

SENATE BILL NO. 2196

Introduced by

Senators Krauter, Sand, Thane

Representatives Carlisle, Delzer, Meyer

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 long-term
3 care beds and a prohibition on the creation of a bed bank.

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.** Except when
8 existing beds are converted for use by the alzheimer's and related dementia population under
9 the projects provided for in section 50-06-14.4, the ~~state~~ department of ~~health~~ may not issue a
10 license under this chapter for any additional bed capacity above the state's gross licensed
11 capacity of one thousand four hundred seventy-one beds, adjusted by any reduction in beds
12 before July 31, ~~1997~~ 1999, during the period between August 1, ~~1997~~ 1999, and July 31, ~~1999~~
13 2001. Transfers of existing beds from one municipality to another municipality must be
14 approved if the ~~department of health~~ licensing requirements are met, during the period
15 August 1, ~~1997~~ 1999, to July 31, ~~1999~~ 2001, only to the extent that for each bed transfer
16 approved the total number of licensed beds in the state is reduced by the same number
17 transferred. Existing licensed beds released by a facility which are not immediately transferred
18 to another facility may not be banked for future transfer to another facility.

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

21 **23-16-01.1. Moratorium on expansion of long-term care bed capacity.**
22 Notwithstanding sections 23-16-06 and 23-16-10, except when existing beds are converted for
23 use by the alzheimer's and related dementia population under the projects provided for in
24 section 50-06-14.4, the state department of health may not issue a license for any additional

1 bed capacity above the state's gross licensed capacity of seven thousand one hundred forty
2 beds, adjusted by any reduction in beds before July 31, ~~1997~~ 1999, during the period between
3 August 1, ~~1997~~ 1999, and July 31, ~~1999~~ 2001. Transfers of existing beds from one municipality
4 to another municipality must be approved if the department of health licensing requirements are
5 met, during the period August 1, ~~1997~~ 1999, to July 31, ~~1999~~ 2001, only to the extent that for
6 each bed transfer approved the total number of licensed beds in the state is reduced by the
7 same number transferred. ~~Certificate of need projects approved by the state health council~~
8 ~~before July 31, 1995, and not completed as of August 1, 1997, are considered to be within the~~
9 ~~state's licensed long term care bed capacity as authorized by this section and may be~~
10 ~~completed. For long term care bed transfers to be made within the state before the application~~
11 ~~of the one for one provisions in this section, the proposals for the transfer must have occurred~~
12 ~~and been discussed with the department of health before April 1, 1997, and confirmed with~~
13 ~~contracts executed between the parties to the transfer, and filed with the department of health~~
14 ~~before June 1, 1997, providing for the bed transfers to be completed by January 1, 1998, and~~
15 ~~not exceeding the state's licensed long term bed capacity as authorized by this section.~~
16 Existing licensed beds released by a facility which are not immediately transferred to another
17 facility may not be banked for future transfer to another facility.