

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED HOUSE BILL NO. 1190

Introduced by

Representatives Devlin, Kreidt, Metcalf

Senators Fischer, J. Lee, Robinson

1 A BILL for an Act to amend and reenact section 23-09.3-01.1 of the North Dakota Century
2 Code, relating to a moratorium on the expansion of basic care bed capacity.

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

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

6 **23-09.3-01.1. Moratorium on expansion of basic care bed capacity.**

7 1. ~~Except when a nursing facility that converts licensed nursing facility bed capacity~~
8 ~~to basic care bed capacity or the alzheimer's and related dementia pilot projects~~
9 ~~established under section 50-06-14.4 requests licensure of the facility's existing~~
10 ~~beds as basic care bed capacity, or unless the applicant demonstrates to the~~
11 ~~department and to the department of human services that a need for additional~~
12 ~~basic care bed capacity exists, the department may not issue a license under this~~
13 ~~chapter for any additional bed capacity above the state's gross licensed capacity of~~
14 ~~one thousand four hundred seventy one beds, adjusted by any reduction in beds~~
15 ~~before July 31, 2003, Basic care beds may not be added to the state's licensed~~
16 ~~bed capacity during the period between August 1, 2003 2005, and July 31, 2007,~~
17 except when:

- 18 a. A nursing facility converts nursing facility beds to basic care; or
- 19 b. An entity demonstrates to the state department of health and the department
20 of human services that basic care services are not readily available within a
21 designated area of the state or that existing basic care beds within a fifty-mile
22 radius have been occupied at ninety percent or more for the previous twelve
23 months.

- 1 2. Transfers of ~~existing~~ basic care beds from one ~~municipality~~ basic care facility to
2 another ~~municipality~~ must be approved if the licensing requirements are met,
3 ~~during the period August 1, 2003, to July 31, 2007.~~ Existing licensed entity is
4 permitted. Transferred basic care beds released by a facility and transferred to
5 ~~another facility~~ must become licensed within forty-eight months of transfer. The
6 entity receiving the transferred beds or any new facility may seek to participate in
7 the basic care assistance program. If the entity can demonstrate that individuals
8 can be cared for at a more independent level and that this service will delay entry
9 into the nursing facility, the entity may be approved for basic care assistance
10 funds.
- 11 3. ~~Transfer of existing beds from one municipality to a tribal reservation during the~~
12 ~~period August 1, 2003, to July 31, 2007, may occur, only to the extent that the~~
13 ~~facility transferring beds reduces the facility's licensed capacity by an amount~~
14 ~~equal to the number of beds transferred.~~ If an Indian tribe acquires basic care
15 beds, the tribal facility must meet state licensing requirements for those beds
16 within forty-eight months of acquisition. A tribal facility may seek to participate;
17 ~~within forty-eight months of any transfer of beds,~~ in the basic care assistance
18 program. Basic care assistance payments may only be made to a tribal facility that
19 agrees to participate and adhere to all federal and state requirements of the basic
20 care assistance program including participation, screening, ratesetting, and
21 licensing requirements.
- 22 4. ~~Not more than once in a twelve month period, a nursing facility may convert~~
23 ~~licensed nursing facility bed capacity to basic care bed capacity or may convert~~
24 ~~basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to~~
25 ~~licensed nursing facility bed capacity.~~ At least ninety days before the conversion,
26 the facility shall notify the state department of the facility's intent to convert bed
27 capacity.