FIRST ENGROSSMENT

Fifty-sixth Legislative Assembly of North Dakota

ENGROSSED SENATE BILL NO. 2036

Introduced by

Legislative Council

(Budget Committee on Long-Term Care)

1 A BILL for an Act to amend and reenact sections 50-06-14.4 and 50-24.5-01 of the North

2 Dakota Century Code, relating to assisted living facilities; to require the preparation of a

3 recommendation by the department of human services and the department of health; to provide

4 an effective date; and to provide an expiration date.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 SECTION 1. AMENDMENT. Section 50-06-14.4 of the 1997 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 50-06-14.4. Alzheimer's and related dementia and twenty-four hour care projects. 9 The department of human services shall establish projects designed to meet the service needs 10 of the alzheimer's and related dementia population and other aged, blind, or disabled persons 11 who require twenty-four hour care. The projects established under this section must explore 12 the financial and service viability of converting existing nursing facility or basic care assisted 13 living facility capacity to a specific twenty-four hour service environment that targets either the 14 alzheimer's and related dementia population or other aged, blind, or disabled persons who 15 require twenty-four hour care. Project costs must be met using amounts appropriated to the 16 department. Approval preference must be given to projects that involve a reduction in nursing 17 facility beds due to delicensing an entire nursing facility or wing of a nursing facility. The state department of health shall cooperate with the department to ensure the success of the projects. 18 19 The projects may be established notwithstanding subsections 2, 5, 4, 9, and 10, and 11 and 20 subdivision c of subsection 9 8 of section 50-24.5-01, relating to definitions for aid to aged, 21 blind, and disabled persons, and subsection 1 of section 23-09.3-01, relating to the definition of 22 a basic care facility. SECTION 2. AMENDMENT. Section 50-24.5-01 of the 1997 Supplement to the North 23

24 Dakota Century Code is amended and reenacted as follows:

90139.0200

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1	50- 2	24.5-	01. De	efinitions. In this chapter, unless the context otherwise requires:			
2	1.	<u>"As</u>	"Assisted living facility" means a facility that:				
3		a. Makes response staff available at all times;					
4		<u>b.</u>	Prov	ides housing and:			
5			<u>(1)</u>	Congregate meals;			
6			<u>(2)</u>	Kitchen facilities in each resident's living quarters; or			
7			<u>(3)</u>	Any combination of congregate meals and kitchen facilities in each			
8				resident's living quarters sufficient to assure each resident adequate			
9				access to meals;			
10		<u>C.</u>	c. Assures provision of:				
11			<u>(1)</u>	Personal care, therapeutic care, and social and recreational			
12				programming;			
13			<u>(2)</u>	Supervision, safety, and security;			
14			<u>(3)</u>	Medication services; and			
15			<u>(4)</u>	Transportation services;			
16		<u>d.</u>	Foste	ers dignity, respect, and independence by allowing, to the maximum			
17			<u>exter</u>	nt feasible, each resident to determine the resident's service providers,			
18			<u>routi</u>	nes of care provision, and service delivery; and			
19		<u>e.</u>	<u>Serv</u>	es five or more adult residents, unrelated to the proprietor, on a specified			
20			prem	ises not licensed under chapter 23-20 or 25-16, which meets the			
21			<u>requi</u>	irements of the national fire protection association 101 Life Safety Code,			
22			<u>as a</u> p	oplicable.			
23	<u>2.</u>	"Aged" means at least sixty-five years of age.					
24	2.	"Assisted living" means an environment where a person lives in an apartment-like					
25		unit and receives services on a twenty-four-hour basis to accommodate that					
26		person's needs and abilities to maintain as much independence as possible.					
27	3.	"Basic care facility" means a facility defined in section 23-09.3-01 which is not					
28		owned or operated by the state.					
29	4.	"Blind" has the same meaning as the term has when used by the social security					
30		adn	ninistra	ation in the supplemental security income program under title XVI of the			
31		Soc	cial Se	curity Act [42 U.S.C. 1381 et seq.].			

