

HOUSE BILL NO. 1012

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the department of
 2 human services; to create and enact a new section to chapter 50-06 of the North Dakota
 3 Century Code, relating to substance use disorder treatment voucher system grants; to amend
 4 and reenact sections 50-06-42 and 50-24.1-37 of the North Dakota Century Code, relating to
 5 the substance use disorder voucher program and the Medicaid expansion program; to repeal
 6 section 50-24.1-18.1 of the North Dakota Century Code, relating to consumer-directed health
 7 maintenance services; to provide an exemption; and to provide a statement of legislative intent;
 8 to provide for a report; to provide for a study; to provide for a transfer; to provide for the
 9 conveyance of land; to provide an application; to provide an effective date; to provide an
 10 expiration date; and to declare an emergency.

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

12 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
 13 as may be necessary, are appropriated out of any moneys in the general fund in the state
 14 treasury, not otherwise appropriated, and from special funds derived from federal funds and
 15 other income, to the department of human services for the purpose of defraying the expenses of
 16 its various divisions, for the biennium beginning July 1, 2021, and ending June 30, 2023, as
 17 follows:

18 Subdivision 1.

19 MANAGEMENT

	Governor's		
	Base Level	Recommendation	Appropriation
20 Salaries and wages	\$20,222,500	\$19,448,486	\$20,222,500
21 Operating expenses	134,438,862	218,018,827	134,438,862
22 Capital assets	50,000	75,000	50,000

Sixty-seventh
Legislative Assembly

1	Total all funds	\$154,711,362	\$237,542,313	\$154,711,362
2	Less estimated income	90,021,088	138,018,317	90,021,088
3	Total general fund	\$64,690,274	\$99,523,996	\$64,690,274
4		Adjustments or		
5		Base Level	Enhancements	Appropriation
6	Salaries and wages	\$20,222,500	(\$890,281)	\$19,332,219
7	Operating expenses	134,438,862	77,342,233	211,781,095
8	Capital assets	50,000	25,000	75,000
9	Total all funds	\$154,711,362	\$76,476,952	\$231,188,314
10	Less estimated income	90,021,088	49,907,855	139,928,943
11	Total general fund	\$64,690,274	\$26,569,097	\$91,259,371
12	Subdivision 2.			
13	PROGRAM AND POLICY			
14		Governor's		
15		Base Level	Recommendation	Appropriation
16	Salaries and wages	\$68,994,873	\$119,558,021	\$68,994,873
17	Operating expenses	150,961,583	165,881,008	150,961,583
18	Capital assets	10,000	10,000	10,000
19	Grants	452,041,904	455,689,740	452,041,904
20	Grants - medical assistance	2,742,157,720	2,927,514,143	2,742,157,720
21	Total all funds	\$3,414,166,080	\$3,668,652,912	\$3,414,166,080
22	Less estimated income	2,232,568,138	2,386,024,372	2,232,568,138
23	Total general fund	\$1,181,597,942	\$1,282,628,540	\$1,181,597,942
24		Adjustments or		
25		Base Level	Enhancements	Appropriation
26	Salaries and wages	\$68,994,873	\$50,364,134	\$119,359,007
27	Operating expenses	150,961,583	15,702,927	166,664,510
28	Capital assets	10,000	0	10,000
29	Grants	452,041,904	9,311,450	461,353,354
30	Grants - medical assistance	2,742,157,720	273,030,980	3,015,188,700
31	Total all funds	\$3,414,166,080	\$348,409,491	\$3,762,575,571

1	<u>Less estimated income</u>	<u>2,232,568,138</u>	<u>235,823,355</u>	<u>2,468,391,493</u>
2	<u>Total general fund</u>	<u>\$1,181,597,942</u>	<u>\$112,586,136</u>	<u>\$1,294,184,078</u>

3 Subdivision 3.

4 FIELD SERVICES

5	<u>Governor's</u>			
6	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>	
7	<u>Human service centers</u>	<u>\$204,701,143</u>	<u>\$167,518,312</u>	<u>\$204,701,143</u>
8	<u>Institutions</u>	<u>137,476,480</u>	<u>126,691,941</u>	<u>137,476,480</u>
9	<u>Total all funds</u>	<u>\$342,177,623</u>	<u>\$294,210,253</u>	<u>\$342,177,623</u>
10	<u>Less estimated income</u>	<u>127,314,955</u>	<u>113,742,156</u>	<u>127,314,955</u>
11	<u>Total general fund</u>	<u>\$214,862,668</u>	<u>\$180,468,097</u>	<u>\$214,862,668</u>

