention	0	2,000,000	2,000,000
19	Total all funds	\$3,793,980,879	\$823,943,295	\$4,617,924,174
20	Less estimated income	2,499,452,627	489,283,991	2,988,736,618
21	Total general fund	\$1,294,528,252	\$334,659,304	\$1,629,187,556
22	Subdivision 3.			
23	FIELD SERVICES			
24		Adjustments or		
25		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
26	Human service centers	\$163,213,829	\$26,160,626	\$189,374,455
27	Institutions	130,383,428	33,139,340	163,522,768
28	Total all funds	\$293,597,257	\$59,299,966	\$352,897,223
29	Less estimated income	114,273,300	(18,574,719)	95,698,581
30	Total general fund	\$179,323,957	\$77,874,685	\$257,198,642
31	Subdivision 4.			

COUNTY SOCIAL SERVICE FINANCING			
	Adjustments or		
	Base Level	Enhancements	Appropriation
County social services	\$189,917,386	\$35,444,200	\$225,361,586
Total all funds	\$189,917,386	\$35,444,200	\$225,361,586
Less estimated income	188,676,995	35,333,519	224,010,514
Total general fund	\$1,240,391	\$110,681	\$1,351,072
Subdivision 5.			
TOTAL - SECTION 1			
	Adjustments or		
	Base Level	Enhancements	Appropriation
Grand total general fund	\$1,554,787,654	\$412,339,153	\$1,967,126,807
Grant total special funds	2,895,308,348	599,298,208	3,494,606,556
Grant total all funds	\$4,450,096,002	\$1,011,637,361	\$5,461,733,363
Full-time equivalent positions	2,265.33	94.00	2,359.33
Salaries and wages	\$21,363,556	(\$21,363,556)	\$0
Salaries and wages block grant	0	456,750,493	456,750,493
Operating expenses	151,161,924	94,904,000	246,065,924
Capital assets	75,000	0	75,000
Total all funds	\$172,600,480	\$530,290,937	\$702,891,417
Less estimated income	92,905,426	293,046,361	385,951,787
Total general fund	\$79,695,054	\$237,244,576	\$316,939,630
<u>Subdivision 2.</u>			
PROGRAM AND POLICY			
	Adjustments or		
	Base Level	Enhancements	Appropriation
Salaries and wages	\$122,081,310	(\$122,081,310)	\$0
Operating expenses	176,078,719	52,389,611	228,468,330
Capital assets	10,000	0	10,000
Grants	467,144,387	166,930,099	634,074,486
Grants - medical assistance	3,028,666,463	207,208,461	3,235,874,924

1	Opioid prevention	0	2,000,000	2,000,000
2	Total all funds	\$3,793,980,879	\$306,446,861	\$4,100,427,740
3	Less estimated income	2,499,452,627	114,043,110	2,613,495,737
4	Total general fund	\$1,294,528,252	\$192,403,751	\$1,486,932,003
5	<u>Subdivision 3.</u>			
6	<u>FIELD SERVICES</u>			
7			<u>Adjustments or</u>	
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	Human service centers	\$163,213,829	(\$116,168,572)	\$47,045,257
10	Institutions	130,383,428	(69,570,994)	60,812,434
11	Total all funds	\$293,597,257	(\$185,739,566)	\$107,857,691
12	Less estimated income	114,273,300	(84,296,246)	29,977,054
13	Total general fund	\$179,323,957	(\$101,443,320)	\$77,880,637
14	<u>Subdivision 4.</u>			
15	<u>COUNTY SOCIAL SERVICE FINANCING</u>			
16			<u>Adjustments or</u>	
17		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
18	County social services	\$189,917,386	\$3,996,275	\$193,913,661
19	Total all funds	\$189,917,386	\$3,996,275	\$193,913,661
20	Less estimated income	188,676,995	5,219,793	193,896,788
21	Total general fund	\$1,240,391	(\$1,223,518)	\$16,873
22	<u>Subdivision 5.</u>			
23	<u>TOTAL - SECTION 1</u>			
24			<u>Adjustments or</u>	
25		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
26	Grand total general fund	\$1,554,787,654	\$326,981,489	\$1,881,769,143
27	Grant total special funds	2,895,308,348	328,013,018	3,223,321,366
28	Grant total all funds	\$4,450,096,002	\$654,994,507	\$5,105,090,509
29	Full-time equivalent positions	2,265.33	0.00	2,265.33

30 **SECTION 2. ONE-TIME FUNDING.** The following amounts reflect the one-time funding
31 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium:

	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
2	Technology projects	\$67,596,372	\$72,000,000
3	<u>Technology projects</u>	<u>\$67,596,372</u>	<u>\$71,000,000</u>
4	Quality measures	45,375	0
5	Nursing payment methodology	7,200,000	0
6	Developmental disabilities provider stabilization grants	125,000	0
7	Human service center projects	724,000	735,154
8	Opioid settlement funding	2,000,000	0
9	Special session one-time appropriations	138,389,558	0
10	State hospital design	0	5,000,000
11	<u>State hospital design</u>	<u>0</u>	<u>12,500,000</u>
12	<u>Service grants</u>	<u>0</u>	<u>585,000</u>
13	<u>Cross-disability advisory council</u>	<u>0</u>	<u>700,000</u>
14	<u>Behavioral health facility grants</u>	<u>0</u>	<u>1,950,000</u>
15	Operating inflation	0	20,564,344
16	Field services revenue replacement	0	36,028,141
17	Program integrity audits	0	4,500,000
18	Pregnant and parenting residential	0	1,000,000
19	Workforce initiative	0	13,000,000
20	Total all funds	\$216,080,305	\$152,827,639
21	Less estimated income	191,847,089	97,267,326
22	Total general fund	\$24,233,216	\$55,560,313
23	<u>Law enforcement telehealth</u>	<u>0</u>	<u>2,650,000</u>
24	<u>Total all funds</u>	<u>\$216,080,305</u>	<u>\$111,684,498</u>
25	<u>Less estimated income</u>	<u>191,847,089</u>	<u>99,452,326</u>
26	<u>Total general fund</u>	<u>\$24,233,216</u>	<u>\$12,232,172</u>

**SECTION 3. APPROPRIATION - UNIVERSITY OF NORTH DAKOTA SCHOOL OF
MEDICINE AND HEALTH SCIENCES - CLINICAL INTEGRATED NETWORK GRANT.**

1. There is appropriated out of any moneys in the community health trust fund in the state treasury, not otherwise appropriated, the sum of \$3,500,000, or so much of the sum as may be necessary, to the university of North Dakota school of medicine and

1 health sciences for the purpose of the center for rural health awarding a grant to a
2 clinical integrated network, for the biennium beginning July 1, 2023, and ending
3 June 30, 2025.

