

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2172

Introduced by

Senators Patten, Cleary, Hogan, Roers

Representatives Dobervich, Frelich

- 1 A BILL for an Act to create and enact a new section to chapter 26.1-45 of the North Dakota  
2 Century Code, relating to long-term care insurance policy terms and claim payments.

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

- 4 **SECTION 1.** A new section to chapter 26.1-45 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Defined term requirements - Claim payments.**

- 7 1. A long-term care insurance policy delivered or issued for delivery in this state may not  
8 include the following terms, unless the terms are defined in the policy and consistent  
9 with the following requirements:
- 10 a. "Activities of daily living" means bathing, continence, dressing, eating, toileting,  
11 and transferring.
- 12 b. "Bathing" includes washing oneself by sponge bath, or in a tub or shower, and  
13 the process of getting into and out of the tub or shower.
- 14 c. "Cognitive impairment" includes a deficiency in an individual's:
- 15 (1) Short-term or long-term memory;  
16 (2) Orientation as to an individual, place, or time;  
17 (3) Deductive or abstract reasoning; or  
18 (4) Judgment as it relates to safety awareness.
- 19 d. "Continence" includes the ability to maintain control of bowel and bladder  
20 function, or when unable to maintain control of bowel or bladder function, the

1                    ability to perform associated personal hygiene, including caring for a catheter or  
2                    colostomy bag.

3                    e. "Dressing" includes putting on and taking off any item of clothing and any  
4                    necessary brace, fastener, or artificial limb.

5                    f. "Eating" includes feeding oneself from a receptacle, including a plate, cup, or  
6                    table, or being fed through a feeding tube or intravenously.

7                    g. "Toileting" includes getting to and from the toilet and on and off the toilet, and  
8                    performing associated personal hygiene.

9                    h. "Transferring" includes moving into or out of a bed, chair, or wheelchair.

10                  2. A policy defined under this chapter may not prohibit or delay payment of policy  
11                  benefits to a basic care facility as defined under section 23-09.3-01 if the insured:

12                  a. Meets the criteria for eligibility for benefits under the policy for care or services  
13                  that are medically necessary;

14                  b. Is unable to perform two or more activities of daily living without supervision or  
15                  direct assistance; or

16                  c. Has cognitive impairment requiring continual supervision.

17                  3. An insurer shall provide a copy of the long-term care insurance policy to the insured or  
18                  a representative of the insured within thirty days of a request for a copy of the policy.