

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2085

Introduced by

Human Services Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to create and enact sections 50-24.3-03.1 and 50-24.3-03.2 of the North
2 Dakota Century Code, relating to the powers and duties of the department of human services
3 regarding targeted case management and assessment services; to amend and reenact
4 sections 50-24.3-01 and 50-24.3.03 of the North Dakota Century Code, relating to the
5 establishment of targeted case management and assessment services for persons being
6 admitted to a skilled nursing facility or hospital swing-bed facility; to repeal section 50-24.3-02 of
7 the North Dakota Century Code, relating to professional involvement in the assessment
8 process; and to declare an emergency.

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

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

12 **50-24.3-01. ~~(Effective through June 30, 2003)~~ Targeted case management.** The
13 department of human services shall establish a targeted case management service for disabled
14 and elderly individuals eligible for benefits under chapter 50-24.1 who are at risk of requiring
15 long-term care services to ensure that an individual is informed of alternatives available to
16 address the individual's long-term care needs.

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

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

1 **50-24.3-03. ~~(Effective through June 30, 2003)~~ Department of human services -**

2 **Targeted case management - Powers and duties.** The department of human services has
3 the following powers and duties which it may delegate to any entity ~~which~~ that provides
4 targeted case management services approved by the department:

- 5 1. To seek cooperation from other public and private entities in the community ~~which~~
6 that offer services to individuals with disabilities or the elderly.
- 7 2. To provide information and education to the general public regarding availability of
8 targeted case management.
- 9 3. To accept referrals from an interested party including individuals, families, human
10 services program professionals, nursing facility personnel, and acute care facility
11 personnel.
- 12 4. To assess the health and social needs of, and provide targeted case management
13 to, referred individuals who wish to receive this service.
- 14 5. To identify available noninstitutional services to meet the needs of referred
15 individuals.
- 16 6. To prepare an individual care plan for each individual receiving targeted case
17 management services.
- 18 7. To inform referred individuals of the extent to which long-term care services are
19 available, including institutional and community-based services, and of the
20 individual's opportunity to choose, in consultation with an attending physician,
21 family members, and other interested parties, among the appropriate alternatives
22 that may be available.
- 23 8. To monitor the results of targeted case management and report to each legislative
24 assembly on these results and the cost-effectiveness of these services.

25 **~~(Effective after June 30, 2003) Department of human services - Powers and duties.~~**

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

- 28 ~~1. To seek cooperation from other public and private agencies in the community~~
29 ~~which offer services to disabled and elderly persons.~~
- 30 ~~2. To provide information and education to the general public regarding availability of~~
31 ~~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. Assessment mechanism - Establishment. The department of human services shall establish a mechanism to provide an assessment of the health and social needs of any individual who is at risk of needing skilled nursing facility or hospital swing-bed facility skilled care. An assessment of an individual's health and social needs must be completed prior to that individual's admission to a skilled nursing facility or a hospital swing-bed facility. An assessment is not required of an individual who is reasonably expected to need care in a skilled nursing facility or hospital swing-bed facility for a period of six months or less.

SECTION 4. Section 50-24.3-03.2 of the North Dakota Century Code is created and enacted as follows:

50-24.3-03.2. 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.

- 1 3. To accept referrals from an interested party, including individuals, families, human
2 services program professionals, nursing facility personnel, and acute care facility
3 personnel.
- 4 4. To assess the health and social needs of referred individuals.
- 5 5. To identify available noninstitutional services to meet the needs of referred
6 individuals.
- 7 6. To prepare recommendations for individuals receiving assessment program
8 services as to the need for skilled nursing care or other care available in the
9 community.
- 10 7. To inform referred individuals of the extent to which home and community-based
11 services are available and of their opportunity to choose, in consultation with an
12 attending physician and family member, among the appropriate alternatives that
13 may be available.
- 14 8. To determine the fee, if any, to be paid by the individual who is the subject of the
15 assessment.

16 **SECTION 5. REPEAL.** Section 50-24.3-02 of the North Dakota Century Code is
17 repealed.

18 **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.