12 Adjustments or

13	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
14	<u>Human service centers</u>	<u>\$204,701,143</u>	<u>(\$37,774,523)</u>	<u>\$166,926,620</u>
15	<u>Institutions</u>	<u>137,476,480</u>	<u>(6,858,717)</u>	<u>130,617,763</u>
16	<u>Total all funds</u>	<u>\$342,177,623</u>	<u>(\$44,633,240)</u>	<u>\$297,544,383</u>
17	<u>Less estimated income</u>	<u>127,314,955</u>	<u>(13,370,943)</u>	<u>113,944,012</u>
18	<u>Total general fund</u>	<u>\$214,862,668</u>	<u>(\$31,262,297)</u>	<u>\$183,600,371</u>

19 Subdivision 4.

20 COUNTY SOCIAL SERVICE FINANCING

21	<u>Governor's</u>			
22	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>	
23	<u>County social services</u>	<u>\$173,700,000</u>	<u>\$177,158,738</u>	<u>\$173,700,000</u>
24	<u>Total all funds</u>	<u>\$173,700,000</u>	<u>\$177,158,738</u>	<u>\$173,700,000</u>
25	<u>Less estimated income</u>	<u>173,700,000</u>	<u>175,835,515</u>	<u>173,700,000</u>
26	<u>Total general fund</u>	<u>\$0</u>	<u>\$1,323,223</u>	<u>\$0</u>

27 Adjustments or

28	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
29	<u>County social services</u>	<u>\$173,700,000</u>	<u>\$16,451,515</u>	<u>\$190,151,515</u>
30	<u>Total all funds</u>	<u>\$173,700,000</u>	<u>\$16,451,515</u>	<u>\$190,151,515</u>

1	<u>Less estimated income</u>	<u>173,700,000</u>	<u>15,139,791</u>	<u>188,839,791</u>
2	<u>Total general fund</u>	<u>\$0</u>	<u>\$1,311,724</u>	<u>\$1,311,724</u>

3 Subdivision 5.

4 TOTAL - SECTION 1

5	<u>Governor's</u>			
6	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>	
7	<u>Grand total general fund</u>	<u>\$1,461,150,884</u>	<u>\$1,563,943,856</u>	<u>\$1,461,150,884</u>
8	<u>Grant total special funds</u>	<u>2,623,604,181</u>	<u>2,813,620,360</u>	<u>2,623,604,181</u>
9	<u>Grant total all funds</u>	<u>\$4,084,755,065</u>	<u>\$4,377,564,216</u>	<u>\$4,084,755,065</u>
10	<u>Full-time equivalent positions</u>	<u>2,230.23</u>	<u>2,221.63</u>	<u>2,230.23</u>
11	<u>Adjustments or</u>			
12	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
13	<u>Grand total general fund</u>	<u>\$1,461,150,884</u>	<u>\$109,204,660</u>	<u>\$1,570,355,544</u>
14	<u>Grant total special funds</u>	<u>2,623,604,181</u>	<u>287,500,058</u>	<u>2,911,104,239</u>
15	<u>Grant total all funds</u>	<u>\$4,084,755,065</u>	<u>\$396,704,718</u>	<u>\$4,481,459,783</u>
16	<u>Full-time equivalent positions</u>	<u>2,230.23</u>	<u>1.60</u>	<u>2,231.83</u>

17 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-**
 18 **EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items
 19 approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the one-time
 20 funding items included in the appropriation in section 1 of this Act:

21	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
22	Technology projects	\$13,785,658	\$0
23	<u>Technology projects</u>	<u>\$13,785,658</u>	<u>\$67,641,747</u>
24	Capital projects - life skills and transition center	4,277,165	0
25	Capital projects - state hospital	2,493,500	0
26	Medically complex children provider funding	977,603	0
27	Hyperbaric oxygen therapy grant	335,000	0
28	State hospital study	200,000	0
29	Total all funds	\$22,068,926	\$0
30	Less estimated income	20,556,323	0
31	Total general fund	\$1,512,603	\$0

1	<u>State hospital study</u>	<u>200,000</u>	<u>300,000</u>
2	<u>Medicaid system consultant</u>	<u>0</u>	<u>300,000</u>
3	<u>Nursing facility payment methodology</u>	<u>0</u>	<u>7,200,000</u>
4	<u>Total all funds</u>	<u>\$22,068,926</u>	<u>\$75,441,747</u>
5	<u>Less estimated income</u>	<u>20,556,323</u>	<u>51,607,531</u>
6	<u>Total general fund</u>	<u>\$1,512,603</u>	<u>\$23,834,216</u>

7 The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget
8 for the 2023-25 biennium. The department of human services shall report to the appropriations
9 committees of the sixty-eighth legislative assembly on the use of this one-time funding for the
10 biennium beginning July 1, 2021, and ending June 30, 2023.

