

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1359

That the Senate recede from its amendments as printed on pages 1303 and 1304 of the House Journal and page 909 of the Senate Journal and that Reengrossed House Bill No. 1359 be amended as follows:

Page 1, line 1, replace "50-24.5-02" with "50-24.5-02.3"

Page 1, line 2, after "rates" insert "; and to amend and reenact sections 50-32-02 and 50-32-04 of the North Dakota Century Code, relating to assisted living facilities"

Page 1, line 4, replace "50-24.5-02" with "50-24.5-02.3"

Page 1, line 6, replace "**50-24.5-02**" with "**50-24.5-02.3**"

Page 1, line 14, remove "The department shall establish limits on actual allowable historical operating cost"

Page 1, replace lines 15 through 24 with "For the rate year beginning July 1, 2016, the department shall establish the limits by using the average of the highest and lowest rates from the 2014 rate year. The direct care limit must be ninety-five percent of the average and the indirect care limit must be ninety percent of the average. Beginning with the July 1, 2017, rate year, the department shall adjust the limits by using the cost percentage change from the prior two rate years, within the limits of legislative appropriations."

Page 2, line 1, after the second underscored comma insert "within the limits of legislative appropriations."

Page 2, line 2, replace "twenty" with "thirty"

Page 2, after line 4, insert:

"5. Within the limits of legislative appropriations, the department shall establish an uncompensated care expense of one hundred eighty days."

SECTION 2. AMENDMENT. Section 50-32-02 of the North Dakota Century Code is amended and reenacted as follows:

50-32-02. Licensing of assisted living facilities - Penalty.

1. An entity may not keep, operate, conduct, manage, or maintain an assisted living facility or use the term "assisted living" in its advertising unless it is licensed by the department.
2. An assisted living facility shall pay to the department an annual license fee of seventy-five dollars for each facility. License fees collected under this section must be deposited in the department's operating fund in the state treasury. An expenditure from the fund is subject to appropriation by the legislative assembly.
3. An assisted living facility shall apply annually to the department for a license. After the fifty-ninth day following the notification of noncompliance

with annual licensing, the department may assess a fine of up to fifty dollars per day against an entity that provides assisted living services or uses the term assisted living in its marketing without a license approved by the department. Fines collected under this section must be deposited in the department's operating fund in the state treasury. An expenditure from the fund is subject to appropriation by the legislative assembly.

4. If there are one or more deficiencies or a pattern of deficiencies related to quality of care or compliance with licensing requirements, the department may issue a provisional license. A provisional license may not be valid for more than ninety days. A provisional license may be renewed once for no longer than an additional ninety days. If the deficiencies have not been corrected upon the expiration of a provisional license, the department may deny the assisted living facility's application or revoke its license.
5. Religious orders providing individualized support services to vowed members residing in the order's retirement housing are not subject to this chapter.
- 5.6. No more than two people may occupy one bedroom of each living unit of an assisted living facility.

SECTION 3. AMENDMENT. Section 50-32-04 of the North Dakota Century Code is amended and reenacted as follows:

50-32-04. Assisted living facility health services - Limitations on hospice services.

1. An entity may provide health services to individuals residing in an assisted living facility owned or operated by that entity. For purposes of this ~~section~~subsection, health services means services provided to an individual for the purpose of preventing disease and promoting, maintaining, or restoring health or minimizing the effects of illness or disability.
2. A tenant of an assisted living facility who is in need of hospice services and who exceeds tenancy criteria, as determined by the facility, may remain in the facility only if the tenant contracts with a third party, such as a hospice agency, or utilizes family support, or both, to meet those needs."

Renumber accordingly