

April 18, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1028

That the Senate recede from its amendments as printed on pages 1694-1698 of the House Journal and pages 1199-1202 of the Senate Journal and that Engrossed House Bill No. 1028 be amended as follows:

Page 1, line 2, after the semicolon insert "to amend and reenact section 23-17.3-01 and subdivision h of subsection 1 of section 23-17.3-05 of the North Dakota Century Code, relating to the regulation of home health agencies;"

Page 1, line 3, remove "to provide a statement of legislative intent; to provide for a report to the"

Page 1, line 4, remove "legislative assembly; and"

Page 1, line 4, after "appropriation" insert "; and to declare an emergency"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 23-17.3-01 of the North Dakota Century Code is amended and reenacted as follows:

23-17.3-01. Definitions.

In this chapter, unless the context and subject matter otherwise require:

1. "Allowed practitioner" means a physician assistant or advanced practice registered nurse.
2. "Clinical record" means a written account which covers the services the agency provides directly and those provided through arrangements with another agency which account contains pertinent past and current medical, nursing, social, and other therapeutic information, including the plan of treatment.
- ~~2-3.~~ "Department" means the department of health and human services.
- ~~3-4.~~ "Home health agency" means a public or private agency, organization, facility, or subdivision thereof which is engaged in providing home health services to individuals and families where they are presently residing for the purpose of preventing disease and promoting, maintaining, or restoring health or minimizing the effects of illness or disability.
- ~~4-5.~~ "Home health aide" means an individual who renders personal related service under the supervision of a registered professional nurse.
- ~~5-6.~~ "Home health services" means a broad range of health and social services furnished to individuals and families by a home health agency or by others under arrangements with the agency, in the places where the recipients are presently residing. Services must include the services of a currently licensed registered professional nurse and at least one other therapeutic service and may include additional support services. These services may

only be provided with the approval of a licensed physician or an allowed practitioner.

- ~~6-7.~~ "Licensed practical nurse" means one who has met all legal requirements for licensure and holds a current license to practice in North Dakota pursuant to chapter 43-12.1.
- ~~7-8.~~ "Nursing services" means those services pertaining to the preventive, curative, and restorative aspects of nursing care that are performed by or under the supervision of a registered professional nurse.
- ~~8-9.~~ "Person" means an individual, firm, partnership, association, corporation, limited liability company, or any other entity, whether organized for profit or not.
- ~~9-10.~~ "Physician" means any person currently licensed pursuant to chapter 43-17.
- ~~10-11.~~ "Registered professional nurse" means a registered nurse as defined under chapter 43-12.1.
- ~~11-12.~~ "Skilled nursing" means professional nursing services rendered by nurses licensed under chapter 43-12.1.
- ~~12-13.~~ "Supportive services" includes the use of medical appliances; medical supplies, other than drugs and biologicals prescribed by a physician; the collection of blood and other samples for laboratory analysis; and nutritional guidance, homemaker, or companion services.
- ~~13-14.~~ "Therapeutic services" means services which include:
- a. Skilled nursing care.
 - b. Medical social services.
 - c. Home health aide services.
 - d. Physical, occupational, or speech therapy.
 - e. Respiratory therapy.

SECTION 2. AMENDMENT. Subdivision h of subsection 1 of section 23-17.3-05 of the North Dakota Century Code is amended and reenacted as follows:

- h. The agency shall maintain clinical records on all patients to serve as documentation of the medical, nursing, and therapeutic care rendered to the patient and for communication between the physician or allowed practitioner and the agency."

Page 1, line 10, after "1." insert "Community health representative" means an individual trained through the Indian health service to provide community-based and medically guided health care, which may include traditional native concepts.

2."

Page 1, line 10, after "chapter" insert "to provide preventative services"

Page 1, line 11, replace "2." with "3."

Page 1, after line 11, insert:

4. "Preventative services" means services to prevent a disease, disability, or other health condition or the progression of a disease, disability, or other health condition which are provided to an individual:
- a. With a chronic condition;
 - b. At risk for a chronic condition who is unable to self-manage the chronic condition; or
 - c. With a documented barrier that affects the individual's health."

Page 1, line 16, remove "certification standards for an applicant seeking"

Page 1, line 17, replace "certification as a community health worker" with "and implement a method for certifying community health workers, including:

- a. Community health representatives; and
- b. Other qualified individuals"

Page 1, line 23, remove "- **REPORT TO**"

Page 1, line 24, remove "**LEGISLATIVE MANAGEMENT**"

Page 2, line 4, remove "appointed by the"

Page 2, line 5, replace "department of health and human services must include representatives of the" with "is comprised of"

Page 2, line 6, remove "Department of health and human services, including the division of health equity"

Page 2, line 7, replace "and division of aging services" with "One representative of the medical services division of the department of health and human services, appointed by the department of health and human services"

Page 2, line 8, replace "Department of career and technical education" with "One representative of the public health division of the department of health and human services, appointed by the department of health and human services"

Page 2, line 9, replace "State board of higher education" with "One representative of the tribal nations in the state, appointed by the Indian affairs commissioner in consultation with the health director of each tribal nation placed in North Dakota"

Page 2, line 10, replace "Insurance department" with "One representative of the North Dakota state university school of public health appointed by the college of health professions"

Page 2, line 11, remove "University of North Dakota school of medicine and health sciences center for"

Page 2, line 12, replace "rural health" with "One representative of the university of North Dakota school of medicine and health sciences center for rural health, appointed by the dean of the school of medicine and health sciences"

Page 2, line 13, remove "University of North Dakota and North Dakota state university schools of public"

Page 2, line 14, replace "health" with "One representative of the hospitals in this state, appointed by the North Dakota hospital association"

Page 2, line 15, replace "Private health insurers operating in the state" with "One representative of the federally qualified health centers, appointed by the community healthcare association of the Dakotas"

Page 2, line 15, after the semicolon insert "and"

Page 2, line 16, remove "Health care sector, including qualified service providers, community health"

Page 2, removes lines 17 through 21

Page 2, line 22, replace "m. North Dakota emergency medical services association" with "One representative of the emergency medical services profession, appointed by the North Dakota emergency medical services association"

Page 2, line 27, after "reimbursement" insert ", including reimbursement to a federally qualified health center"

Page 2, line 28, remove "Develop a plan for a North Dakota community health worker collaborative."

Page 2, line 29, remove "c."

Page 3, line 1, replace "d." with "c."

Page 3, line 4, after "collaborative" insert a period

Page 3, line 5, replace "e." with "d."

Page 3, after line 6, insert:

"SECTION 5. DEPARTMENT OF HEALTH AND HUMAN SERVICES - COMMUNITY HEALTH WORKERS - MEDICAID STATE PLAN AMENDMENT. During the 2023-25 biennium, the department of health and human services shall seek a Medicaid state plan amendment to authorize the reimbursement of certified community health workers. Upon amendment of the Medicaid state plan, the commissioner of the department of health and human services shall certify this fact to the legislative management."

Page 3, line 9, replace "\$50,000" with "\$75,000"

Page 3, line 12, replace "biennium" with "period"

Page 3, line 12, remove "July 1,"

Page 3, line 13, replace "2023," with "with the effective date of this section"

Page 3, after line 13, insert:

"SECTION 7. EMERGENCY. Sections 4 and 6 of this Act are declared to be an emergency measure."

Renumber accordingly