11 **SECTION 3. APPROPRIATION - 2019-21 BIENNIUM - DEPARTMENT OF HUMAN**
12 **SERVICES - FIRE PROTECTION AGREEMENTS - EXEMPTION.** There is appropriated out of
13 any moneys in the department of human services operating fund in the state treasury, not
14 otherwise appropriated, the sum of \$333,333, or so much of the sum as may be necessary, to
15 the department of human services for the purpose of providing a grant to a political subdivision
16 for the state share of costs relating to the purchase of a fire truck, for the period beginning with
17 the effective date of this Act and ending June 30, 2021. The funding appropriated in this section
18 is a one-time funding item. The requirements of chapter 54-44.4 do not apply to the selection of
19 a grant recipient, the grant award, or payments made under this section. The department of
20 human services shall discontinue any agreement with a political subdivision for fire protection
21 services and may not enter any future agreement with a political subdivision for fire protection
22 services.

23 **SECTION 4. FUNDING TRANSFERS - EXEMPTION - AUTHORIZATION - REPORT.**

24 Notwithstanding section 54-16-04, the director of the office of management and budget shall
25 transfer appropriation authority between line items within subdivisions 1, 2, and 3 of section 1 of
26 this Act for the biennium beginning July 1, 2021, and ending June 30, 2023, as requested by the
27 department of human services. The department of human services shall notify the legislative
28 council of any transfer made pursuant to this section. The department shall report to the budget
29 section after June 30, 2022, any transfer made in excess of \$50,000 and to the appropriations
30 committees of the sixty-eighth legislative assembly regarding any transfers made pursuant to
31 this section.

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

2 Notwithstanding section 54-16-04, the director of the office of management and budget shall
3 transfer appropriation authority from line items within subdivisions 1, 2, and 3 of section 1 of this
4 Act to subdivision 4 of section 1 of this Act for the biennium beginning July 1, 2021, and ending
5 June 30, 2023, as requested by the department of human services. The department of human
6 services shall notify the legislative council of any transfer made pursuant to this section. The
7 department shall report to the budget section after June 30, 2022, any transfer made in excess
8 of \$50,000 and to the appropriations committees of the sixty-eighth legislative assembly
9 regarding any transfers made pursuant to this section.

10 **SECTION 6. FULL-TIME EQUIVALENT POSITION - AGING SERVICES.** Section 1 of this
11 Act includes one full-time equivalent position for the administration of services resulting from a
12 federal department of justice lawsuit settlement. This position is authorized only for the
13 biennium beginning July 1, 2021, and ending June 30, 2023, and may not be included in the
14 department's base budget for the biennium beginning July 1, 2023, and ending June 30, 2025.

15 **SECTION 7. ESTIMATED INCOME - HUMAN SERVICE FINANCE FUND.** The estimated
16 income line item in subdivision 4 of section 1 of this Act includes the sum of
17 ~~\$173,700,000~~ \$187,385,888 from the human service finance fund for state-paid economic
18 assistance and social and human services.

19 ~~—SECTION 7. ESTIMATED INCOME - TOBACCO PREVENTION AND CONTROL TRUST~~
20 ~~FUND. The estimated income line item in subdivision 2 of section 1 of this Act includes the sum~~
21 ~~of \$6,000,000 from the tobacco prevention and control trust fund for defraying expenses in the~~
22 ~~medical services division.~~

23 **SECTION 8. ESTIMATED INCOME - COMMUNITY HEALTH TRUST FUND.** The estimated
24 income line item in subdivision 2 of section 1 of this Act includes the sum of
25 ~~\$32,400,000~~ \$24,000,000 from the community health trust fund for defraying expenses in the
26 medical services division.