4 2. To qualify for a grant under this section, an applicant:

5 a. Must be a statewide value-based clinical integrated network that supports a
6 majority of the independent critical access hospitals in the state.

7 b. Must certify one dollar of matching funds for every five dollars of grant funds
8 awarded.

9 c. Shall demonstrate a strategic plan to accomplish the following goals:

10 (1) Implementation of a data-sharing platform;

11 (2) Utilization of value-based care contract modeling;

12 (3) Utilization of data analytics software to provide for risk stratification and
13 referral management capabilities;

14 (4) Development of unified care management practices; and

15 (5) Staffing of the clinical integrated network.

16 d. Shall agree during the 2023-25 and 2025-27 bienniums to make annual reports
17 to the department of health and human services and the center for rural health on
18 the use of the grant funds and the status of accomplishing the clinical integrated
19 network strategic plan goals.

20 **SECTION 4. APPROPRIATION - 2021-23 BIENNIUM - CHILD SUPPORT.** There is
21 appropriated out of any moneys in the department of health and human services operating fund
22 in the state treasury, not otherwise appropriated, the sum of \$4,000, or so much of the sum as
23 may be necessary, to the the department of health and human services for the purpose of
24 repayment of moneys, including interest, not withheld by the state in accordance with section
25 14-09-09.16 from an obligor's unemployment benefits from June 1, 2021, through
26 September 30, 2021, for the period beginning with the effective date of this section and ending
27 June 30, 2023.

28 **SECTION 5. FUNDING TRANSFERS - EXEMPTION - AUTHORIZATION - REPORT.**

29 Notwithstanding section 54-16-04, the director of the office of management and budget shall
30 transfer appropriation authority between line items within subdivisions 1, 2, ~~and 3,~~ and 4 of
31 section 1 of this Act, section 1 of House Bill No. 1004 as approved by the sixty-eighth legislative

1 assembly, and any remaining appropriation authority for the department of health and human
2 services approved by the sixty-eighth legislative assembly for the biennium beginning July 1,
3 2023, and ending June 30, 2025, as requested by the department of health and human
4 services. ~~Notwithstanding section 54-16-04, the director of the office of management and~~
5 ~~budget shall transfer appropriation authority from line items within subdivisions 1, 2, and 3 of~~
6 ~~section 1 of this Act, section 1 of House Bill No. 1004 as approved by the sixty-eighth legislative~~
7 ~~assembly and any remaining appropriation authority for the department of health and human~~
8 ~~services approved by the sixty-eighth legislative assembly to subdivision 4 of section 1 of this~~
9 ~~Act for the biennium beginning July 1, 2023, and ending June 30, 2025, as requested by the~~
10 ~~department of health and human services.~~ The department of health and human services may
11 use the transfer authority in this section to transfer or expend funds for the continuation of the
12 community behavioral health program pursuant to section 54-23.3-10. The department of health
13 and human services shall notify the legislative council of any transfer made pursuant to this
14 section. The department shall report to the budget section after June 30, 2024, any transfer
15 made in excess of \$50,000 and to the appropriations committees of the sixty-ninth legislative
16 assembly regarding any transfers made pursuant to this section.

17 **SECTION 6. TRANSFER OF APPROPRIATION AUTHORITY.** Section 1 of this Act and
18 section 1 of House Bill No. 1004 include appropriation authority for the department of health and
19 human services for the biennium beginning July 1, 2023, and ending June 30, 2025. On July 1,
20 2023, the office of management and budget shall combine the appropriation authority contained
21 in section 1 of this Act and section 1 of House Bill No. 1004, and any other appropriation
22 authority for the department of health and human services in other bills approved by the
23 sixty-eighth legislative assembly, into one budget for the department of health and human
24 services. The department of health and human services shall submit one budget request for the
25 biennium beginning July 1, 2025, and ending June 30, 2027.

26 **SECTION 7. FULL-TIME EQUIVALENT POSITION BLOCK GRANT PROGRAM -**
27 **REPORT.** Subdivision 1 of this Act includes funding for a full-time equivalent position block
28 grant program. This funding, along with salaries and wages funding appropriated in House Bill
29 No. 1004, as approved by the sixty-eighth legislative assembly, is available to fund full-time
30 equivalent positions as determined by the department of health and human services.
31 Notwithstanding any other provision of law, the department is authorized to increase or

1 decrease authorized full-time equivalent positions subject to the availability of funds and the
2 provisions of this section. The department may not increase full-time equivalent positions for the
3 purpose of transferring human service zone employees to state employment. Pursuant to
4 section 5 of this Act, the department is authorized to transfer funding to and from the salaries
5 and wages block grant line item. The department shall report to the office of management and
6 budget and legislative council any adjustments to full-time equivalent positions. The department
7 shall provide reports to the legislative management regarding the use of funding for the
8 program.

9 **SECTION 8. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND -**
10 **HUMAN SERVICE FINANCE FUND.** The office of management and budget shall transfer the
11 sum of ~~\$21,600,000~~\$23,200,000 from the strategic investment and improvements fund to the
12 human service finance fund during the biennium beginning July 1, 2023, and ending June 30,
13 2025.

14 **SECTION 9. ESTIMATED INCOME - HUMAN SERVICE FINANCE FUND.** The estimated
15 income line ~~item~~items in ~~subdivision~~subdivisions 1 and 4 of section 1 of this Act includes the
16 sum of ~~\$221,600,000~~\$223,200,000 from the human service finance fund for state-paid
17 economic assistance and social and human services.

18 **SECTION 10. ESTIMATED INCOME - COMMUNITY HEALTH TRUST FUND.** The
19 estimated income line ~~item~~items in ~~subdivisions~~subdivisions 1 and 2 of section 1 of this Act
20 includes the sum of ~~\$20,400,000~~\$22,967,500 from the community health trust fund for ~~defraying~~
21 ~~expenses of the child support computer replacement project~~the following purposes:
22 1. The sum of \$20,400,000 for the child support computer replacement project;
23 2. The sum of \$1,867,500 for the 988 crisis hotline program; and
24 3. The sum of \$700,000 for costs to implement the cross-disability advisory council.

25 ~~SECTION 11. ESTIMATED INCOME - LEGACY EARNINGS FUND.~~ The estimated income
26 ~~line item in subdivision 2 of section 1 of this Act includes the sum of \$7,000,000 from the legacy~~
27 ~~earnings fund for defraying expenses for the child care assistance programs.~~

28 **SECTION 11. ESTIMATED INCOME - HEALTH CARE TRUST FUND.** The estimated
29 income line item in subdivision 2 of section 1 of this Act includes the sum of \$500,000 from the
30 health care trust fund for basic care facility bad debt expense.

