

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, or  
10 converted for one basic care facility, of a size provided under subsection 2, to be  
11 developed for use by the traumatic brain-injured population in the western part of  
12 the state, the state department of health may not issue a license under this chapter  
13 for any additional bed capacity above the state's gross licensed capacity of one  
14 thousand four hundred seventy-one beds, adjusted by any reduction in beds  
15 before July 31, ~~1997~~ 1999, during the period between August 1, ~~1997~~ 1999, and  
16 July 31, ~~1999~~ 2001. Transfers of existing beds from one municipality to another  
17 municipality must be approved if the ~~department of health~~ licensing requirements  
18 are met, during the period August 1, ~~1997~~ 1999, to July 31, ~~1999~~ 2001, only to the  
19 extent that for each bed transfer approved the total number of licensed beds in the  
20 state is 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

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

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

5                   **23-16-01.1. Moratorium on expansion of ~~long-term-care~~ nursing facility bed**  
6 **capacity.** Notwithstanding sections 23-16-06 and 23-16-10, except when existing beds are  
7 converted for use by the alzheimer's and related dementia population under the projects  
8 provided for in section 50-06-14.4, the state department of health may not issue a license for  
9 any additional bed capacity above the state's gross licensed capacity of seven thousand one  
10 hundred forty beds, adjusted by any reduction in beds before July 31, ~~1997~~ 1999, during the  
11 period between August 1, ~~1997~~ 1999, and July 31, ~~1999~~ 2001. Transfers of existing beds from  
12 one municipality to another municipality must be approved if the department of health licensing  
13 requirements are met, during the period August 1, ~~1997~~ 1999, to July 31, ~~1999~~ 2001, only to  
14 the extent that for each bed transfer approved the total number of licensed beds in the state is  
15 reduced by the same number transferred. ~~Certificate of need projects approved by the state~~  
16 ~~health council before July 31, 1995, and not completed as of August 1, 1997, are considered to~~  
17 ~~be within the state's licensed long-term care bed capacity as authorized by this section and~~  
18 ~~may be completed. For long-term care bed transfers to be made within the state before the~~  
19 ~~application of the one-for-one provisions in this section, the proposals for the transfer must~~  
20 ~~have occurred and been discussed with the department of health before April 1, 1997, and~~  
21 ~~confirmed with contracts executed between the parties to the transfer, and filed with the~~  
22 ~~department of health before June 1, 1997, providing for the bed transfers to be completed by~~  
23 ~~January 1, 1998, and not exceeding the state's licensed long-term bed capacity as authorized~~  
24 ~~by this section.~~