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1	5. <u>4.</u>	"Congregate housing" means housing shared by two or more persons not related					
2		to each other which is not provided in an institution.					
3	6. <u>5.</u>	"County agency" means the county social service board.					
4	7. <u>6.</u>	"Department" means the department of human services.					
5	8. <u>7.</u>	"Disabled" has the same meaning as the term has when used by the social					
6		security administration in the supplemental security income program under title XVI					
7		of the Social Security Act [42 U.S.C. 1381 et seq.].					
8	9. <u>8.</u>	"Eligible beneficiary" means a resident of this state who:					
9		a. (1) Is aged; or					
10		(2) Is at least eighteen years of age and is disabled or blind;					
11		b. Has applied for and is eligible to receive benefits under title XIX of the Social					
12		Security Act [42 U.S.C. 1396 et seq.], provided that a person who was eligible					
13		to receive benefits under title XVI of the Social Security Act [42 U.S.C. 1381					
14		et seq.] and who was receiving benefits under title XVI before January 1,					
15		1995, is not ineligible because that person is not eligible to receive benefits					
16		under title XIX;					
17		c. Based on a functional assessment, is not severely impaired in any of the					
18		activities of daily living of toileting, transferring to or from a bed or chair, or					
19		eating and:					
20		(1) Has health, welfare, or safety needs, including a need for supervision					
21		or a structured environment, which require care in a licensed adult					
22		family foster care home or a licensed basic care an assisted living					
23		facility; or					
24		(2) Is impaired in three of the following four instrumental activities of daily					
25		living: preparing meals, doing housework, taking medicine, and doing					
26		laundry; and					
27		d. Is determined to be eligible pursuant to rules adopted by the department.					
28	10. <u>9.</u>	"Institution" means an establishment that makes available some treatment or					
29		services beyond food or shelter to four five or more persons who are not related to					
30		the proprietor.					

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1	11. <u>10.</u>	"Living independently" includes living in congregate housing. The term does not						
2		include living in an institution.						
3	<u>11.</u>	"Proprietor" means a person responsible for day-to-day administration and						
4		management of a facility.						
5	12.	"Qualified service provider" means a county agency or independent contractor who						
6		agrees to meet standards for services and operations established by the						
7		department.						
8	13.	"Related to the proprietor" means a person who is a proprietor's spouse or former						
9		spouse, or a parent, stepparent, grandparent, stepgrandparent, child, stepchild,						
10		grandchild, stepgrandchild, brother, sister, half-brother, half-sister, stepbrother, or						
11		stepsister of a proprietor or proprietor's spouse or former spouse.						
12	<u>14.</u>	"Remedial care" means services that produce the maximum reduction of an						
13		eligible beneficiary's physical or mental disability and the restoration of an eligible						
14		beneficiary to the beneficiary's best possible functional level.						
15	14. <u>15.</u>	"Would be eligible to receive the cash benefits except for income" refers to a						
16		person whose countable income, less the cost of necessary remedial care that						
17		may be provided under this chapter, does not exceed an amount equal to the cash						
18		benefit under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] which the						
19		person would receive if the person had no income, plus forty-five dollars.						
20	SECTION 3. DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF							
21	HEALTH -	RECOMMENDATION. The department of human services and the department of						
22	2 health, after consultation with individuals and entities determined appropriate by those							
23	departments, shall prepare a recommendation for consideration by the fifty-seventh legislative							
24	4 assembly describing the conversion of current basic care and assisted living facilities into an							
25	integrated long-term housing and service system entitled assisted living. The recommendation							
26	must include appropriate methods and means for the inspection, regulation, and payment							
27	systems for assisted living facilities that respect residents' choices of care providers. That							
28	recommendation must include a proposed budget and any necessary implementing legislation							
29	and appropriation.							
30	SECTION 4. EFFECTIVE DATE. Section 2 of this Act becomes effective on July 1,							
31	2001.							

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- 1 SECTION 5. EXPIRATION DATE. Section 1 of this Act is effective through June 30,
- 2 2001, and after that date is ineffective.