

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1012

In lieu of the amendments adopted by the Senate as printed on pages \_\_\_\_\_ of the Senate Journal, Engrossed House Bill No. 1012 is further amended as follows:

Page 1, line 2, after the first semicolon insert "to provide a contingent appropriation;"

Page 1, line 3, after the semicolon insert "to create and enact a new subsection to section 50-25.1-05 of the North Dakota Century Code, relating to the adoption of rules regarding the recording of interviews in child abuse or neglect cases;" and after "25-04-05" insert ", 50-06-29, 50-24.1-02.6"

Page 1, line 4, after "screenings" insert ", the establishment of an aging and disability resource link, medical assistance eligibility"

Page 1, line 17, replace "2,148,542" with "7,664,509" and replace "13,660,900" with "19,176,867"

Page 1, line 18, replace "(13,582,286)" with "(12,979,144)" and replace "46,528,070" with "47,131,212"

Page 1, line 20, replace "(\$11,434,02911)" with "(\$5,314,920)" and replace "60,188,970" with "66,308,079"

Page 1, line 21, replace "(16,622,573)" with "(14,544,808)" and replace "34,041,261" with "36,119,026"

Page 1, line 22, replace "5,188,544" with "9,229,888" and replace "26,147,709" with "30,189,053"

Page 2, line 3, replace "18,552,432" with "16,221,145" and replace "43,963,473" with "41,632,186"

Page 2, line 4, replace "4,364,279" with "6,622,596" and replace "72,176,081" with "74,434,398"

Page 2, line 6, replace "111,111,588" with "111,781,588" and replace "455,130,804" with "455,800,804"

Page 2, line 7, replace "189,244,935" with "214,327,791" and replace "1,306,432,756" with "1,331,515,612"

Page 2, line 10, replace "310,797,543" with "336,477,429" and replace "1,877,716,114" with "1,903,396,000"

Page 2, line 11, replace "223,418,640" with "271,725,995" and replace "1,350,082,207" with "1,398,389,562"

Page 2, line 12, replace "87,378,903" with "64,751,434" and replace "527,633,907" with "505,006,438"

Page 2, line 17, replace "715,235" with "1,026,397" and replace "8,209,132" with "8,520,294"

Page 2, line 18, replace "2,135,169" with "4,080,946" and replace "18,917,773" with "20,863,550"

Page 2, line 19, replace "823,712" with "1,153,359" and replace "10,641,067" with "10,970,714"

Page 2, line 20, replace "3,509,556" with "4,178,237" and replace "25,616,905" with "26,285,586"

Page 2, line 21, replace "3,699,225" with "5,370,959" and replace "29,760,855" with "31,432,589"

Page 2, line 22, replace "573,509" with "1,101,416" and replace "15,257,320" with "15,785,227"

Page 2, line 23, replace "3,675,196" with "4,489,089" and replace "24,362,468" with "25,176,361"

Page 2, line 24, replace "964,207" with "1,891,646" and replace "10,762,996" with "11,690,435"

Page 2, line 25, replace "9,519,982" with "12,508,784" and replace "66,911,926" with "69,900,728"

Page 2, line 26, replace "6,195,786" with "7,221,144" and replace "52,989,719" with "54,015,077"

Page 2, line 27, replace "31,811,577" with "43,021,977" and replace "263,430,161" with "274,640,561"

Page 2, line 28, replace "12,094,114" with "16,139,178" and replace "124,851,343" with "128,896,407"

Page 2, line 29, replace "19,717,463" with "26,882,799" and replace "138,578,818" with "145,744,154"

Page 3, line 3, replace "112,284,910" with "101,828,152" and replace "692,360,434" with "681,903,676"

Page 3, line 4, replace "218,890,181" with "359,292,050" and replace "1,508,974,811" with "1,649,376,680"

Page 3, line 5, replace "331,175,091" with "461,120,202" and replace "2,201,335,245" with "2,331,280,356"

Page 3, after line 6, insert:

**"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of human services for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Federal medical assistance percentage	\$66,500,000
Elderly nutrition services	485,000
Child support incentive matching funds	3,200,000
Rehabilitation services and disability assistance and independent living	2,043,000
Individuals With Disabilities Education Act - Part C	2,140,000
Supplemental nutrition assistance program benefits	9,874,747

and administration	
Senior employment program	143,288
Older blind	3,170
Total federal funds	\$84,389,205

The department of human services may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section, except for the funding of \$66,500,000 relating to the federal medical assistance percentage and funding of \$2,763,082 of child support incentive matching funds, are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act funds are no longer available.