1 **SECTION 12. ESTIMATED INCOME - FEDERAL STATE FISCAL RECOVERY FUND.** The
2 estimated income line items in subdivisions 2 and 3 of section 1 of this Act includes the sum of
3 \$3,235,000 from the federal state fiscal recovery fund for the following purposes:

- 4 1. The sum of \$2,650,000 to implement a virtual behavioral health crisis care program for
5 rural law enforcement;
- 6 2. The sum of \$300,000 for crisis organizations that provide crisis services to young
7 adults who are at risk of being homeless or experiencing other serious adverse life
8 events. After July 1, 2024, this funding may be provided only to organizations that are
9 certified in services provided by the organization; and
- 10 3. The sum of \$285,000 for grants to volunteer-based ecumenical ministry organizations.

11 **SECTION 13. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**
12 **FUND.** The estimated income line item in subdivision 5 of section 1 of this Act includes the sum
13 of ~~\$17,735,154~~\$25,235,154 from the strategic investment and improvements fund for the
14 following purposes:

- 15 1. The sum of \$11,000,000 for the procurement and grants management system;
- 16 2. The sum of ~~\$5,000,000~~\$12,500,000 for the design of a new state hospital;
- 17 3. The sum of \$1,000,000 for pregnant and parenting women residential facilities; and
- 18 4. The sum of \$735,154 for projects at the southeast human service center.

19 **SECTION 14. BEHAVIORAL HEALTH FACILITY GRANTS.** Section 1 of this Act includes
20 the sum of \$1,950,000 from the general fund for the purpose of providing a one-time behavioral
21 health facility grant to establish a behavioral health facility in the northwest human service
22 center region, for the period beginning with the effective date of this Act and ending June 30,
23 2025. The department of health and human services shall provide a grant as follows:

- 24 1. The grant recipient must provide matching funds of \$1,750,000 to establish the facility.
- 25 2. The grant term must be for five years.
- 26 3. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient,
27 the grant award, or payments made under this section.
- 28 4. To receive the grant, the behavioral health facility shall:
 - 29 a. Submit an application in the form and manner prescribed by the department;
 - 30 b. Enter into a grant agreement with the department;

- 1 c. Use grant funds to support the provision of behavioral health in the grant award
- 2 service areas;
- 3 d. Provide and disclose information needed to comply with the department's data
- 4 collection requirements; and
- 5 e. Operate in compliance with grant requirements.
- 6 5. The department may recapture grant funds distributed to a grant recipient found by the
- 7 department to be out of compliance with the requirements established by the grant
- 8 program, including ending or reducing the operation of the behavioral health facility in
- 9 the service area.
- 10 6. The department may not collect property, equipment, or supplies purchased with grant
- 11 funds from the grant recipient after successful completion of the terms of the grant.

12 **SECTION 15. CAPITAL PAYMENTS.** During the biennium beginning July 1, 2023, and
13 ending June 30, 2025, the department of health and human services is authorized to expend
14 funds for the payment of special assessments at the state hospital, [southeast human service](#)
15 [center](#), and life skills and transition center. Pursuant to section [35](#) of this Act, the director of the
16 office of management and budget may transfer appropriation authority between line items within
17 subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill No. 1004, and any
18 remaining appropriation authority for the department of health and human services approved by
19 the sixty-eighth legislative assembly. The department may transfer funds for the payment of
20 special assessments at the state hospital, [southeast human service center](#), and life skills and
21 transition center ahead of the special assessments schedule. Notwithstanding section 54-27-12,
22 the department may spend funds for the payment of special assessments at the state hospital
23 and life skills and transition center.

24 **SECTION 16. CAPITAL PROJECTS - EMERGENCY COMMISSION APPROVAL.** During
25 the biennium beginning July 1, 2023, and ending June 30, 2025, the department of health and
26 human services is authorized to proceed with the demolition of the administrative building and
27 employee building and associated tunnels at the state hospital. Pursuant to section [35](#) of this
28 Act, the director of the office of management and budget may transfer appropriation authority
29 between line items within subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill
30 No. 1004, and any remaining appropriation authority for the department of health and human
31 services approved by the sixty-eighth legislative assembly. The department may transfer funds

1 for the demolition of the identified buildings and associated tunnels and for emergency capital
2 projects. Notwithstanding section 54-27-12, the department of health and human services may
3 spend up to \$5,000,000 for emergency projects under this section and may seek emergency
4 commission approval to spend more than \$5,000,000 under this section.

5 **SECTION 17. CHILD CARE FINANCIAL ASSISTANCE - DIRECT PAYMENTS.**

6 Subdivision 2 of section 1 of this Act includes the sum of \$1,000,000 for the purpose of financial
7 assistance and direct payments for child care services for the biennium beginning July 1, 2023,
8 and ending June 30, 2025. Notwithstanding subsection 3 of section 50-11.1-14.1, the
9 department may provide financial assistance to beneficiaries related to child care services. The
10 requirements of chapter 54-44.4 do not apply to this subsection, including the selection of
11 recipients and the disbursement of funds.

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

19 **SECTION 19. STATE HOSPITAL PROJECT - COMMUNITY ACUTE PSYCHIATRY -**

20 **REPORT.** Subdivision 3 of section 1 of this Act includes the sum of ~~\$5,000,000~~\$12,500,000
21 from the strategic investment and improvements fund as identified in section 13 of this Act for
22 the design of a new state hospital. As part of the design process, the department of health and
23 human services shall consider statewide acute psychiatric needs, including the establishment of
24 acute psychiatric facilities in Dickinson, Williston, Minot, Devils Lake, and Grand Forks and shall
25 consider collaborating and entering partnerships with local mental health and substance use
26 disorder providers. The department shall present a report to the sixty-ninth legislative assembly
27 regarding options for a new state hospital.

28 **SECTION 20. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL**
29 **ASSISTANCE EXPANSION PROGRAM - APPLICATION.**

30 1. Subdivision 2 of section 1 of this Act includes the sum of ~~\$942,550,279~~\$660,648,280,
31 of which ~~\$94,225,028~~\$66,064,828 is from the general fund, for the medical assistance

1 expansion program for the biennium beginning July 1, 2023, and ending June 30,
2 2025. The expenditures for individuals eligible for the medical assistance expansion
3 program may not exceed this amount.

4 2. The department of health and human services may exceed appropriations for
5 increases in medical assistance expansion program caseload, for the addition of
6 coverage consistent with the traditional Medicaid 1915(i) state plan, utilization rates,
7 and unwinding of the federal Medicaid continuous enrollment requirement, and
8 reduction in federal medical assistance percentage.

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 shall reimburse all North Dakota substance use providers of American
15 society of addiction medicine level 2.5 at consistent levels and with consistent
16 methodology. The managed care organization may consider urban and rural providers
17 as different provider types. ~~Critical access hospitals may not be paid less than one-~~
18 ~~hundred percent of Medicare allowable costs.~~

19 4. The managed care organization and the department of health and human services
20 shall ensure payments to Indian or Tribal 638 health care providers, federally qualified
21 health centers, and rural health clinics meet the federally required minimum levels of
22 reimbursement. Critical access hospitals may not be paid less than one hundred
23 percent of Medicare allowable costs and human service centers may not be paid less
24 than one hundred percent of the current traditional Medicaid rate.