27 **SECTION 9. ESTIMATED INCOME - HEALTH CARE TRUST FUND.** The estimated
28 income line item in subdivision 2 of section 1 of this Act includes the sum of \$1,000,000 from
29 the health care trust fund and \$1,150,538 from federal funds for nursing facility operating
30 margin adjustments.

1 **SECTION 10. CAPITAL PAYMENTS.** During the biennium beginning July 1, 2021, and
2 ending June 30, 2023, the department of human services is authorized to expend funds for the
3 payment of special assessments at the state hospital and life skills and transition center.

4 **SECTION 11. STATE HOSPITAL - CAPITAL PROJECTS - EMERGENCY COMMISSION**
5 **APPROVAL.** During the biennium beginning July 1, 2021, and ending June 30, 2023, the
6 department of human services is authorized to proceed with the demolition of the chapel and
7 employee building and associated tunnels at the state hospital. Pursuant to section 4 of this Act,
8 the director of the office of management and budget may transfer appropriation authority
9 between line items within subdivisions 1, 2, and 3 of section 1 of this Act. The department may
10 transfer funds for the demolition of the identified buildings and associated tunnels and for
11 emergency capital projects. Notwithstanding section 54-27-12, the department of human
12 services may spend up to \$5,000,000 for emergency projects under this section and may seek
13 emergency commission approval to spend more than \$5,000,000 under this section.

14 **SECTION 12. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL**
15 **ASSISTANCE EXPANSION PROGRAM - APPLICATION.**

- 16 1. Subdivision 2 of section 1 of this Act includes the sum of \$703,317,464, of which
17 \$80,934,488 is from the general fund, for the medical assistance expansion program
18 for the biennium beginning July 1, 2021, and ending June 30, 2023. The expenditures
19 for individuals eligible for the medical assistance expansion program may not exceed
20 this amount. For purposes of this section:
- 21 a. Expenditures do not include those made for individuals identified as medically
22 frail and who receive services through the traditional Medicaid program
23 administered by the department of human services for which there is a separate
24 appropriation of \$10,184,568 included in subdivision 2 of section 1 of this Act.
- 25 b. Expenditures do not include prescription drugs for the medical assistance
26 expansion program population which is administered by the department of
27 human services through its fee-for-service Medicaid program for which there is a
28 separate appropriation of \$29,460,720 included in subdivision 2 of section 1 of
29 this Act.
- 30 c. Expenditures do not include coverage for individuals ages nineteen and twenty
31 for the medical assistance expansion program population which is administered

1 by the department of human services through its fee-for-service Medicaid
2 program for which there is a separate appropriation of \$12,705,466 included in
3 subdivision 2 of section 1 of this Act.

4 2. The department of human services may exceed appropriations for increases in
5 medical assistance expansion program caseload and for the addition of coverage
6 consistent with the traditional Medicaid 1915i state plan.

7 3. The managed care organization under contract with the department to manage the
8 medical assistance expansion program shall reimburse providers within the same
9 provider type and specialty at consistent levels and with consistent methodology and
10 may not provide incentive, quality, or supplemental payments to providers, unless part
11 of a value-based program approved by the department. The managed care
12 organization may consider urban and rural providers as different provider types.
13 Critical access hospitals may not be paid less than one hundred percent of Medicare
14 allowable costs.

15 4. The managed care organization and the department of human services shall ensure
16 payments to Indian or Tribal 638 health care providers, federally qualified health
17 centers, and rural health clinics meet the federally required minimum levels of
18 reimbursement.

19 5. The department of human services shall ensure providers within the same provider
20 type and specialty are reimbursed at consistent levels and with consistent
21 methodology and shall ensure the capitation rates under risk contracts are actuarially
22 sound and are adequate to meet managed care organization contractual requirements
23 regarding availability of services, assurance of adequate capacity and services, and
24 coordination and continuity of care.

25 6. The department of human services and the Medicaid expansion managed care
26 organization shall ensure the appropriate contract amendment is adopted for coverage
27 through December 31, 2021. The contract amendment shall stay within the
28 appropriation and the requirements of chapter 54-44.4 do not apply.

