

**SENATE BILL NO. 2044  
with House Amendments**

Sixty-first  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2044**

Introduced by

Legislative Council

(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 legislative council study.

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, ~~2007~~ 2009, and July 31, ~~2009~~ 2011, 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  
12 of 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 radius have been occupied at ninety percent or more for the previous twelve  
15 months. In determining whether basic care services will be readily available if  
16 an additional license is issued, preference may be given to an entity that  
17 agrees to any participation program established by the department of human  
18 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  
22 the 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  
2                    basic care beds to nursing facility beds, nursing facility beds may not be added to  
3                    the state's licensed bed capacity during the period between August 1, ~~2007~~ 2009,  
4                    and July 31, ~~2009~~ 2011. A nursing facility may not convert licensed nursing bed  
5                    capacity to basic care bed capacity or convert basic care beds back to nursing  
6                    facility beds more than one time in a twelve-month period if the beds have been  
7                    licensed as basic care.

8                    **SECTION 3. LEGISLATIVE COUNCIL STUDY-LONG TERM CARE.** During the  
9                    2009-10 interim, the legislative council shall study the state's long-term care system including  
10                    capacity, geographical boundaries for determining capacity, the need for home and  
11                    community-based services, a methodology to identify areas of the state which are in need of  
12                    additional skilled nursing facility beds, access, workforce, reimbursement, and payment  
13                    incentives. The legislative council shall report its findings and recommendations, together with  
14                    any legislation required to implement the recommendations, to the sixty-second legislative  
15                    assembly.