25 5. The department of health and human services shall ensure providers within the same
26 provider type and specialty are reimbursed at consistent levels and with consistent
27 methodology and shall ensure the capitation rates under risk contracts are actuarially
28 sound and are adequate to meet managed care organization contractual requirements
29 regarding availability of services, assurance of adequate capacity and services, and
30 coordination and continuity of care.

1 6. Except for the provisions in subsection 4, provider reimbursement rates under the
2 medical assistance expansion program may not exceed one hundred twenty-five
3 percent of traditional Medicaid reimbursement. Payment rate adjustments shall include
4 alternative payment arrangements aimed at cost-effective, quality improvement
5 strategies. This subsection applies to any medical assistance expansion program
6 provider fee schedule which becomes effective on or after January 1, 2024.

7 **SECTION 21. DEPARTMENT OF HEALTH AND HUMAN SERVICES - PUBLIC AND**
8 **PARENTING RESOURCE WEBSITE.** The department of health and human services shall
9 develop and maintain a state internet website that provides information and links to social
10 services, financial assistance, parenting information, maternal and childbirth life services,
11 planning guidance, care centers and agencies, and other available public and private resources
12 for expectant families and new parents. The department may contract with a third party for the
13 development of the website. The website must be operational by August 1, 2023, and have a
14 domain name life.nd.gov or a similar domain name. The website must be distinct from the
15 department's website and the department shall place a clear and conspicuous link to the
16 website on the department website.

17 **SECTION 22. AMENDMENT.** Section 50-06-42 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **50-06-42. Substance use disorder treatment voucher system. (~~Retroactive application~~**
20 **~~-See note~~)**

- 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.~~ An out-of-state licensed substance abuse
28 treatment program located within a bordering state may participate in the voucher
29 program to serve an underserved area of this state pursuant to the rules adopted by
30 the department. The department shall develop rules to include processes and
31 requirements for an out-of-state provider to receive reimbursement only for outpatient

1 and community-based services upon a provider completing an assessment of need
2 and receiving approval from the department.

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

8 3. Services eligible for the voucher program include only those levels of care recognized
9 by the American society of addiction medicine, with particular emphasis given to
10 underserved areas and programs. The department shall ensure that a licensed
11 substance abuse treatment program, hospital, and medical clinic program accepting
12 vouchers collects and reports process and outcome measures.

13 ~~4.3.~~ The department shall develop requirements and provide training and technical
14 assistance to a licensed substance abuse treatment program, hospital, and medical
15 clinic program accepting vouchers. A licensed substance abuse treatment program,
16 hospital, and medical clinic program accepting vouchers shall provide evidence-based
17 services.

18 ~~5.4.~~ The department shall allocate funding appropriated for the substance use disorder
19 treatment voucher as follows:

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

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

26 **SECTION 23. AMENDMENT.** Section 50-01.2-01 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **50-01.2-01. Human service zone board - Members - Qualifications.**

29 The board of county commissioners of each county within the human service zone shall
30 appoint the appointed members of the human service zone board based upon fitness to serve
31 as members by reason of character, experience, and training without regard to political

1 affiliation. Appointed members of the human service zone board must consist of local elected
2 officials and other key community partners, including at least one member of the legislative
3 assembly. If a human service zone consists of two or more counties, each county must be
4 represented on the human service zone board by only one county commissioner of that county.
5 If a human service zone consists of a single county, the county must be represented on the
6 human service zone board by no more than two county commissioners of that county and the
7 human service zone board must have at least five appointed members. Appointed members
8 shall elect a vice presiding officer and appoint a secretary, and other officers as the human
9 service zone board determines necessary. The human service zone director shall serve as
10 presiding officer of the human service zone board as a nonappointed member.

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

13 **North Dakota legislative health care task force - Duties - Membership - Legislative**
14 **management report.**

15 There is created a North Dakota legislative health care task force. The task force shall meet
16 at least once each quarter and may request, obtain, review, and analyze information relating to
17 North Dakota health care, including data, reports, audits, and other information as requested by
18 the task force. The task force shall submit a report of its activities and any recommendations to
19 improve health care in the state to the legislative management by October first of each year.
20 The chairman of the task force must be a member of the legislative assembly as selected by the
21 task force. The task force consists of the following members:

- 22 1. The chairman of the house appropriations committee human resources division, or the
23 chairman's designee;
- 24 2. The chairman of the senate appropriations committee human resources division, or
25 the chairman's designee;
- 26 3. The chairman of the house human services committee, or the chairman's designee;
- 27 4. The chairman of the senate human services committee, or the chairman's designee;
- 28 5. One member of the house of representatives as appointed by the house minority
29 leader;
- 30 6. One member of the senate as appointed by the senate minority leader;

1 7. The commissioner of the department of health and human services, or the
2 commissioner's designee;

3 8. Two members of the department of health and human services as appointed by the
4 commissioner of the department of health and human services;

5 9. One member from the governor's office appointed by the governor;

6 10. The insurance commissioner or the insurance commissioner's designee;

7 11. Two members to represent the North Dakota health insurance industry;

8 12. One member of the public appointed by an organization that represents North Dakota
9 businesses;

10 13. One member appointed by the Indian affairs commissioner to represent tribal health
11 care;

12 14. One member from a North Dakota association that represents physicians; and

13 15. Five members from a North Dakota association that represents hospitals, of which:

14 a. Two members must represent rural hospitals, including one representative of a
15 hospital in a city with a population of ten thousand or more and one
16 representative of a hospital in a city with a population under ten thousand;

17 b. Two members must represent urban hospitals, including one representative of an
18 independent hospital and one representative of an integrated health care system;
19 and

20 c. One member must represent a psychiatric hospital.

21 **SECTION 25. AMENDMENT.** Section 50-11.1-02 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **50-11.1-02. Definitions.** ~~(Effective through June 30, 2025)~~

24 **As used in this chapter, unless the context or subject matter otherwise requires:**

- 25 1. "Authorized agent" means the human service zone, unless another entity is
26 designated by the department.
- 27 2. "Child care center" means an early childhood program licensed to provide early
28 childhood services to nineteen or more children.
- 29 3. "Department" means the department of health and human services.
- 30 4. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled
31 basis to meet the short-term needs of families.

