

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

SENATE BILL NO. 2085
(Human Services Committee)
(At the request of the Office of Management and Budget)

AN ACT to create and enact section 50-24.3-03.1 of the North Dakota Century Code, relating to the powers and duties of the department of human services regarding assessment services; to amend and reenact sections 50-24.3-01 and 50-24.3-03 of the North Dakota Century Code, relating to the establishment of targeted case management and assessment services for persons being admitted to a skilled nursing facility or hospital swing-bed facility; to repeal section 50-24.3-02 of the North Dakota Century Code, relating to professional involvement in the assessment process; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

50-24.3-01. ~~(Effective through June 30, 2003)~~ Targeted case management. The department of human services shall establish a targeted case management service for disabled and elderly individuals eligible for benefits under chapter 50-24.1 who are at risk of requiring long-term care services to ensure that an individual is informed of alternatives available to address the individual's long-term care needs.

~~**(Effective after June 30, 2003) Assessment mechanism – Establishment.** The department of human services shall establish a mechanism to assess, prior to admission to a skilled nursing facility, intermediate care facility, or a hospital swing-bed facility approved to furnish skilled or intermediate care services, the health and social needs of each person making application for admission to the facility.~~

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

50-24.3-03. ~~(Effective through June 30, 2003)~~ Department of human services - Targeted case management - Powers and duties. The department of human services has the following powers and duties which it may delegate to any entity ~~which~~ that provides targeted case management services approved by the department:

1. To seek cooperation from other public and private entities in the community ~~which~~ that offer services to individuals with disabilities or the elderly.
2. To provide information and education to the general public regarding availability of targeted case management.
3. To accept referrals from an interested party including individuals, families, human services program professionals, nursing facility personnel, and acute care facility personnel.
4. To assess the health and social needs of, and provide targeted case management to, referred individuals who wish to receive this service.
5. To identify available noninstitutional services to meet the needs of referred individuals.
6. To prepare an individual care plan for each individual receiving targeted case management services.

7. To inform referred individuals of the extent to which long-term care services are available, including institutional and community-based services, and of the individual's opportunity to choose, in consultation with an attending physician, family members, and other interested parties, among the appropriate alternatives that may be available.
8. To monitor the results of targeted case management and report to each legislative assembly on these results and the cost-effectiveness of these services.

~~(Effective after June 30, 2003) Department of human services—Powers and duties.~~ The department of human services has the following powers and duties which it may delegate to any entity which provides assessment services approved by the department:

- ~~1. To seek cooperation from other public and private agencies in the community which offer services to disabled and elderly persons.~~
- ~~2. To provide information and education to the general public regarding availability of the assessment program.~~
- ~~3. To accept referrals from individuals, families, human services professionals, and nursing home personnel.~~
- ~~4. To assess the health and social needs of referred individuals.~~
- ~~5. To identify available noninstitutional services to meet the needs of referred individuals.~~
- ~~6. To prepare recommendations for individuals receiving assessment program services as to the need for skilled nursing care, or intermediate care as provided in a facility, or other care which is available in the community.~~
- ~~7. To inform referred individuals of the extent to which home and community based services are available, and of their opportunity to choose, in consultation with an attending physician and family member, among the appropriate alternatives that may be available.~~

SECTION 3. Section 50-24.3-03.1 of the North Dakota Century Code is created and enacted as follows:

50-24.3-03.1. Department of human services - Assessment services - Powers and duties.

The department of human services has the following powers and duties which it may delegate to any entity that provides assessment services approved by the department:

1. To seek cooperation from other public and private agencies in the community which offer services to disabled and elderly persons.
2. To provide information and education to the general public regarding availability of the assessment program.
3. To accept referrals from individuals, families, human services program professionals, nursing facility personnel, and acute care facility personnel.
4. To assess the health and social needs of referred individuals.
5. To identify available noninstitutional services to meet the needs of referred individuals.
6. To prepare recommendations for individuals receiving assessment program services as to the need for skilled nursing care or other care available in the community.
7. To inform referred individuals of the extent to which home and community-based services are available and of their opportunity to choose, in consultation with an attending physician and family member, among the appropriate alternatives that may be available.

SECTION 4. REPEAL. Section 50-24.3-02 of the North Dakota Century Code is repealed.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2085 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 45 Nays 0 Absent 2

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 92 Nays 0 Absent 2

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,
at ____ o'clock _____ M.

Secretary of State