

HOUSE BILL NO. 1433

Introduced by

Representatives S. Meyer, N. Johnson, Schatz, Wald

Senators Nodland, Wardner

1 A BILL for an Act to amend and reenact section 50-24.4-16 of the North Dakota Century Code,
2 relating to nursing home rates; to provide an appropriation; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 50-24.4-16 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-24.4-16. Special rates.**

- 7 1. For nursing homes with a significant capacity increase and for newly constructed
8 nursing homes, which first provide services on or after July 1, 1988, and which are
9 not included in the calculation of the limits of any cost category, the department
10 shall establish procedures for determining interim operating cost payment rates.
11 The interim payment rate may not be in effect for more than eighteen months. The
12 department shall establish procedures for determining the interim rate and for
13 making a retroactive cost settle-up for periods when an interim rate was in effect.
- 14 2. As soon as is practicable following the establishment of the procedures required by
15 subsection 1, the department shall apply the special rates for all affected facilities.
- 16 3. Notwithstanding section 50-24.4-19, the department shall provide for a special care
17 rate to be paid to a nursing home that has a capacity of fewer than thirty-one
18 licensed beds and which is owned and operated by a nonstate governmental unit.
- 19 a. To qualify for a special care rate, a nursing home shall document that the
20 nursing home's allowable costs are in excess of the standard nursing home
21 rates that are otherwise established in accordance with this chapter and shall
22 demonstrate to the department's satisfaction that access to nursing home
23 services may be jeopardized if additional reimbursement is not provided.

1 b. The special care rate established in accordance with this subsection may not
2 exceed the lesser of the difference between the nursing home's costs per
3 medical assistance day of care and the standard medical assistance nursing
4 home per diem rates established in accordance with this chapter or the
5 medical assistance upper payment limit established in accordance with
6 federal regulations.

7 c. For a new nursing home, the department shall establish an interim special
8 care rate that must be in effect for no fewer than ten months and no more
9 than eighteen months. Costs for the period in which the interim special care
10 rate is in effect must be used to establish a final special care rate.

11 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the
12 general fund in the state treasury, not otherwise appropriated, the sum of \$28,761, or so much
13 of the sum as may be necessary, and from special funds derived from federal and other funds,
14 the sum of \$386,127, or so much of the sum as may be necessary, to the department of human
15 services for the purpose of funding a special care rate for qualifying nursing homes, for the
16 biennium beginning July 1, 2009, and ending June 30, 2011.

17 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.