- 1 5. "Early childhood program" means any program licensed under this chapter where
2 early childhood services are provided for at least two hours a day for three or more
3 days a week.
- 4 6. "Early childhood services" means the care, supervision, education, or guidance of a
5 child or children, which is provided in exchange for money, goods, or other services.
6 Early childhood services does not include:
- 7 a. Substitute parental child care provided pursuant to chapter 50-11.
- 8 b. Child care provided in any educational facility, whether public or private, in grade
9 one or above.
- 10 c. Child care provided in a kindergarten which has been established pursuant to
11 chapter 15.1-22 or a nonpublic elementary school program approved pursuant to
12 section 15.1-06-06.1.
- 13 d. Child care, preschool, and prekindergarten services provided to children under
14 six years of age in any educational facility through a program approved by the
15 department.
- 16 e. Child care provided in facilities operated in connection with a church, business, or
17 organization where children are cared for during periods of time not exceeding
18 four continuous hours while the child's parent is attending church services or is
19 engaged in other activities, on the premises.
- 20 f. Schools or classes for religious instruction conducted by religious orders during
21 the summer months for not more than two weeks, Sunday schools, weekly
22 catechism, or other classes for religious instruction.
- 23 g. Summer resident or day camps for children which serve no children under six
24 years of age for more than two weeks.
- 25 h. Sporting events, practices for sporting events, or sporting or physical activities
26 conducted under the supervision of an adult.
- 27 i. Head start and early head start programs that are federally funded and meet
28 federal head start performance standards.
- 29 j. Child care provided in a medical facility by medical personnel to children who are
30 ill.

- 1 7. "Family child care" means a private residence licensed to provide early childhood
2 services for no more than seven children at any one time, except that the term
3 includes a residence licensed to provide early childhood services to two additional
4 school-age children.
- 5 8. "Four-year old program" means an approved child care program operated by a public
6 or private educational entity or an early childhood program designed to serve four-year
7 olds.
- 8 9. "Group child care" means a child care program licensed to provide early childhood
9 services for thirty or fewer children.
- 10 10. "Household member" means an adult living in the private residence out of which a
11 program is operated, regardless of whether the adult is living there permanently or
12 temporarily.
- 13 11. "Human service zone" means a county or consolidated group of counties
14 administering human services within a designated area in accordance with an
15 agreement or plan approved by the department.
- 16 12. "In-home provider" means any person who provides early childhood services to
17 children in the children's home.
- 18 13. "Licensed" means an early childhood program has the rights, authority, or permission
19 granted by the department to operate and provide early childhood services.
- 20 14. "Multiple licensed program" means an early childhood program licensed to provide
21 more than one type of early childhood services.
- 22 15. "Owner" or "operator" means the person who has legal responsibility for the early
23 childhood program and premises.
- 24 16. "Parent" means an individual with the legal relationship of father or mother to a child or
25 an individual who legally stands in place of a father or mother, including a legal
26 guardian or custodian.
- 27 17. "Premises" means the indoor and outdoor areas approved for providing early
28 childhood services.
- 29 18. "Preschool" means a program licensed to offer early childhood services, which follows
30 a preschool curriculum and course of study designed primarily to enhance the

- 1 educational development of the children enrolled and which serves no child for more
2 than three hours per day.
- 3 19. "Public approval" means a nonlicensed early childhood program operated by a
4 government entity that has self-certified that the program complies with this chapter.
- 5 20. "Registrant" means the holder of an in-home provider registration document issued by
6 the department in accordance with this chapter.
- 7 21. "Registration" means the process whereby the department maintains a record of all
8 in-home providers who have stated that they have complied or will comply with the
9 prescribed standards and adopted rules.
- 10 22. "Registration document" means a written instrument issued by the department to
11 publicly document that the registrant has complied with this chapter and the applicable
12 rules and standards as prescribed by the department.
- 13 23. "School-age child care" means a child care program licensed to provide early
14 childhood services on a regular basis for nineteen or more children aged five years
15 through eleven years.
- 16 24. "School-age children" means children served under this chapter who are at least five
17 years but less than twelve years of age.
- 18 25. "Self-declaration" means voluntary documentation of an individual providing early
19 childhood services in a private residence for up to five children through the age of
20 eleven, of which no more than three may be under the age of twenty-four months.
- 21 26. "Staff member" means an individual:
- 22 a. Who is an employee of an early childhood program or of an early childhood
23 services provider under a self-declaration;
- 24 b. Whose activities involve the care, supervision, or guidance of children of an early
25 childhood program; or
- 26 c. Who may have unsupervised access to children under the care, supervision, or
27 guidance of an early childhood program or early childhood services provider
28 under a self-declaration.

29 ~~Definitions. (Effective after June 30, 2025)~~

30 ~~As used in this chapter, unless the context or subject matter otherwise requires:~~

- 1 ~~1. "Authorized agent" means the human service zone, unless another entity is~~
2 ~~designated by the department.~~
- 3 ~~2. "Child care center" means an early childhood program licensed to provide early~~
4 ~~childhood services to nineteen or more children.~~
- 5 ~~3. "Department" means the department of health and human services.~~
- 6 ~~4. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled~~
7 ~~basis to meet the short-term needs of families.~~
- 8 ~~5. "Early childhood program" means any program licensed under this chapter where~~
9 ~~early childhood services are provided for at least two hours a day for three or more~~
10 ~~days a week.~~
- 11 ~~6. "Early childhood services" means the care, supervision, education, or guidance of a~~
12 ~~child or children, which is provided in exchange for money, goods, or other services.~~
13 ~~Early childhood services does not include:~~
 - 14 ~~a. Substitute parental child care provided pursuant to chapter 50-11.~~
 - 15 ~~b. Child care provided in any educational facility, whether public or private, in grade~~
16 ~~one or above.~~
 - 17 ~~c. Child care provided in a kindergarten which has been established pursuant to~~
18 ~~chapter 15.1-22 or a nonpublic elementary school program approved pursuant to~~
19 ~~section 15.1-06-06.1.~~
 - 20 ~~d. Child care, preschool, and prekindergarten services provided to children under~~
21 ~~six years of age in any educational facility through a program approved by the~~
22 ~~department.~~
 - 23 ~~e. Child care provided in facilities operated in connection with a church, business, or~~
24 ~~organization where children are cared for during periods of time not exceeding~~
25 ~~four continuous hours while the child's parent is attending church services or is~~
26 ~~engaged in other activities, on the premises.~~
 - 27 ~~f. Schools or classes for religious instruction conducted by religious orders during~~
28 ~~the summer months for not more than two weeks, Sunday schools, weekly~~
29 ~~catechism, or other classes for religious instruction.~~
 - 30 ~~g. Summer resident or day camps for children which serve no children under six~~
31 ~~years of age for more than two weeks.~~

