

**FIRST ENGROSSMENT
with House Amendments
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 section to chapter 23-16 and a new section to
2 chapter 50-24.4 of the North Dakota Century Code, relating to licensure of pediatric subacute
3 care facilities as nursing facilities and reimbursement of pediatric subacute care facilities; and to
4 amend and reenact section 50-24.4-27 and subdivision a of subsection 24 of section 57-39.2-04
5 of the North Dakota Century Code, relating to licensure of pediatric subacute care facilities as
6 nursing facilities.

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

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

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

- 11 1. The health council shall adopt rules to license nursing facilities under this chapter.
- 12 2. The department shall license a pediatric subacute care facility as a type of nursing
13 facility. A facility may choose whether to seek licensure as an intermediate care facility
14 under chapter 25-16 or as a pediatric subacute care facility.
- 15 3. The rules applicable to a pediatric subacute care facility must allow for aging in place
16 for an individual over the age of twenty-one and for a pediatric subacute care facility to
17 be located in a facility or structure that offers other appropriate levels of services.
- 18 4. Rules under this section must provide for consistent implementation of specialized
19 training, treatment, health services, and related care which are developmentally
20 appropriate for the population.

21 **SECTION 2. AMENDMENT.** Section 50-24.4-27 of the North Dakota Century Code is
22 amended and reenacted as follows:

1 **50-24.4-27. Medicare certification.**

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

11 **SECTION 3.** A new section to chapter 50-24.4 of the North Dakota Century Code is created
12 and enacted as follows:

13 **Pediatric subacute care facilities.**

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

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

- 19 a. "Eligible facility" means any hospital, skilled nursing facility, nursing facility,
20 intermediate care facility, or basic care facility licensed by the state department of
21 health, or any assisted living facility licensed by the department of human
22 services; and