

## **CHAPTER 50-30**

### **NURSING FACILITY ALTERNATIVE FUNDING**

#### **50-30-01. Definitions. (Effective through August 31, 2022)**

For purposes of this chapter:

1. "Basic care facility" has the meaning provided in section 23-09.3-01.
2. "Department" means the department of human services.
3. "Medical assistance" means a program established under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] and chapter 50-24.1.
4. "Nursing facility" has the same meaning as provided in section 50-24.4-01 for the term "nursing home".

#### **Definitions. (Effective after August 31, 2022)**

For purposes of this chapter:

1. "Basic care facility" has the meaning provided in section 23-09.3-01.
2. "Department" means the department of health and human services.
3. "Medical assistance" means a program established under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] and chapter 50-24.1.
4. "Nursing facility" has the same meaning as provided in section 50-24.4-01 for the term "nursing home".

#### **50-30-02. North Dakota health care trust fund created - Uses - Continuing appropriation.**

1. There is created in the state treasury a special fund known as the North Dakota health care trust fund. The fund consists of revenue received from government nursing facilities for remittance to the fund under former section 50-24.4-30. The department shall administer the fund. The state investment board shall invest moneys in the fund in accordance with chapter 21-10, and the income earned must be deposited in the North Dakota health care trust fund. All moneys deposited in the North Dakota health care trust fund are available to the department for:
  - a. Transfer to the long-term care facility loan fund, as authorized by legislative appropriation, for making loans pursuant to the requirements of this chapter.
  - b. Payment, as authorized by legislative appropriation, of costs of other programs authorized by the legislative assembly.
  - c. Repayment of federal funds, which are appropriated and may be spent if the United States department of health and human services determines that funds were inappropriately claimed under former section 50-24.4-30.
  - d. Operation and maintenance of the nurse aide registry.
2. The department shall continue to access the intergovernmental transfer program if permitted by the federal government and if use of the program is found to be beneficial.
3. Moneys in the fund may not be included in draft appropriation acts under section 54-44.1-06, except for the operation and maintenance of the nurse aide registry as provided for in this section.

#### **50-30-03. Nursing facility alternative grant fund.**

Expired under S.L. 1999, ch. 429, § 9.

#### **50-30-04. Long-term care facility loans.**

1. The department may approve loans from the long-term care facility loan fund established under chapter 6-09.16 for renovation projects involving a nursing facility, basic care facility, or assisted living facility.
2. An approved loan for any project may not exceed one million dollars or ninety percent of the project cost, whichever is less.
3. The department shall give preference for loan approval to an applicant that is converting nursing facility bed capacity to basic care bed capacity.

4. No loan may be approved unless the applicant agrees to repay to the long-term care facility loan fund the outstanding balance of the loan and any accrued interest if the applicant or its successor in interest ceases to operate the project or facility financed by the loan proceeds during the ten-year period after the date the applicant began operation of the project or facility or fails to commence operations within a reasonable time.
5. In addition to other remedies provided by law or contract, the department may deduct the amount of any refund due from a recipient of a loan from any money owed by the department to such recipient or the recipient's successor in interest.

**50-30-05. Department to adopt rules.**

Expired under S.L. 1999, ch. 429, § 9.

**50-30-06. Chapter does not create entitlement.**

Expired under S.L. 1999, ch. 429, § 9.

**50-30-07. Annual cost reports.**

Expired under S.L. 1999, ch. 429, § 9.

**50-30-08. Annual reports by the department.**

Expired under S.L. 1999, ch. 429, § 9.