

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2317

Introduced by

Senators Poolman, J. Lee, Wanzek

Representatives Devlin, Pollert, Satrom

1 A BILL for an Act to create and enact a new subsection to section 23-16-01.1, a new section to
2 chapter 23-16, and a new section to chapter 50-24.4 of the North Dakota Century Code, relating
3 to long-term care bed capacity, licensure of pediatric subacute care facilities as nursing facilities
4 and reimbursement of pediatric subacute care facilities; and to amend and reenact section
5 50-24.4-27 and subdivision a of subsection 24 of section 57-39.2-04 of the North Dakota
6 Century Code, relating to licensure of pediatric subacute care facilities as nursing facilities.

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

8 **SECTION 1.** A new subsection to section 23-16-01.1 of the North Dakota Century Code is
9 created and enacted as follows:

10 Notwithstanding the prohibition on adding nursing facility beds under subsection 1, an
11 additional twenty-two nursing facility beds are authorized for use as pediatric subacute
12 care facility beds. Beds authorized under this subsection may not be sold, converted,
13 or transferred.

14 **SECTION 2.** A new section to chapter 23-16 of the North Dakota Century Code is created
15 and enacted as follows:

16 **Nursing facility - Pediatric subacute care facility.**

- 17 1. The health council shall adopt rules to license nursing facilities under this chapter.
- 18 2. The department shall license a pediatric subacute care facility as a type of nursing
19 facility. A facility may choose whether to seek licensure as an intermediate care facility
20 under chapter 25-16 or as a pediatric subacute care facility.
- 21 3. The rules applicable to a pediatric subacute care facility must allow for aging in place
22 for an individual over the age of twenty-one and for a pediatric subacute care facility to
23 be located in a facility or structure that offers other appropriate levels of services.

1 4. Rules under this section must provide for consistent implementation of specialized
2 training, treatment, health services, and related care which are developmentally
3 appropriate for the population.

4 **~~25-18-15. Payment for services to medically fragile children.~~**

5 ~~The department may consider the unique level of care, the additional cost required to~~
6 ~~provide services to medically fragile clients under twenty one years of age, and the actual and~~
7 ~~reasonable cost of providing services to individuals with developmental disabilities when~~
8 ~~reimbursing an intermediate care facility for individuals with intellectual disabilities.~~

9 **~~50-06-06.4. Comprehensive community residential program.~~**

10 ~~It is the intent of the legislative assembly that the department of human services implement~~
11 ~~a comprehensive community residential program for children with developmental disabilities,~~
12 ~~including the use of intermediate care facilities and other such foster home and group home~~
13 ~~resources as deemed appropriate.~~

14 **SECTION 3. AMENDMENT.** Section 50-24.4-27 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **50-24.4-27. Medicare certification.**

17 ~~All~~Except for pediatric subacute care facilities, all nursing facilities certified under the
18 medical assistance program shall participate in Medicare part A and part B with respect to at
19 least thirty percent of the beds in the facility unless, after submitting an application, Medicare
20 certification is denied by the federal health care financing administration. The facility shall file on
21 behalf of each patient or assist each patient in the filing of requests for any third-party benefits
22 to which the patient may be entitled. Charges for Medicare-covered services provided to
23 residents who are simultaneously eligible for medical assistance and medicare must be billed to
24 Medicare part A or part B before billing medical assistance. Medical assistance may be billed
25 only for charges not reimbursed by Medicare.

26 **SECTION 4.** A new section to chapter 50-24.4 of the North Dakota Century Code is created
27 and enacted as follows:

28 **Pediatric subacute care facilities.**

29 If reimbursing a pediatric subacute care facility licensed under chapter 23-16, the
30 department shall consider the unique level of care and the additional cost required to provide
31 services to medically fragile clients.

1 **SECTION 5. AMENDMENT.** Subdivision a of subsection 24 of section 57-39.2-04 of the
2 North Dakota Century Code is amended and reenacted as follows:

- 3 a. "Eligible facility" means any hospital, skilled nursing facility, nursing facility.
4 intermediate care facility, or basic care facility licensed by the state department of
5 health, or any assisted living facility licensed by the department of human
6 services; and