

**HOUSE BILL NO. 1035**

Introduced by

Legislative Management

(Health Services Committee)

1 A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and subsection 1  
2 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on  
3 expansion of basic care bed capacity and the moratorium on expansion of long-term care bed  
4 capacity.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 23-09.3-01.1 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8 1. Basic care beds may not be added to the state's licensed bed capacity during the  
9 period between August 1, ~~2014~~2013, and July 31, ~~2013~~2015, except when:
- 10 a. A nursing facility converts nursing facility beds to basic care;
- 11 b. An entity licenses bed capacity transferred as basic care bed capacity under  
12 section 23-16-01.1;
- 13 c. An entity demonstrates to the state department of health and the department of  
14 human services that basic care services are not readily available within a  
15 designated area of the state or that existing basic care beds within a fifty-mile  
16 [80.47-kilometer] radius have been occupied at ninety percent or more for the  
17 previous twelve months. In determining whether basic care services will be  
18 readily available if an additional license is issued, preference may be given to an  
19 entity that agrees to any participation program established by the department of  
20 human services for individuals eligible for services under the medical assistance  
21 program under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.]; or  
22 d. The state department of health and the department of human services grant  
23 approval of new basic care beds to an entity. The approved entity shall license  
24 the beds within forty-eight months from the date of approval.

1           **SECTION 2. AMENDMENT.** Subsection 1 of section 23-16-01.1 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3           1. Notwithstanding sections 23-16-06 and 23-16-10, except when a facility reverts basic  
4 care beds to nursing facility beds or relicenses nursing facility beds delicensed after  
5 July 31, 2011, nursing facility beds may not be added to the state's licensed bed  
6 capacity during the period between August 1, ~~2011~~2013, and July 31, ~~2013~~2015. A  
7 nursing facility may not delicense nursing facility bed capacity, relicense nursing facility  
8 bed capacity, convert licensed nursing bed capacity to basic care bed capacity, revert  
9 licensed basic care bed capacity back to nursing facility bed capacity, or otherwise  
10 reconfigure licensed nursing facility bed capacity more than one time in a  
11 twelve-month period.