

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED 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 case management 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,
11 prior 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:

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

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

27 **Facility's duties - Preadmission assessment.** Each nursing facility and hospital
28 swing-bed facility shall assure that each individual requiring an assessment under section
29 50-24.3-01 receives that assessment before admission. The assessment must be used to
30 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.