Fifty-sixth Legislative Assembly of North Dakota

SENATE BILL NO. 2196

Introduced by

Senators Krauter, Sand, Thane

Representatives Carlisle, Delzer, Meyer

- 1 A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North
- 2 Dakota Century Code, relating to a moratorium on additional basic care facility and long-term
- 3 care beds and a prohibition on the creation of a bed bank.

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

- 5 **SECTION 1. AMENDMENT.** Section 23-09.3-01.1 of the 1997 Supplement to the
- 6 North Dakota Century Code is amended and reenacted as follows:
- 7 **23-09.3-01.1. Moratorium on expansion of basic care bed capacity.** Except when
- 8 existing beds are converted for use by the alzheimer's and related dementia population under
- 9 the projects provided for in section 50-06-14.4, the state department of health may not issue a
- 10 license under this chapter for any additional bed capacity above the state's gross licensed
- 11 capacity of one thousand four hundred seventy-one beds, adjusted by any reduction in beds
- 12 before July 31, 1997 1999, during the period between August 1, 1997 1999, and July 31, 1999
- 13 2001. Transfers of existing beds from one municipality to another municipality must be
- 14 approved if the department of health licensing requirements are met, during the period
- 15 August 1, 1997 1999, to July 31, 1999 2001, only to the extent that for each bed transfer
- 16 approved the total number of licensed beds in the state is reduced by the same number
- 17 transferred. Existing licensed beds released by a facility which are not immediately transferred
- 18 to another facility may not be banked for future transfer to another facility.
- 19 **SECTION 2. AMENDMENT.** Section 23-16-01.1 of the 1997 Supplement to the North
- 20 Dakota Century Code is amended and reenacted as follows:
- 21 23-16-01.1. Moratorium on expansion of long-term care bed capacity.
- 22 Notwithstanding sections 23-16-06 and 23-16-10, except when existing beds are converted for
- 23 use by the alzheimer's and related dementia population under the projects provided for in
- 24 section 50-06-14.4, the state department of health may not issue a license for any additional

- 1 bed capacity above the state's gross licensed capacity of seven thousand one hundred forty
- beds, adjusted by any reduction in beds before July 31, 1997 <u>1999</u>, during the period between
- 3 August 1, 1997 1999, and July 31, 1999 2001. Transfers of existing beds from one municipality
- 4 to another municipality must be approved if the department of health licensing requirements are
- 5 met, during the period August 1, 1997 1999, to July 31, 1999 2001, only to the extent that for
- 6 each bed transfer approved the total number of licensed beds in the state is reduced by the
- 7 same number transferred. Certificate of need projects approved by the state health council
- 8 before July 31, 1995, and not completed as of August 1, 1997, are considered to be within the
- 9 state's licensed long-term care bed capacity as authorized by this section and may be
- 10 completed. For long-term care bed transfers to be made within the state before the application
- 11 of the one-for-one provisions in this section, the proposals for the transfer must have occurred
- 12 and been discussed with the department of health before April 1, 1997, and confirmed with
- 13 contracts executed between the parties to the transfer, and filed with the department of health
- 14 before June 1, 1997, providing for the bed transfers to be completed by January 1, 1998, and
- 15 not exceeding the state's licensed long term bed capacity as authorized by this section.
- 16 Existing licensed beds released by a facility which are not immediately transferred to another
- 17 facility may not be banked for future transfer to another facility.