

Sixty-fourth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1359

Introduced by

Representatives Kreidt, Hofstad, Kempenich, J. Nelson

Senator Unruh

1 A BILL for an Act to create and enact section 50-24.5-02 of the North Dakota Century Code,  
2 relating to basic care payment rates; ~~and to provide an appropriation.~~

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

4 **SECTION 1.** Section 50-24.5-02 of the North Dakota Century Code is created and enacted  
5 as follows:

6 **50-24.5-02. Basic care payment rates.**

- 7 1. The department shall establish, by rule, procedures for determining rates for the care  
8 of residents of basic care facilities that qualify as vendors of an aged, blind, and  
9 disabled persons program and for implementing provisions of this chapter. The  
10 procedures must be based on methods and standards that the department finds are  
11 adequate to recognize the costs that must be incurred for the care of residents in  
12 efficiently and economically operated basic care facilities.
- 13 2. The department shall identify costs that are recognized for establishing payment rates.
- 14 3. The department shall establish limits on actual allowable historical operating cost  
15 per diem based on cost reports of allowable operating costs. For the rate year  
16 beginning July 1, 2016, the department annually shall establish limits for cost  
17 categories using the costs reports submitted by all participating basic care providers  
18 for the report year preceding the rate year. ~~The limits may not fall below the direct care~~  
19 ~~rate established for the ninety-fifth percentile facility and the indirect care rate~~  
20 ~~established for the ninetieth percentile facility.~~ The department shall establish the  
21 direct care rate limit by taking the highest rate and lowest rate from the cost reports  
22 submitted for the report year preceding the rate year, and multiplying the averaged  
23 amount by ~~eighty-five~~seventy percent. The department shall establish the indirect care  
24 rate limit by taking the highest rate and lowest rate from the cost reports submitted for

1           the report year preceding the rate year, and multiplying the averaged amount by  
2           eightyseven percent.

3           4.   The department shall provide, by rule, for payment of rates paid by the aged, blind,  
4           and disabled persons program for a maximum of twenty days per occurrence for leave  
5           days for a resident who is in a licensed health care facility when the resident is  
6           expected to return to the facility.

7           ~~— **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general~~  
8           ~~fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the~~  
9           ~~sum as may be necessary, to the department of human services for the purpose of~~  
10           ~~implementing section 1 of this Act, for the period beginning July 1, 2016, and ending June 30,~~  
11           ~~2017.~~