

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2085**

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota
2 Century Code, relating to the use of an automated clearing house to facilitate payment to
3 medical assistance providers and provider applicants; to amend and reenact sections
4 50-24.1-26 and 50-24.1-32 of the North Dakota Century Code, relating to Medicaid waivers to
5 provide in-home services and medical assistance and advanced practice registered nurses; to
6 repeal section 50-24.1-06 of the North Dakota Century Code, relating to medical assistance
7 remedial eye care; and to provide for application.

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

9 **SECTION 1. AMENDMENT.** Section 50-24.1-26 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **50-24.1-26. Medicaid waivers - In-home services.**

12 The department shall administer Medicaid waivers to provide in-home services to children
13 with extraordinary medical needs and to children up to the age of ~~fourteen~~sixteen diagnosed
14 with an autism spectrum disorder who would otherwise meet institutional level of care. The
15 department may prioritize applicants for the waiver for children with extraordinary medical
16 needs by degree of need.

17 **SECTION 2. AMENDMENT.** Section 50-24.1-32 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **50-24.1-32. Medical assistance - Services provided by physician assistants and
20 advanced practice registered nurse ~~practitioners~~nurses.**

21 The medical assistance program must recognize physician assistants and advanced
22 practice registered nurse ~~practitioners~~nurses with the roles of nurse practitioner or certified
23 nurse midwife as primary care providers with the same rights and responsibilities given primary
24 care physicians under the medical assistance program. Any care provided by the physician

1 assistant or advanced practice registered nurse-practitionernurse with the roles of nurse
2 practitioner or certified nurse midwife as a primary care provider under the medical assistance
3 program must be within the scope of the physician assistant's or advanced practice registered
4 nurse-practitioner'snurse's respective license.

5 **SECTION 3.** A new section to chapter 50-24.1 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Automated clearing house payments to medical assistance providers and provider**
8 **applicants.**

9 The department shall provide payment to medical assistance providers and may provide
10 payments to provider applicants using an automated clearing house to provide for electronic
11 fund transfers. To receive payment, medical assistance providers and provider applicants shall
12 provide sufficient documentation to enable the department to provide electronic funds transfers
13 through an automated clearing house. No other forms of payment are permitted.

14 **SECTION 4. REPEAL.** Section 50-24.1-06 of the North Dakota Century Code is repealed.

15 **SECTION 5. APPLICATION.** The department of human services shall stagger
16 implementation of section 3 of this Act so the section applies:

- 17 1. On January 1, 2022, to agreements entered between the department of human
18 services and the individual on or after January 1, 2022; and
- 19 2. On January 1, 2023, to agreements entered between the department of human
20 services and the individual on or before December 31, 2021.