

Fifty-sixth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2037**

Introduced by

Legislative Council

(Budget Committee on Long-Term Care)

1 A BILL for an Act to create and enact a new section to chapter 50-24.3 of the North Dakota  
2 Century Code, relating to the duty of nursing facilities to assure preadmission assessment of  
3 medicaid recipients; to amend and reenact sections 50-24.3-01 and 50-24.3-03 of the North  
4 Dakota Century Code, relating to the provision of targeted managed care and preadmission  
5 assessments; and to provide an appropriation.

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

7 **SECTION 1. AMENDMENT.** Section 50-24.3-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **50-24.3-01. Assessment mechanism - Establishment - Targeted case**  
10 **management.** The department of human services shall establish a mechanism to assess, prior  
11 to admission to a skilled nursing facility, ~~intermediate care facility~~, or a hospital swing-bed  
12 facility ~~approved to furnish skilled or intermediate care services~~, the health and social needs of  
13 each ~~person~~ individual making application for admission to the facility while eligible for benefits  
14 under chapter 50-24.1 or while making application for benefits under chapter 50-24.1. The  
15 department may provide targeted case management services for disabled and elderly  
16 individuals at risk of entering nursing facilities or hospital swing-bed facilities to assure that the  
17 individual's care alternatives are evaluated and considered.

18 **SECTION 2. AMENDMENT.** Section 50-24.3-03 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **50-24.3-03. Department of human services - Powers and duties.**

21 1. The In providing assessment services and targeted case management, the  
22 department of human services has the following powers and duties which it may  
23 delegate to any entity which provides assessment services approved by the  
24 department:

- 4- a. ~~To seek~~ Seek cooperation from other public and private agencies in the community which offer services to disabled and elderly ~~persons~~; individuals;
- 2- b. ~~To provide~~ Provide information and education to the general public regarding availability of the assessment program; ~~and targeted case management~~;
- 3- c. ~~To accept~~ Accept referrals from individuals, families, human services professionals ~~and~~, nursing ~~home~~ facility personnel; ~~and acute care facility~~ personnel;
- 4- d. ~~To assess~~ Assess the health and social needs of, ~~and provide targeted case management to~~, referred individuals;:
- 5- e. ~~To identify~~ Identify available noninstitutional services to meet the needs of referred individuals;:
- 6- f. ~~To prepare~~ Make recommendations for individuals receiving assessment program services ~~or targeted case management services~~ as to the need for ~~skilled nursing facility care, or intermediate care as provided in a facility, or~~ other care which is available in the community;:
- 7- g. ~~To inform~~ Inform referred individuals of the extent to which home and community-based services are available; and of ~~their~~ the individual's opportunity to choose, in consultation with an attending physician ~~and~~, family ~~member~~ members, and a case manager, among the appropriate alternatives that may be available; and
- h. Monitor the results of targeted case management and preadmission assessment.
2. The department may contract with, and delegate to, any person to provide targeted case management services, including assessment services.

**SECTION 3.** A new section to chapter 50-24.3 of the North Dakota Century Code is created and enacted as follows:

**Facility's duties - Preadmission assessment.** Each nursing facility and hospital swing-bed facility shall assure that each individual requiring an assessment under section 50-24.3-01 receives that assessment before admission. The assessment must be used to determine the type of services necessary to maintain each individual and to determine which

1 long-term care alternatives, if any, could meet those needs. The assessment may not be used  
2 as a condition of admission to the facility.

3       **SECTION 4. APPROPRIATION.** The funds provided in this section, or so much of the  
4 funds as may be necessary, are hereby appropriated out of any moneys in the general fund of  
5 the state treasury, not otherwise appropriated, and from special funds derived from federal  
6 funds and from other income, to the department of human services for the purpose of defraying  
7 the costs of providing targeted case management, including assessment services, to elderly  
8 and disabled individuals at risk of entering nursing facilities or hospital swing-bed facilities, for  
9 the biennium beginning July 1, 1999, and ending June 30, 2001, as follows:

10	Total all funds	\$980,000
11	Less estimated income	<u>686,000</u>
12	Total general fund appropriation	\$294,000

13 Of the total general fund appropriation of \$294,000, \$274,000 must be derived from funds  
14 otherwise to be appropriated to the department of human services for the purpose of making  
15 service payments to the elderly and disabled on behalf of eligible individuals requiring case  
16 management services.