

Fifty-seventh
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2098

Introduced by

Human Services Committee

(At the request of the Indian Affairs Commission)

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 the moratorium on expansion of basic and long-term care bed
3 capacity.

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

5 **SECTION 1. AMENDMENT.** Section 23-09.3-01.1 of the 1999 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 department may not issue a license under~~
10 ~~this chapter for any additional bed capacity above the state's gross licensed capacity of one~~
11 ~~thousand four hundred seventy one beds, adjusted by any reduction in beds before July 31,~~
12 ~~1999, during the period between August 1, 1999, and July 31, 2001. Transfers of existing beds~~
13 ~~from one municipality to another municipality must be approved if the licensing requirements~~
14 ~~are met, during the period August 1, 1999, to July 31, 2001, only to the extent that for each bed~~
15 ~~transfer approved the total number of licensed beds in the state is reduced by the same~~
16 ~~number transferred. Existing licensed beds released by a facility which are not immediately~~
17 ~~transferred to another facility may not be banked for future transfer to another facility. The state~~
18 ~~department of health may not issue a license for any additional bed capacity. Transfer of~~
19 ~~existing beds may occur to the extent that for each bed transferred, one is reduced by the same~~
20 ~~number. Existing licensed beds released by any facility and transferred to a tribal facility must~~
21 ~~become licensed within eighteen months of transfer. Purchasing of facilities is not subject to~~
22 ~~the two for one transfer provision.~~

23 **SECTION 2. AMENDMENT.** Section 23-16-01.1 of the 1999 Supplement to the North
24 Dakota Century Code is amended and reenacted as follows:

23-16-01.1. Moratorium on expansion of long-term care bed capacity.

Notwithstanding ~~sections~~ section 23-16-06 and 23-16-10, except when existing beds are converted for use by the alzheimer's and related dementia population under the projects provided for in ~~section 50-06-14.4~~, the state department of health may not issue a license for any additional 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, 1999, during the period between August 1, 1999, and July 31, 2001.~~ Transfers. Transfer of existing beds from one municipality to another municipality must be approved if the department of health licensing requirements are met, ~~during the period August 1, 1999, to July 31, 2001, only~~ may occur to the extent that for each bed ~~transfer approved the total number of licensed beds in the state transferred, one~~ is reduced by the same number ~~transferred~~. Existing licensed beds released by a facility ~~which are not immediately~~ and transferred to another facility ~~may not be banked for future transfer to another facility~~ must become licensed within eighteen months of transfer. Purchasing of facilities is not subject to the two for one transfer provision.