**SECTION 3. GENERAL FUND TRANSFER TO BUDGET STABILIZATION FUND - EXCEPTION - USE OF GENERAL FUND AMOUNTS.** Notwithstanding section 54-27.2-02, the state treasurer and the office of management and budget may not include in the amount used to determine general fund transfers to the budget stabilization fund at the end of the 2007-09 biennium under chapter 54-27.2 any general fund amounts resulting from the increased federal share of medical assistance payments resulting from federal medical assistance percentage changes under the federal American Recovery and Reinvestment Act of 2009. The state treasurer and the office of management and budget shall separately account for these amounts and 2009-11 biennium general fund amounts resulting from federal medical assistance percentage changes under the federal American Recovery and Reinvestment Act of 2009 and use these amounts to defray the expenses of continuing program costs of the department of human services from the general fund for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

Inflationary increases for human service providers	\$32,564,450
Rate increases for selected medicaid services due to rebasing	21,788,982
Rate increases for nursing homes due to property limit changes	3,000,000
Wage increases for employees of nursing homes, basic care, and developmental disabilities services providers and qualified service providers	15,867,327
Global behavioral health initiative	4,088,873
Salary increases for department of human services employees	18,949,591
Total	\$96,259,223

**SECTION 4. CONTINGENT APPROPRIATION.** If section 23 of this Act becomes effective, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$964,031, or so much of the sum as may be necessary, and from special funds derived from federal funds, the sum of \$1,582,480, or so much of the sum as may be necessary, to the department of human services for the purpose of defraying the expenses of implementing the expansion of medical assistance benefits for pregnant women as provided for in section 23 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 3, line 19, replace "2,793,692" with "3,943,692"

Page 3, line 21, replace "3,146,298" with "4,296,298"

Page 4, remove lines 22 through 29

Page 5, line 1, replace "\$14,739,128" with "\$22,576,412" and replace "\$4,950,451" with "\$7,927,252"

Page 5, line 2, replace "\$8,788,677" with "\$13,649,160"

Page 5, line 4, replace "each employee earning a salary that is less than the eightieth" with "employees beginning July 1, 2009. Basic care and skilled nursing care facilities may not use the money received under this section for providing salary and benefit enhancements to administrators or directors of nursing."

Page 5, remove lines 5 and 6

Page 5, line 9, replace "\$18,929,151" with "\$21,639,106" and replace "\$7,000,000" with "\$7,086,807"

Page 5, line 10, replace "\$11,929,151" with "\$14,552,299"

Page 5, line 11, replace "each employee earning a" with "employees beginning July 1, 2009. Developmental disabilities service providers may not use the money received under this section for providing salary and benefit enhancements to administrators."

Page 5, replace lines 12 and 13 with:

**"SECTION 12. LEGISLATIVE INTENT - MEDICAID PROVIDER PAYMENTS.**

It is the intent of the legislative assembly that the department of human services establish a goal to set medicaid payments for hospitals, physicians, chiropractors, and ambulances at 100 percent of cost.

**SECTION 13. SUPPLEMENTAL PAYMENT - CRITICAL ACCESS**

**HOSPITALS.** The grants - medical assistance line item in subdivision 2 of section 1 of this Act includes the sum of \$400,000 from the general fund that the department of human services shall use for providing a supplemental payment to eligible critical access hospitals. A critical access hospital is eligible for a payment under this section only if its percentage of medical payments exceeds 25 percent of its total annual revenue in its most recent audited financial statements and is located in a city with a population that does not exceed 1,450. The department shall seek federal medicaid funding to provide a portion of the \$400,000 supplement payment. If federal medicaid funding is not available for a portion of the payment, the department may spend the \$400,000 from the general fund for making the supplemental payment only if the action will not result in a reduction in federal medicaid funding to the state.

**SECTION 14. LEGISLATIVE INTENT - DEVELOPMENTAL DISABILITIES**

**MEDICALLY FRAGILE.** It is the intent of the sixty-first legislative assembly that the additional funding for severely medically fragile and behaviorally challenged individuals be provided to the Anne Carlsen center and other similar private providers serving individuals with developmental disabilities in proportion to the respective severity of the critical medical and behavioral needs of each individual served by these providers. The funding is to become part of each provider's annual base budget and is not to reduce each provider's entitlement to additional critical needs staffing in future ratesetting by the department.

**SECTION 15. LEGISLATIVE INTENT - DEMENTIA CARE SERVICES.**

It is the intent of the sixty-first legislative assembly that the department of human services integrate the dementia care services program established in House Bill No. 1043 with the home and community-based care services programs of the department.

**SECTION 16. LEGISLATIVE COUNCIL STUDY - RETURNING VETERANS AND THEIR FAMILIES.** During the 2009-11 interim, the legislative council shall

consider studying the impact of veterans who are returning from wars and their families on the state's human services system. The study must include an analysis of the estimated cost of providing human service-related services to the returning veterans and their families, including treatment for traumatic brain injury and mental illness. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

#### **SECTION 17. LEGISLATIVE INTENT - HOME TELEMONTORING**

**SERVICES.** It is the intent of the sixty-first legislative assembly that the department of human services consider the changes necessary to reimburse home telemonitoring services under the medicaid program at the same rate as skilled nursing visits provided in person.

#### **SECTION 18. UNSPENT 2007-09 BIENNIUM - GENERAL FUND**

**APPROPRIATIONS - EXCEPTION.** The amount of \$270,000 of the \$3,100,000 for a sexual offender treatment addition at the state hospital appropriated in subdivision 3 of section 3 of 2007 Senate Bill No. 2012 is not subject to section 54-44.1-11 and may be spent during the 2009-11 biennium for completing roof repair at the state hospital."

