

**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 section to chapter 23-16 of the North Dakota  
2 Century Code, relating to licensure of pediatric subacute care facilities as nursing facilities; and  
3 to amend and reenact sections 23-09.3-02, 23-09.3-10, 25-18-15, 50-06-06.4, and 50-06-38,  
4 and subdivision a of subsection 24 of section 57-39.2-04 of the North Dakota Century Code,  
5 relating to licensure of pediatric subacute care facilities as nursing facilities.

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

7 **SECTION 1. AMENDMENT.** Section 23-09.3-02 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **23-09.3-02. Residential areas - Nongeriatric persons.**

10 A nursing ~~home~~facility, intermediate care facility, basic care facility, or any combination of a  
11 nursing ~~home~~facility, intermediate care facility, or basic care facility may establish residential  
12 areas specifically for inhabitation by nongeriatric persons subject to any reasonable rules  
13 adopted by the department.

14 **SECTION 2. AMENDMENT.** Section 23-09.3-10 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **23-09.3-10. Rules on services to nongeriatric persons.**

17 The ~~department~~health council shall adopt rules under chapter 23-16 for patient and resident  
18 care and quality care review which are not in conflict with any federal laws, and as are  
19 necessary to ensure the appropriate medical, social, developmental, and psychological services  
20 to nongeriatric persons residing in a nursing ~~home~~facility, intermediate care facility, basic care  
21 facility, or any combination of a nursing ~~home~~facility, intermediate care facility, or basic care  
22 facility. For purposes of patient and resident care for a nursing facility and an intermediate care  
23 facility, nongeriatric means an individual under twenty-one years of age; however, the rules may  
24 allow for aging in place for individuals over the age of twenty-one.

1       **SECTION 3.** A new section to chapter 23-16 of the North Dakota Century Code is created  
2 and enacted as follows:

3       **Nursing facility - Subacute care facility.**

- 4       1. The department shall adopt rules to license nursing facilities under this chapter.  
5       2. The department shall license a pediatric subacute care facility as a type of nursing  
6       facility. A facility may choose whether to seek licensure as an intermediate care facility  
7       under chapter 25-16 or as a pediatric subacute care facility.

8       **SECTION 4. AMENDMENT.** Section 25-18-15 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10       **25-18-15. Payment for services to medically fragile children.**

11       The department may consider the unique level of care, the additional cost required to  
12 provide services to medically fragile clients under twenty-one years of age, and the actual and  
13 reasonable cost of providing services to individuals with developmental disabilities ~~when,~~  
14 intellectual, and acute medical conditions if reimbursing an intermediate care facility or pediatric  
15 subacute care facility for services to the individuals ~~with intellectual disabilities.~~

16       **SECTION 5. AMENDMENT.** Section 50-06-06.4 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18       **50-06-06.4. Comprehensive community residential program.**

19       It is the intent of the legislative assembly that the department of human services implement  
20 a comprehensive community residential program for children with developmental disabilities,  
21 intellectual, and acute medical conditions, including the use of pediatric subacute care facilities,  
22 intermediate care facilities, and other such foster home and group home resources as deemed  
23 appropriate.

24       **SECTION 6. AMENDMENT.** Section 50-06-38 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26       **50-06-38. Review and limitation.**

27       Intermediate care facility and pediatric subacute care facility providers shall submit all  
28 facility construction or remodeling proposals to the department of human services ~~prior to~~before  
29 enactment of a contract for the completion of the project. The department of human services  
30 shall review all intermediate care facility and pediatric subacute care facility construction or

1 remodeling proposals and may limit allowable construction and remodeling costs to ensure the  
2 costs are reasonable and appropriate.

3 **SECTION 7. AMENDMENT.** Subdivision a of subsection 24 of section 57-39.2-04 of the  
4 North Dakota Century Code is amended and reenacted as follows:

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