

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1040**

Introduced by

Legislative Management

(Long-Term Care Committee)

1 A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and subsection 1  
2 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on  
3 expansion of basic care bed capacity and the moratorium on expansion of long-term care bed  
4 capacity; and to provide for a report to the legislative management.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 23-09.3-01.1 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 1. Basic care beds may not be added to the state's licensed bed capacity during the  
9 period between August 1, ~~2009~~2011, and July 31, ~~2011~~2013, except when:

- 10 a. A nursing facility converts nursing facility beds to basic care;
- 11 b. An entity demonstrates to the state department of health and the department of  
12 human services that basic care services are not readily available within a  
13 designated area of the state or that existing basic care beds within a fifty-mile  
14 [80.4672-kilometer] radius have been occupied at ninety percent or more for the  
15 previous twelve months. In determining whether basic care services will be  
16 readily available if an additional license is issued, preference may be given to an  
17 entity that agrees to any participation program established by the department of  
18 human services for individuals eligible for services under the medical assistance  
19 program under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.]; or
- 20 c. If the state department of health and the department of human services grant  
21 approval of new basic care beds to an entity, the approved entity shall license the  
22 beds within forty-eight months from the date of approval.

23 **SECTION 2. AMENDMENT.** Subsection 1 of section 23-16-01.1 of the North Dakota  
24 Century Code is amended and reenacted as follows:

- 1        1.    Notwithstanding sections 23-16-06 and 23-16-10, except when a facility reverts basic  
2            care beds to nursing facility beds, nursing facility beds may not be added to the state's  
3            licensed bed capacity during the period between August 1, ~~2009~~2011, and July 31,  
4            ~~2011~~2013. A nursing facility may not convert licensed nursing bed capacity to basic  
5            care bed capacity or convert basic care beds back to nursing facility beds more than  
6            one time in a twelve-month period if the beds have been licensed as basic care.

7        **SECTION 3. HEALTH CARE BED RECOMMENDATIONS - REPORT TO LEGISLATIVE**

- 8        **MANAGEMENT.** During the 2011-12 interim, the state health council shall review current health  
9        care bed recommendations and determine if changes should be made to better serve the  
10       population of North Dakota. The state health council shall report its findings to the legislative  
11       management by July 1, 2012.