

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

SENATE BILL NO. 2196
(Senators Krauter, Sand, Thane)
(Representatives Carlisle, Delzer, Meyer)

AN ACT to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North Dakota Century Code, relating to a moratorium on additional basic care facility and long-term care beds and a prohibition on the creation of a bed bank.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-09.3-01.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-09.3-01.1. Moratorium on expansion of basic care bed capacity. Except when existing beds are converted for use by the alzheimer's and related dementia population under the projects provided for in section 50-06-14.4, the ~~state~~ department of health may not issue a license under this chapter for any additional bed capacity above the state's gross licensed capacity of one thousand four hundred seventy-one beds, adjusted by any reduction in beds before July 31, ~~1997~~ 1999, during the period between August 1, ~~1997~~ 1999, and July 31, ~~1999~~ 2001. Transfers of existing beds from one municipality to another municipality must be approved if the ~~department of health~~ licensing requirements are met, during the period August 1, ~~1997~~ 1999, to July 31, ~~1999~~ 2001, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. Existing licensed beds released by a facility which are not immediately transferred to another facility may not be banked for future transfer to another facility.

SECTION 2. AMENDMENT. Section 23-16-01.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-16-01.1. Moratorium on expansion of long-term care bed capacity. Notwithstanding sections 23-16-06 and 23-16-10, except when existing beds are converted for use by the alzheimer's and related dementia population under the projects provided for in section 50-06-14.4, the state department of health may not issue a license for any additional bed capacity above the state's gross licensed capacity of seven thousand one hundred forty beds, adjusted by any reduction in beds before July 31, ~~1997~~ 1999, during the period between August 1, ~~1997~~ 1999, and July 31, ~~1999~~ 2001. Transfers of existing beds from one municipality to another municipality must be approved if the department of health licensing requirements are met, during the period August 1, ~~1997~~ 1999, to July 31, ~~1999~~ 2001, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. ~~Certificate of need projects approved by the state health council before July 31, 1995, and not completed as of August 1, 1997, are considered to be within the state's licensed long term care bed capacity as authorized by this section and may be completed. For long term care bed transfers to be made within the state before the application of the one for one provisions in this section, the proposals for the transfer must have occurred and been discussed with the department of health before April 1, 1997, and confirmed with contracts executed between the parties to the transfer, and filed with the department of health before June 1, 1997, providing for the bed transfers to be completed by January 1, 1998, and not exceeding the state's licensed long term bed capacity as authorized by this section.~~ Existing licensed beds released by a facility which are not immediately transferred to another facility may not be banked for future transfer to another facility.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2196.

Senate Vote: Yeas 47 Nays 0 Absent 2

House Vote: Yeas 98 Nays 0 Absent 0

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,
at _____ o'clock _____ M.

Secretary of State