

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1327

Introduced by

Representatives Weisz, DeKrey

Senator Klein

1 A BILL for an Act to amend and reenact section 23-16-01.1 of the North Dakota Century Code,  
2 relating to nursing facility beds.

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

4 **SECTION 1. AMENDMENT.** Section 23-16-01.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **23-16-01.1. Moratorium on expansion of long-term care bed capacity.**

- 7 1. Notwithstanding sections 23-16-06 and 23-16-10, except when a facility reverts  
8 basic care beds to nursing facility beds and except as provided in subsection 2,  
9 nursing facility beds may not be added to the state's licensed bed capacity during  
10 the period between August 1, 2007, and July 31, 2009. A nursing facility may not  
11 convert licensed nursing bed capacity to basic care bed capacity or convert basic  
12 care beds back to nursing facility beds more than one time in a twelve-month  
13 period if the beds have been licensed as basic care.
- 14 2. Any facility that incurs a transfer of the location of all the facility's beds and a  
15 change of operator in the facility's physical location before June 1, 2009, may be  
16 licensed for up to seventy-five percent of the facility's previous bed capacity. The  
17 beds may not be sold or transferred to another facility and must be licensed before  
18 June 1, 2010.
- 19 3. Transfers of beds from one facility to another entity is permitted. Transferred  
20 nursing facility beds must become licensed within forty-eight months of transfer.  
21 Nursing facility beds transferred before August 1, 2005, which are awaiting nursing  
22 facility licensure, may be converted to basic care licensure.

- 1       ~~3.~~ 4.   A nursing facility may convert licensed nursing facility bed capacity to basic care.  
2                   If the converted beds remain in the same facility and are not transferred, the beds  
3                   may revert to nursing facility status after one year of licensure as basic care beds.  
4       ~~4.~~ 5.   Nursing facility beds that are converted to basic care may be transferred as basic  
5                   care beds. However, upon the transfer, the basic care beds may not be relicensed  
6                   as nursing facility beds.  
7       ~~5.~~ 6.   If an Indian tribe acquires nursing facility beds, the tribal facility must meet state  
8                   licensing requirements for those beds within forty-eight months of acquisition. A  
9                   tribal facility may seek to participate in the medical assistance programs. Medical  
10                  assistance payments may only be made to a medicaid certified tribal facility that  
11                  agrees to participate and adhere to all federal and state requirements of the  
12                  medical assistance program, including participation, screening, ratesetting, and  
13                  licensing requirements.