29 **SECTION 13. EXPENDITURES MAY NOT EXCEED APPROPRIATION - NURSING HOME**
30 **RATES.** Subdivision 2 of section 1 of this Act includes the sum of \$621,362,568, of which
31 \$288,313,216 is from the general fund, for nursing home payments for the biennium beginning

1 July 1, 2021, and ending June 30, 2023. The expenditures for nursing homes may not exceed
2 this amount.

3 **SECTION 14.** A new section to chapter 50-06 of the North Dakota Century Code is created
4 and enacted as follows:

5 **Substance use disorder treatment voucher system grants.**

- 6 1. A licensed substance abuse treatment program, excluding regional human service
7 centers and hospital or medical clinic-based programs for medical management of
8 withdrawal, may apply for a competitive substance use disorder treatment voucher
9 system grant. A licensed substance abuse treatment program is eligible for a one-time
10 grant award. To receive a grant, a licensed substance abuse treatment program shall:
11 a. Submit an application in the form and manner prescribed by the department;
12 b. Enter a grant agreement with the department;
13 c. Use grant funds for a licensed substance abuse treatment program with fewer
14 than seventeen beds in an underserved area, as determined by the department,
15 in the state's substance abuse treatment system;
16 d. Use the grant funds to support the provision of substance use disorder treatment
17 in underserved areas of the state's substance abuse treatment system;
18 e. Provide and disclose information needed to comply with the department's data
19 collection requirements; and
20 f. Operate in compliance with grant requirements.
21 2. The department, within legislative appropriations, may distribute up to three grants
22 under this section to licensed substance abuse treatment programs.
23 3. The department may recapture grant funds distributed to a licensed program found by
24 the department to be out of compliance with the requirements established by the grant
25 program, including ending or reducing the operation of the substance use disorder
26 treatment services in the underserved area.
27 4. The department may not collect property, equipment, or supplies purchased with grant
28 funds from the licensed substance abuse treatment program after successful
29 completion of the terms of the grant.
30 5. The grant term must be for five years.

1 **SECTION 15. AMENDMENT.** Section 50-06-42 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-06-42. Substance use disorder treatment voucher system.**

4 1. The department shall establish and administer, within the limits of legislative
5 appropriations, a voucher system to address underserved areas and gaps in the
6 state's substance abuse treatment system and to assist in the payment of addiction
7 treatment services provided by licensed substance abuse treatment programs,
8 excluding regional human service centers, and hospital- or medical clinic-based
9 programs for medical management of withdrawal. Services eligible for the voucher
10 program include only those levels of care recognized by the American society of
11 addiction medicine, with particular emphasis given to underserved areas and
12 programs. The department shall ensure that a licensed substance abuse treatment
13 program, hospital, and medical clinic program accepting vouchers collects and reports
14 process and outcome measures. The department shall develop requirements and
15 provide training and technical assistance to a licensed substance abuse treatment
16 program, hospital, and medical clinic program accepting vouchers. A licensed
17 substance abuse treatment program, hospital, and medical clinic program accepting
18 vouchers shall provide evidence-based services.

19 2. The department shall allocate funding appropriated for the substance use disorder
20 treatment voucher as follows:

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

24 b. The remaining appropriation must be allocated for nonresidential outpatient and
25 ancillary substance use disorder services administered by licensed substance
26 abuse treatment programs.

27 **SECTION 16. AMENDMENT.** Section 50-24.1-37 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **50-24.1-37. Medicaid expansion - Legislative management report. (Effective through**
2 **July 31, ~~2021~~2023 - Contingent repeal - [See note](#))**

- 3 1. The department of human services shall expand medical assistance coverage as
4 authorized by the federal Patient Protection and Affordable Care Act [Pub. L. 111-148],
5 as amended by the Health Care and Education Reconciliation Act of 2010
6 [Pub. L. 111-152] to individuals under sixty-five years of age with income below one
7 hundred thirty-eight percent of the federal poverty line published by the federal office
8 of management and budget applicable to the household size.
- 9 2. The department shall inform new enrollees in the medical assistance expansion
10 program that benefits may be reduced or eliminated if federal participation decreases
11 or is eliminated.
- 12 3. Except for pharmacy services, the department shall implement the expansion by
13 bidding through private carriers or utilizing the health insurance exchange.
- 14 4. The contract between the department and the private carrier must provide the
15 department with full access to provider reimbursement rates. The department shall
16 consider provider reimbursement rate information in selecting a private carrier under
17 this section. Before August first of each even-numbered year, the department shall
18 submit a report to the legislative management regarding provider reimbursement rates
19 under the medical assistance expansion program. This report may provide cumulative
20 data and trend data but may not disclose identifiable provider reimbursement rates.
- 21 5. Provider reimbursement rate information received by the department under this
22 section is confidential, except the department may use the reimbursement rate
23 information to prepare the report to the legislative management as required under this
24 section.