- 1 ~~h. Sporting events, practices for sporting events, or sporting or physical activities~~
2 ~~conducted under the supervision of an adult.~~
- 3 ~~i. Head start and early head start programs that are federally funded and meet~~
4 ~~federal head start performance standards.~~
- 5 ~~j. Child care provided in a medical facility by medical personnel to children who are~~
6 ~~ill.~~
- 7 ~~7. "Family child care" means a private residence licensed to provide early childhood~~
8 ~~services for no more than seven children at any one time, except that the term~~
9 ~~includes a residence licensed to provide early childhood services to two additional~~
10 ~~school-age children.~~
- 11 ~~8. "Group child care" means a child care program licensed to provide early childhood~~
12 ~~services for thirty or fewer children.~~
- 13 ~~9. "Household member" means an adult living in the private residence out of which a~~
14 ~~program is operated, regardless of whether the adult is living there permanently or~~
15 ~~temporarily.~~
- 16 ~~10. "Human service zone" means a county or consolidated group of counties~~
17 ~~administering human services within a designated area in accordance with an~~
18 ~~agreement or plan approved by the department.~~
- 19 ~~11. "In-home provider" means any person who provides early childhood services to~~
20 ~~children in the children's home.~~
- 21 ~~12. "Licensed" means an early childhood program has the rights, authority, or permission~~
22 ~~granted by the department to operate and provide early childhood services.~~
- 23 ~~13. "Multiple licensed program" means an early childhood program licensed to provide~~
24 ~~more than one type of early childhood services.~~
- 25 ~~14. "Owner" or "operator" means the person who has legal responsibility for the early~~
26 ~~childhood program and premises.~~
- 27 ~~15. "Parent" means an individual with the legal relationship of father or mother to a child or~~
28 ~~an individual who legally stands in place of a father or mother, including a legal~~
29 ~~guardian or custodian.~~
- 30 ~~16. "Premises" means the indoor and outdoor areas approved for providing early~~
31 ~~childhood services.~~

- 1 ~~17. "Preschool" means a program licensed to offer early childhood services, which follows~~
2 ~~a preschool curriculum and course of study designed primarily to enhance the~~
3 ~~educational development of the children enrolled and which serves no child for more~~
4 ~~than three hours per day.~~
- 5 ~~18. "Public approval" means a nonlicensed early childhood program operated by a~~
6 ~~government entity that has self-certified that the program complies with this chapter.~~
- 7 ~~19. "Registrant" means the holder of an in-home provider registration document issued by~~
8 ~~the department in accordance with this chapter.~~
- 9 ~~20. "Registration" means the process whereby the department maintains a record of all~~
10 ~~in-home providers who have stated that they have complied or will comply with the~~
11 ~~prescribed standards and adopted rules.~~
- 12 ~~21. "Registration document" means a written instrument issued by the department to~~
13 ~~publicly document that the registrant has complied with this chapter and the applicable~~
14 ~~rules and standards as prescribed by the department.~~
- 15 ~~22. "School-age child care" means a child care program licensed to provide early~~
16 ~~childhood services on a regular basis for nineteen or more children aged five years~~
17 ~~through eleven years.~~
- 18 ~~23. "School-age children" means children served under this chapter who are at least five~~
19 ~~years but less than twelve years of age.~~
- 20 ~~24. "Self-declaration" means voluntary documentation of an individual providing early~~
21 ~~childhood services in a private residence for up to five children through the age of~~
22 ~~eleven, of which no more than three may be under the age of twenty-four months.~~
- 23 ~~25. "Staff member" means an individual:~~
- 24 ~~a. Who is an employee of an early childhood program or of an early childhood~~
25 ~~services provider under a self-declaration;~~
- 26 ~~b. Whose activities involve the care, supervision, or guidance of children of an early~~
27 ~~childhood program; or~~
- 28 ~~c. **Who may have unsupervised access to children under the care,**~~
29 ~~**supervision, or guidance of an early childhood program or early childhood**~~
30 ~~**services provider under a self-declaration.**~~

1 **SECTION 26. AMENDMENT.** Section 50-11.1-22 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-11.1-22. Early childhood grant for best in class four-year old experiences.** ~~(Expired-~~
4 ~~effective July 1, 2025)~~

5 1. A four-year old program deemed eligible under section 50-11.1-23 may submit an
6 application for the best in class four-year old experiences grant. An approved program is
7 eligible for an annual award of one hundred twenty thousand dollars per approved group
8 size. The grant award must be matched with no less than twenty thousand dollars in
9 other funds. The department shall assign a program support coach to each approved
10 program. An approved program:

- 11 a. Shall utilize the assigned support coach and utilize the sliding fee scale for parent
12 fees, as established by the department.
- 13 b. May use grant funds to support the provision of quality early childhood
14 experiences, including expenditures related to staffing, training, equipment, and
15 supplies.
- 16 c. May not use grant funds for construction or rehabilitation. An approved program
17 must enter a grant agreement with the department.

18 2. The department may not collect equipment or supplies purchased with grant funds
19 from the approved program after successful completion of the term of the grant.

20 **SECTION 27. AMENDMENT.** Section 50-11.1-23 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **50-11.1-23. Eligibility for best in class four-year old experiences grant.** ~~(Expired-~~
23 ~~effective July 1, 2025)~~

24 1. A four-year old program may submit, in the form and manner prescribed by the
25 department, an application to the department for a grant under section 50-11.1-22, if the
26 provider certifies to the department the provider:

- 27 a. Operates a four-year old program in this state;
- 28 b. Operates a four-year old program for children who have reached four years of
29 age before August first in the year of enrollment;
- 30 c. Operates a four-year old program that has a duration of at least four hundred
31 hours over a period of at least thirty-two consecutive weeks;

- 1 d. Incorporates within the four-year old program at least ten hours of
- 2 research-based family engagement;
- 3 e. Has been determined to meet the standards and expectations of no less than
- 4 step three in the North Dakota early childhood quality improvement system;
- 5 f. Is willing to admit children of all learning abilities into the four-year old program;
- 6 g. Is willing to admit children who receive assistance from the child care assistance
- 7 program into the four-year old program; and
- 8 h. Is willing to operate in compliance with the grant requirements, including:
 - 9 (1) Maintaining the recommended group size for number of children served in
 - 10 the four-year old program;
 - 11 (2) Complying with requirements related to qualifications, training, and
 - 12 professional development of staff delivering services in the four-year old
 - 13 program; and
 - 14 (3) Adhering to expectations established by the department related to four-year
 - 15 old program monitoring and oversight.
- 16 2. The department may distribute grants under this section to approved four-year old
- 17 programs, including four-year old programs operated as early childhood programs by
- 18 educational facilities or federally funded head start programs or in connection with a
- 19 church, business, or organization that operates a four-year old program.
- 20 3. The department may recapture grant funds distributed to an approved four-year old
- 21 program found by the department to be out of compliance with requirements
- 22 established for the best in class four-year old experiences grant program.

