

February 4, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2317

Page 1, line 1, after "new" insert "subsection to section 23-16-01.1, a new"

Page 1, line 1, after "23-16" insert ", and a new section to chapter 50-24.4"

Page 1, line 2, after "to" insert "long-term care bed capacity,"

Page 1, line 2, after the second "facilities" insert "and reimbursement of pediatric subacute care facilities"

Page 1, line 3, replace "sections 23-09.3-02, 23-09.3-10, 25-18-15, 50-06-06.4, and 50-06-38," with "section 50-24.4-27"

Page 1, replace lines 7 through 24 with:

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

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

Page 2, line 3, replace "**Subacute**" with "**Pediatric subacute**"

Page 2, line 4, replace "department" with "health council"

Page 2, after line 7, insert:

- "3. The rules applicable to a pediatric subacute care facility must allow for aging in place for an individual over the age of twenty-one and for a pediatric subacute care facility to be located in a facility or structure that offers other appropriate levels of services."
4. Rules under this section must provide for a consistent implementation of specialized training, treatment, health services, and related care which are developmentally appropriate for the population."

Page 2, remove lines 8 through 30

Page 3, replace lines 1 and 2 with:

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

50-24.4-27. Medicare certification.

~~All~~Except for pediatric subacute care facilities, all nursing facilities certified under the medical assistance program shall participate in Medicare part A and part B with respect to at least thirty percent of the beds in the facility unless, after submitting an application, Medicare certification is denied by the federal health care financing administration. The facility shall file on behalf of each patient or assist each patient in the filing of requests for any third-party benefits to which the patient may be entitled.

Charges for Medicare-covered services provided to residents who are simultaneously eligible for medical assistance and medicare must be billed to Medicare part A or part B before billing medical assistance. Medical assistance may be billed only for charges not reimbursed by Medicare.

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

Pediatric subacute care facilities.

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

Page 3, line 5, remove the overstrike over "skilled"

Page 3, line 5, after the second comma insert "nursing facility."

Renumber accordingly