25 **SECTION 17. AMENDMENT.** Section 50-24.1-37 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **50-24.1-37. Medicaid expansion - Legislative management report. (Effective through**
28 **July 31, 2023 - Contingent repeal - [See note](#))**

- 29 1. The department of human services shall expand medical assistance coverage as
30 authorized by the federal Patient Protection and Affordable Care Act [Pub. L. 111-148],
31 as amended by the Health Care and Education Reconciliation Act of 2010

1 [Pub. L. 111-152] to individuals under sixty-five years of age with income below one
2 hundred thirty-eight percent of the federal poverty line published by the federal office
3 of management and budget applicable to the household size.

4 2. The department shall inform new enrollees in the medical assistance expansion
5 program that benefits may be reduced or eliminated if federal participation decreases
6 or is eliminated.

7 3. Except for pharmacy services and coverages for individuals ages nineteen and twenty,
8 the department shall implement the expansion by bidding through private carriers or
9 utilizing the health insurance exchange.

10 4. The contract between the department and the private carrier must provide the
11 department with full access to provider reimbursement rates. The department shall
12 consider provider reimbursement rate information in selecting a private carrier under
13 this section. Before August first of each even-numbered year, the department shall
14 submit a report to the legislative management regarding provider reimbursement rates
15 under the medical assistance expansion program. ~~This report may provide cumulative~~
16 ~~data and trend data but may not disclose identifiable provider reimbursement rates.~~

17 ~~5. Provider reimbursement rate information received by the department under this~~
18 ~~section is confidential, except the department may use the reimbursement rate~~
19 ~~information to prepare the report to the legislative management as required under this~~
20 ~~section.~~

21 **SECTION 18. REPEAL.** Section 50-24.1-18.1 of the North Dakota Century Code is
22 repealed.

23 **SECTION 19. CONVEYANCE OF LAND AUTHORIZED - LIFE SKILLS AND TRANSITION**
24 **CENTER.** The state of North Dakota, by and through the department of human services, may
25 convey real property associated with the life skills and transition center in Grafton to the Grafton
26 parks and recreation department. The department of human services may convey a portion of
27 two parcels of land commonly referred to as "the bowl" on the terms and conditions determined
28 appropriate by the department and the attorney general. Sections 54-01-05.2 and 54-01-05.5
29 do not apply to this conveyance.

30 **SECTION 20. LEASE OF LAND - STATE HOSPITAL.** The department of human services
31 and national guard may enter an agreement to lease up to twenty acres of real property

1 associated with the state hospital for the national guard to construct a new training and storage
2 facility.

3 **SECTION 21. PROVIDER PROCESS AND OUTCOME MEASURES.** Providers that
4 receive funding from the department of human services shall submit process and outcome
5 measures, as required by the department, to the department of human services for programs
6 and services supported by state funding during the biennium beginning July 1, 2021, and
7 ending June 30, 2023.

8 **SECTION 22. IN-HOME SUPPORT SERVICES - DEVELOPMENTAL DISABILITIES**
9 **WAIVER.** The department of human services shall add in-home support services to the
10 appendix K application submitted by the department to the centers for Medicare and Medicaid
11 services for the developmental disability services waiver for the COVID-19 emergency. Funding
12 for in-home support services under the appendix K application may not exceed \$250,000 during
13 the COVID-19 emergency.

14 **SECTION 23. QUALIFIED RESIDENTIAL TREATMENT PROVIDERS.** The department of
15 human services shall adopt rules, on or before October 1, 2021, establishing a new ratesetting
16 process and requirements for foster care maintenance rates for qualified residential treatment
17 providers based on the appropriation approved by the sixty-seventh legislative assembly.

18 **SECTION 24. COMMUNITY BEHAVIORAL HEALTH PROGRAM.** Pursuant to section 4 of
19 this Act, the director of the office of management and budget may transfer appropriation
20 authority between line items within subdivisions 1, 2, and 3 of section 1 of this Act for the
21 biennium beginning July 1, 2021, and ending June 30, 2023, as requested by the department of
22 human services. The department may transfer funds for the continuation of the community
23 behavioral health program pursuant to subsection 2 of section 54-23.3-10.

24 **SECTION 25. EXEMPTION.** The amount appropriated for the Medicaid management
25 information system technology stack upgrade in chapter 37 of the 2019 Session Laws is not
26 subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation
27 are available for the completion of the Medicaid management information system technology
28 stack upgrade during the biennium beginning July 1, 2021, and ending June 30, 2023.

