

Introduced by

Representatives M. Ruby, Frelich

Senator Lee

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 basic
3 care and nursing facility bed capacity.

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

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

- 7 1. Basic care beds may not be added to the state's licensed bed capacity during the
8 period between August 1, ~~2023~~2025, and July 31, ~~2025~~2029, except if:
- 9 a. A nursing facility converts nursing facility beds to basic care;
 - 10 b. An entity licenses bed capacity transferred as basic care bed capacity under
11 section 23-16-01.1;
 - 12 c. An entity demonstrates to the department that basic care services are not readily
13 available within a designated area of the state or that existing basic care beds
14 within a fifty-mile [80.47-kilometer] radius have been occupied at ninety percent
15 or more for the previous twelve months. In determining whether basic care
16 services will be readily available if an additional license is issued, preference may
17 be given to an entity that agrees to any participation program established by the
18 department 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 d. The department grant approval of new basic care beds to an entity. The approved
21 entity shall license the beds within forty-eight months from the date of approval.

22 **SECTION 2. AMENDMENT.** Subsection 1 of section 23-16-01.1 of the North Dakota
23 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 or relicenses nursing facility beds delicensed after
3 July 31, 2011, nursing facility beds may not be added to the state's licensed bed
4 capacity during the period between August 1, ~~2023~~2025, and July 31, ~~2025~~2029. A
5 nursing facility may not delicense nursing facility bed capacity, relicense nursing facility
6 bed capacity, convert licensed nursing bed capacity to basic care bed capacity, revert
7 licensed basic care bed capacity back to nursing facility bed capacity, or otherwise
8 reconfigure licensed nursing facility bed capacity more than two times in a
9 twelve-month period.