

SENATE BILL NO. 2098

Introduced by

Human Services Committee

(At the request of the Indian Affairs Commission)

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 the moratorium on additional basic care and long-term care
3 beds and to exempt tribal nations within the state of North Dakota from the moratorium.

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

5 **SECTION 1. AMENDMENT.** Section 23-09.3-01.1 of the 1999 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 with exception.**

8 Except when existing beds are converted for use by the alzheimer's and related dementia
9 population under the projects provided for in section 50-06-14.4, and when beds would be
10 established in tribal facilities, the department may not issue a license under this chapter for any
11 additional bed capacity above the state's gross licensed capacity of one thousand four hundred
12 seventy-one beds, adjusted by any reduction in beds before July 31, ~~1999~~ 2001, during the
13 period between August 1, ~~1999~~ 2001, and July 31, ~~2004~~ 2003. Transfers of existing beds from
14 one municipality to another municipality or to tribal facilities must be approved if the licensing
15 requirements are met, during the period August 1, ~~1999~~ 2001, to July 31, ~~2004~~ 2003, only to
16 the extent that for each bed transfer approved the total number of licensed beds in the state is
17 reduced by the same number transferred. Existing licensed beds released by a facility which
18 are not immediately transferred to another facility may not be banked for future transfer to
19 another facility, with exception for tribal facilities.

20 **SECTION 2. AMENDMENT.** Section 23-16-01.1 of the 1999 Supplement to the North
21 Dakota Century Code is amended and reenacted as follows:

22 **23-16-01.1. Moratorium on expansion of long-term care bed capacity with**
23 **exception.** Notwithstanding sections 23-16-06 and 23-16-10, except when existing beds are
24 converted for use by the alzheimer's and related dementia population under the projects

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1 provided for in section 50-06-14.4, and when beds would be established in tribal facilities, the
2 state department of health may not issue a license for any additional bed capacity above the
3 state's gross licensed capacity of seven thousand one hundred forty beds, adjusted by any
4 reduction in beds before July 31, ~~1999~~ 2001, during the period between August 1, ~~1999~~ 2001,
5 and July 31, ~~2004~~ 2003. Transfers of existing beds from one municipality to another
6 municipality or to tribal facilities must be approved if the department of health licensing
7 requirements are met, during the period August 1, ~~1999~~ 2001, to July 31, ~~2004~~ 2003, only to
8 the extent that for each bed transfer approved the total number of licensed beds in the state is
9 reduced by the same number transferred. Existing licensed beds released by a facility which
10 are not immediately transferred to another facility may not be banked for future transfer to
11 another facility, with exception for tribal facilities.