Page 7, after line 21, insert:

**"SECTION 20. AMENDMENT.** Section 50-06-29 of the North Dakota Century Code is amended and reenacted as follows:

**50-06-29. ~~Application for aging~~ Aging and disability resource center funding link - No wrong door model.** ~~No later than December 31, 2007, the~~ The department of human services, within the limits of legislative appropriation, shall ~~seek federal funds for the planning plan and implementation of~~ implement an aging and disability resource center ~~for link, "no wrong door" model, initially in up to two regions of the state. The department also may provide additional services or may provide services in multiple regions as required or allowed by any source providing funds for these purposes. The initial resource center will be a single point of information program at the community level which link model will help people residing in the state make informed decisions about the full range of long-term care service and support options, including both institutional and home and community-based care, and which. Participating access points will provide unbiased information and assistance to individuals needing either public or private resources, to professionals seeking assistance on behalf of their clients, and to individuals planning for their future long-term care needs. Upon receipt of federal funds funding, the department of human services may establish the initial aging and disability resource center link, "no wrong door" model, or it may request bids and award a contract contracts for the provision of this service training and coordination to implement the model utilizing existing community-based access points and for the provision of services. The duties of the aging and disability resource center must include all duties~~ initial model and any subsequent model or variation of the model, as well as any additional locations will provide services consistent with those required ~~to receive federal funds, including by the 2006 amendments to the Older Americans Act [Pub. L. 109-365; 120 Stat. 2522; 42 U.S.C. 3001 et seq.], providing information about the full range of long-term care service and support options available in the state to assure that consumers may make informed decisions about their care. The resource center link's participating access points must be free from a conflict of interest which would inappropriately influence or bias the actions of a contractor, staff member, board member, or volunteer of the resource-center access points to limit the information given to a consumer to steer the consumer to services that may also be provided by the resource-center access points.~~

**SECTION 21. AMENDMENT.** Section 50-24.1-02.6 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.1-02.6. (Contingent effective date - See note) Medical assistance benefits - Eligibility criteria.**

1. The department shall provide medical assistance benefits to otherwise eligible persons who are:
  - a. Medically needy persons who have countable income that does not exceed an amount determined under subsection 2; and
  - b. Minors who have countable income that does not exceed an amount determined under subsection 3.
2. The department of human services shall establish an income level for medically needy persons at an amount, no less than required by federal law, that, consistent with the requirements of ~~subsection~~ subsections 3 and 4, is the greatest income level achievable without exceeding legislative appropriations for that purpose.
3. The department of human services shall establish income levels for minors, based on the age of the minors, at amounts, no less than required by federal law, that provide an income level for all minors born before September 30, 1983, equal to one hundred percent of the federal poverty level in the month for which eligibility for medical assistance benefits is being determined and that do not exceed legislative appropriations for that purpose.
4. The department of human services shall establish income levels for pregnant women at an amount, no less than required by federal law, equal to one hundred sixty-five percent of the federal poverty level in the month for which eligibility for medical assistance benefits is being determined.
5. The department of human services shall provide medical assistance benefits to children and families coverage groups and pregnant women without consideration of assets.

**(Contingent effective date - See note) Medical assistance benefits - Eligibility criteria.**

1. The department shall provide medical assistance benefits to otherwise eligible persons who are:
  - a. Medically needy persons who have countable income that does not exceed an amount determined under subsection 2; and
  - b. Minors who have countable income that does not exceed an amount determined under subsection 3.
2. The department of human services shall establish an income level for medically needy persons at an amount, no less than required by federal law, that, consistent with the requirements of ~~subsection~~ subsections 3 and 4, is the greatest income level achievable without exceeding legislative appropriations for that purpose.
3. The department of human services shall establish income levels for minors, based on the age of the minors, at amounts, no less than required by federal law, that provide an income level for all individuals from birth through age eighteen equal to one hundred thirty-three percent of the federal poverty level in the month for which eligibility for medical assistance benefits is being determined.

4. The department of human services shall establish income levels for pregnant women at an amount, no less than required by federal law, equal to one hundred sixty-five percent of the federal poverty level in the month for which eligibility for medical assistance benefits is being determined.
5. The department of human services shall provide medical assistance benefits to children and families coverage groups and pregnant women without consideration of assets."

Page 7, after line 29, insert:

**"SECTION 23.** A new subsection to section 50-25.1-05 of the North Dakota Century Code is created and enacted as follows:

The department shall adopt rules that require all interviews of the alleged abused or neglected child conducted under this section to be audio-recorded or video-recorded, when possible. The rules must provide that a recording may not be disclosed except in accordance with section 50-25.1-11."

Page 8, after line 21, insert:

**"SECTION 25. EFFECTIVE DATE.** Section 21 of this Act becomes effective on the date the department of human services certifies to the legislative council that the department has received approval to claim federal financial participation to expand medical assistance benefits to pregnant women as provided for in section 1 of this Act, but may not become effective earlier than January 1, 2010.

**SECTION 26. EMERGENCY.** Sections 2 and 18 of this Act are declared to be an emergency measure."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98013.0212 FN 5**

**A copy of the statement of purpose of amendment is attached.**