23 **SECTION 28. AMENDMENT.** Section 50-11.1-24 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **50-11.1-24. Grant program data collection - Requirements.** ~~(Expired effective July 1,~~
2 ~~2025)~~

3 The state agency with approval authority over four-year old programs, with the
4 advice and consent of the department, shall implement a uniform system for the
5 accounting, budgeting, and reporting of data by any four-year old program provider to
6 whom or to which grants are distributed under section 50-11.1-23. Grants may be
7 withheld or forfeited, in whole or in part, if information required in accordance with this
8 section is not submitted at the time or in the manner requested by the state agency with
9 approval authority over four-year old programs. A grant recipient shall consent to
10 provide information needed to comply with data collection requirements. The state
11 agency with approval authority over four-year old programs shall disclose the requested
12 information to the department.

13 **SECTION 29.** A new subsection to section 50-24.1-07 of the North Dakota Century Code is
14 created and enacted as follows:

15 In any probate proceedings in which the department has filed a claim under this
16 section, no additional evidence of foundation may be required for the admission of the
17 department's payment record supporting the department's claim if the payment record
18 is certified as a true copy and bears the signature of a representative of the
19 department. There is a rebuttable presumption that the amount of medical assistance
20 on the claim was incurred and paid on behalf of the recipient of medical assistance
21 and is an allowable claim.

22 **SECTION 30. AMENDMENT.** Section 50-24.1-26 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **50-24.1-26. Medicaid waivers - In-home services.**

25 The department shall administer Medicaid waivers to provide in-home services to children
26 with extraordinary medical needs and to children up to the age of ~~sixteen~~eighteen diagnosed
27 with an autism spectrum disorder who would otherwise meet institutional level of care. The
28 department may prioritize applicants for the waiver for children with extraordinary medical
29 needs by degree of need.

30 **SECTION 31. AMENDMENT.** Subsection 5 of section 50-24.1-37 of the North Dakota
31 Century Code is amended and reenacted as follows:

- 1 5. Provider and managed care organization reimbursement rate information received or
2 held by the department under this section is an open record.

3 **SECTION 32. AMENDMENT.** Section 50-24.5-02.3 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **50-24.5-02.3. Basic care payment rates.**

- 6 1. The department shall ~~establish, by rule, procedures for determining rates~~determine
7 limits for the care of residents of basic care facilities that qualify as vendors of an
8 aged, blind, and disabled persons program and for implementing provisions of this
9 chapter. ~~The procedures must be based on methods and standards that the~~
10 ~~department finds are adequate to recognize the~~data demonstrating the most recent
11 costs that must be incurred for the care of residents in efficiently and economically
12 operated basic care facilities. The department shall determine the limits every four
13 years by July first, beginning with July 1, 2023.
- 14 2. The department shall ~~identify costs that are recognized for establishing payment~~
15 ~~rates~~establish the limits by using the median rates from the most recent data available.
16 The direct care limit must be the median plus eighteen percent. The indirect care limit
17 must be the median plus twelve percent.
- 18 3. For the rate year beginning July 1, ~~2016~~2023, the department shall ~~establish the limits~~
19 ~~by using the average of the highest and lowest rates from the 2014 rate year. The~~
20 ~~direct care limit must be ninety-five percent of the average and the indirect care limit~~
21 ~~must be ninety percent of the average. Beginning with the July 1, 2017, rate year, the~~
22 ~~department shall adjust the limits by using the cost percentage change from the prior~~
23 ~~two rate years, within the limits of legislative appropriations~~increase rates and limits
24 two percent for inflation. For the rate year beginning July 1, 2024, the department shall
25 increase rates and limits two percent for inflation.
- 26 4. The department shall provide, by rule, within the limits of legislative appropriations, for
27 payment of rates paid by the aged, blind, and disabled persons program for a
28 maximum of thirty days per occurrence for leave days for a resident who is in a
29 licensed health care facility when the resident is expected to return to the facility.
- 30 5. Within the limits of legislative appropriations, the department shall establish an
31 uncompensated care expense of ~~one hundred eighty~~three hundred sixty-five days.

1 **SECTION 33. AMENDMENT.** Section 50-29-04 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-29-04. Plan requirements.**

4 The plan:

5 1. Must be consistent with coverage provided to children eligible for medical assistance
6 in the state; and

7 2. Must provide:

8 a. A modified adjusted gross income eligibility limit of ~~one~~two hundred
9 ~~seventy-five~~ten percent of the poverty line; and

10 b. Current eligibility may be established from the first day of the month in which the
11 application was received. Retroactive eligibility may be established for the three
12 calendar months that immediately preceded the month in which the application
13 was received even if there is no eligibility in the month of application. Eligibility
14 can be established if all factors of eligibility are met during each month.

15 **SECTION 34. REPEAL.** Section 50-06-32.1 of the North Dakota Century Code is repealed.

16 **SECTION 35. BUILDING PROJECT - LEASE.** The department of health and human
17 services is authorized to enter into agreements with vendors to build two buildings for the
18 department to lease for the lake region human service center and northwest human service
19 center for the biennium beginning July 1, 2023, and ending June 30, 2025.

20 **SECTION 36. LEASE OF LAND - STATE HOSPITAL.** The department of health and
21 human services and national guard may enter an agreement to lease up to twenty acres of real
22 property associated with the state hospital for the national guard to construct a new training and
23 storage facility.

24 **SECTION 37. PROVIDER PROCESS AND OUTCOME MEASURES.** Providers that
25 receive funding from the department of health and human services shall submit process and
26 outcome measures, as required by the department, to the department for programs and
27 services supported by state funding during the biennium beginning July 1, 2023, and ending
28 June 30, 2025, for the department to evaluate the administration of the programs and services
29 using the appropriation for the program or service.

30 **SECTION 38. HUMAN SERVICE CENTERS - CERTIFIED COMMUNITY BEHAVIORAL**
31 **HEALTH CLINICS --CONTINGENT FULL-TIME EQUIVALENT POSITIONS--REPORT.**

1 Beginning with the effective date of this Act, the department of health and human services shall
2 select ~~three~~one human service ~~centers~~center to begin the process of becoming a certified
3 community behavioral health clinic to provide continuous community-based behavioral health
4 services for children and adults. The department shall pursue additional federal funding as
5 available. ~~Subject to the availability of generated income, the department may add up to fifty~~
6 ~~full-time equivalent positions for field services to provide direct services for the period beginning~~
7 ~~with the effective date of this Act and ending June 30, 2025. The department shall report to the~~
8 ~~office of management and budget and legislative council each time a position is added.~~The
9 department may consider the inclusion of providers of integrated, wraparound crisis services to
10 young adults, who are at risk of being homeless or experiencing serious adverse life events,
11 into the creation of any certified community behavioral health clinic.