29 **SECTION 26. EXEMPTION.** The amount appropriated for the modification of the
30 department of human services' eligibility systems in chapter 578 of the 2011 Special Session
31 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from

1 this appropriation approved under section 54-44.1-11 for continuation into the 2013-15
2 biennium, then the 2015-17 biennium, then the 2017-19 biennium, and then the 2019-21
3 biennium are available for the completion of the modification of the eligibility systems project
4 during the biennium beginning July 1, 2021, and ending June 30, 2023.

5 **SECTION 27. EXEMPTION.** The amount appropriated for the development of the child care
6 licensing and data system in chapter 11 of the 2017 Session Laws is not subject to the
7 provisions of section 54-44.1-11. Any unexpended funds from this appropriation approved under
8 section 54-44.1-11 for continuation into the 2019-21 biennium are available for the completion of
9 the child care licensing and data system during the biennium beginning July 1, 2021, and
10 ending June 30, 2023.

11 **SECTION 28. EXEMPTION.** The amount appropriated for the development of the health
12 information network in chapter 11 of the 2017 Session Laws is not subject to the provisions of
13 section 54-44.1-11. Any unexpended funds from this appropriation approved under section
14 54-44.1-11 for continuation into the 2019-21 biennium are available for the completion of the
15 health information network during the biennium beginning July 1, 2021, and ending June 30,
16 2023.

17 **SECTION 29. EXEMPTION.** The sum of \$200,000 from the general fund appropriated for
18 the department's operating expenses for the school behavioral health program in chapter 37 of
19 the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended
20 funds from this appropriation are available for the completion of the school behavioral health
21 pilot projects during the biennium beginning July 1, 2021, and ending June 30, 2023.

22 **SECTION 30. EXEMPTION.** The sum of \$150,000 from the general fund appropriated for
23 the department's operating expenses for behavioral health recovery home grants in chapter 37
24 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any
25 unexpended funds from this appropriation may be used for behavioral health recovery home
26 grants during the biennium beginning July 1, 2021, and ending June 30, 2023.

27 **SECTION 31. LEGISLATIVE INTENT - DEVELOPMENTAL DISABILITY RATES.** The
28 appropriation in section 1 of this Act includes adjustments to reimbursement rates for
29 developmental disability service providers. It is the intent of the sixty-seventh legislative
30 assembly that the department of human services seek a deficiency appropriation from the

1 sixty-eighth legislative assembly if funding provided for developmental disability provider
2 payments is not sufficient to pay actual expenses.

3 **SECTION 32. STATE HOSPITAL TREATMENT CAMPUS - REPORT TO LEGISLATIVE**

4 **MANAGEMENT.** During the 2021-22 interim, the department of human services, with the
5 assistance of the state hospital's governing body, stakeholders, members of the legislative
6 assembly, and consultants, shall conduct a study and prepare a report. The report must provide
7 a cost-benefit analysis and available options and address the feasibility and desirability of
8 closing the state hospital, renovating the state hospital, or building a new treatment campus to
9 meet the health care needs of the state. Before October 1, 2022, the department of human
10 services shall provide a report to the legislative management regarding the results of the study.

11 Subdivision 3 of section 1 of this Act includes the sum of \$300,000 for the purpose of
12 contracting with a consultant to assist in the report and recommendation.

13 **SECTION 33. BEHAVIORAL HEALTH SERVICES - REPORT TO LEGISLATIVE**

14 **MANAGEMENT.** During the 2021-22 interim, the department of human services shall study the
15 feasibility and desirability of implementing behavioral health services for the medical assistance
16 expansion program through an administrative services organization. Subdivision 2 of section 1
17 of this Act includes the sum of \$300,000 for the purpose of contracting with a consultant to
18 assist in the study and to develop a plan to implement behavioral health services for the
19 medical assistance expansion program through an administrative services organization. The
20 department of human services shall provide reports to the legislative management regarding
21 the status and results of the study.

22 **SECTION 34. EFFECTIVE DATE.** Section 17 of this Act becomes effective January 1,
23 2022.

24 **SECTION 35. EXPIRATION DATE.** Section 14 of this Act is effective through July 1, 2027,
25 and after that date is ineffective.

26 **SECTION 36. EMERGENCY.** Section 3 of this Act is declared to be an emergency
27 measure.