

**SECOND ENGROSSMENT**  
**with Conference Committee Amendments**  
**REENGROSSED HOUSE BILL NO. 1194**

Introduced by

Representative Keiser

Senator Heckaman

1 A BILL for an Act to create and enact section 50-24.1-40 of the North Dakota Century Code,  
2 relating to medical assistance tribal health care coordination agreements; to provide for a report  
3 to the legislative management; to provide a continuing appropriation; and to declare an  
4 emergency.

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

6 **SECTION 1.** Section 50-24.1-40 of the North Dakota Century Code is created and enacted  
7 as follows:

8 **50-24.1-40. Medical assistance - Tribal health care coordination agreements -**

9 **Continuing appropriation - Report to legislative management.**

10 1. As used in this section:

11 a. "Care coordination agreement" means an agreement between a health care  
12 provider and tribal health care organization which will result in one hundred  
13 percent federal funding for eligible medical assistance provided to an American  
14 Indian.

15 b. "Tribal health care organization" means Indian health services or a tribal entity  
16 providing health care under the federal Indian Self-Determination and Education  
17 Assistance Act of 1975 [Pub. L. 93-638; 88 Stat. 2203; 25 U.S.C. 5301 et seq.].

18 2. The department of human services shall facilitate care coordination agreements. Of  
19 any federal funding received in excess of the state's regular share of federal medical  
20 assistance funding which results from care coordination agreements, the department  
21 shall deposit sixty percent in the tribal health care coordination fund and forty percent  
22 in the general fund.

23 3. There is created in the state treasury a tribal health care coordination fund.

- 1           a. Moneys in the fund are appropriated to the department on a continuing basis for  
2           distribution to a tribal government in accordance with an agreement between the  
3           department and a tribal government. The agreement between the department  
4           and a tribal government must require the tribe to:
- 5           (1) Use the money distributed under this section for health-related purposes.  
6           Health-related purposes may include population health programs or  
7           services, marketing or education related to health-related programs or  
8           services, or developing or enhancing community health representative  
9           programs or services. Health-related purposes may not include capital  
10          construction, stipends to individuals for services, or services that are  
11          covered by Indian health services, Medicaid, or other third-party payers, or  
12          state-funded programs.
- 13          (2) Submit to the department annual reports detailing the use of the money  
14          distributed under this section.
- 15          (3) Submit to the department every two years an audit report, conducted by an  
16          independent licensed certified public accountant, of the tribal government  
17          use of the money distributed under this section. A tribal government may  
18          use money distributed under this section to pay for this audit report. At the  
19          discretion of a tribal government, an audit may be conducted more often  
20          than every two years.
- 21          b. The distribution of moneys from the fund to a tribal government must be in  
22          proportion to the federal funding received from care coordination agreement  
23          requests for services originating from within that tribal nation.
- 24          c. At least annually, upon completion of any auditing and verification actions of the  
25          department, the department shall distribute moneys from the fund to the tribal  
26          government.
- 27          d. If a tribal government fails to file with the department a timely annual report or  
28          audit report, the department shall withhold distribution of moneys from the fund to  
29          the tribal government until the report is filed.
- 30          e. If an audit report or the department's review of the annual report finds a tribal  
31          government used moneys distributed from the fund for a purpose inconsistent

1                   with this section, the department shall withhold future distributions to that tribal  
2                   government in an amount equal to the money used improperly. The department  
3                   shall distribute money withheld from a tribal government under this subdivision if  
4                   a future audit report indicates moneys distributed from the fund are used for  
5                   purposes consistent with this section.

6           4. Before August of each even-numbered year, the department shall compile and  
7           summarize the annual reports and audit reports from the participating tribal  
8           governments and provide the legislative management with a biennial report on the  
9           fund and tribal government use of money distributed from the fund.

10       **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.