12 **SECTION 39. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following
13 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into
14 the biennium beginning July 1, 2023, and ending June 30, 2025:

- 15 1. The sum of \$750,000 appropriated from the general fund for suicide prevention grants
16 in chapter 37 of the 2019 Session Laws;
- 17 2. The sum of \$1,776,000 appropriated from the strategic investment and improvements
18 fund and the sum of \$5,328,000 appropriated from federal funds for the Medicaid
19 management information system technology stack upgrade in chapter 37 of the 2019
20 Session Laws;
- 21 3. The sum of \$600,000 appropriated from the general fund and the sum of \$1,800,000
22 appropriated from federal funds for the Medicaid management information system
23 technology stack upgrade in chapter 12 of the 2021 Session Laws;
- 24 4. The sum of \$4,326,686 appropriated from the general fund and the sum of
25 \$30,673,314 appropriated from federal funds for the Medicaid management
26 information system modularization technology project in chapter 12 of the 2021
27 Session Laws;
- 28 5. Any amounts appropriated to the department of health and human services in
29 chapter 549 of the 2021 Special Session Session Laws ~~of which the amount~~
30 ~~appropriated for medical assistance percentage adjustments may be used for the~~
31 ~~home and community-based services 10 percent enhancement plan;~~

- 1 6. Any amounts appropriated to the department of health and human services in
- 2 chapter 550 of the 2021 Special Session Session Laws;
- 3 7. Any amounts appropriated to the department of health and human services for
- 4 COVID-19 relief in chapters 27 and 28 of the 2021 Session Laws;
- 5 8. The amount appropriated for the modification of the department of human services'
- 6 eligibility systems in chapter 578 of the 2011 Special Session Session Laws which was
- 7 continued into the 2013-15 biennium, then the 2015-17 biennium, then the 2017-19
- 8 biennium, then the 2019-21 biennium, and then 2021-23 biennium;~~and~~
- 9 9. The sum of \$2,000,000 appropriated for substance use disorder voucher system
- 10 grants in chapter 12 of the 2021 Session Laws which may be continued and spent
- 11 pursuant to section 50-06-42.1; and
- 12 10. The sum of \$15,000,000 appropriated from the general fund and the sum of
- 13 \$15,000,000 appropriated from federal funds for the child welfare technology project in
- 14 chapter 12 of the 2021 Session Laws.

15 **SECTION 40. EXEMPTION - EARLY CHILDHOOD INFORMATION SYSTEM.** The

16 requirements of chapter 54-44.4 do not apply to the selection of a vendor, the procurement

17 award, or payments made under this section regarding an early childhood workforce and

18 professional development information system or an early childhood resource and referral

19 information system for the biennium beginning July 1, 2023, and ending June 30, 2025.

20 **SECTION 41. EXEMPTION - PURCHASE OF CONSUMABLES.** The requirements of

21 chapter 54-44.4 do not apply to the purchase of consumables at the department of health and

22 human services continuously staffed residential units during low-census time periods for the

23 biennium beginning July 1, 2023, and ending June 30, 2025.

24 **SECTION 42. LEGISLATIVE INTENT - UTILIZATION RATE ADJUSTMENT.** It is the intent

25 of the sixty-eighth legislative assembly that the department of health and human services seeks

26 a deficiency appropriation from the sixty-ninth legislative assembly for any expenditures that

27 exceed appropriated amounts as a result of underfunding, utilization rates, discontinuation of

28 the federal Medicaid continuous enrollment requirement, value-based purchasing for nursing

29 facilities, ~~and~~ reduction in federal medical assistance percentage, and unexpected contract cost

30 increases that exceed ten percent, during the biennium beginning July 1, 2023, and ending

31 June 30, 2025, if funding is not sufficient to pay actual expenses.

1 **SECTION 43. LEGISLATIVE INTENT - PROVIDER RATE INCREASE.** Except as
2 otherwise noted, section 1 of this Act includes funding for human service provider inflation
3 increases of ~~four~~two percent for each year of the biennium beginning July 1, 2023, and ending
4 June 30, 2025. Section 1 of this Act includes funding for developmental disability service
5 payment inflation increases of ~~seven~~three percent ~~the first~~each year ~~of the biennium and four~~
6 ~~percent the second year~~ of the biennium beginning July 1, 2023, and ending June 30, 2025. The
7 provider inflation increase in this section does not apply to nursing ~~and basic care~~ facilities or
8 prospective payment system hospitals.

9 **SECTION 44. FEDERAL FUNDING APPEAL LIMITATION.** Except as otherwise
10 specifically provided by federal law, a person may not appeal a denial, revocation, reduction in
11 services or payment, or the termination of a program or service by the department of health and
12 human services due to the unavailability of federal coronavirus funding received under federal
13 law resulting from the federal coronavirus pandemic emergency declaration for the biennium
14 beginning July 1, 2023, and ending June 30, 2025.

15 **SECTION 45. LEGISLATIVE MANAGEMENT STUDY - EARLY CHILDHOOD**
16 **PROGRAMS AND SERVICES.** During the 2023-24 interim, the legislative management shall
17 consider studying the early child care programs and child care services to identify major needs
18 and systemic approaches to stabilize child care infrastructure. The legislative management shall
19 report its findings and recommendations, together with any legislation required to implement the
20 recommendations, to the sixty-ninth legislative assembly.

21 **SECTION 46. LEGISLATIVE MANAGEMENT STUDY - SOCIAL WORK LICENSURE**
22 **COMPACT.** During the 2023-24 interim, the legislative management shall consider studying the
23 feasibility and desirability of the legislative assembly enacting the social work licensure
24 compact. The study may include consideration of whether the public and the social work
25 community support enactment and whether the North Dakota board of social work examiners
26 has the capacity to participate in the compact. The legislative management shall report its
27 findings and recommendations, together with any legislation required to implement the
28 recommendations, to the sixty-ninth legislative assembly.

29 **SECTION 47. LEGISLATIVE MANAGEMENT STUDY - MEDICAID PROVIDER**
30 **REIMBURSEMENT ARRANGEMENTS.** During the 2023-24 interim, the legislative
31 management shall study the benefits of basing provider reimbursement rates for the Medicaid

1 program in accordance with a providers performance under established and accepted value-
2 based care metrics. The legislative management shall report its findings and recommendations,
3 together with any legislation required to implement the recommendations, to the sixty-ninth
4 legislative assembly.

5 **SECTION 48. LEGISLATIVE MANAGEMENT REPORT - EARLY CHILDHOOD**

6 **PROGRAMS.** During the 2023-24 interim, the department of health and human services shall
7 provide reports to the legislative management regarding the status of early childhood programs
8 managed by the department.

9 **SECTION 49. EFFECTIVE DATE.** Section ~~19~~34 of this Act becomes effective on January 1,
10 2024.

11 **SECTION 50. EMERGENCY.** Section 4 of this Act is declared to be an emergency
12 measure.