

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2167

2007 SENATE HUMAN SERVICES

SB 2167

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2167

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: January, 15, 2007

Recorder Job Number: 1082

Committee Clerk Signature

Mary K Monson

Minutes:

Chairman Judy Lee opened the hearing on SB 2167 relating to licensure requirements of assisted living facilities.

Senator Lyson, one of the sponsors of the bill, introduced the bill to the committee. He stated that this is quite a simple bill. Last session we passed a bill in Human Services on long term care. The previous bill said a living unit must contain a sleeping area, a lockable entry, and a private bath with toilet, sink, and tub or shower. There are at least 4 or 5 facilities like the Roughrider Inn in Williston that have facilities that have been grandfathered in because they have some shared bathroom facilities. The Roughrider Inn is home to older veterans that are mentally ill. The Roughrider Inn would like to sell their business but to do this the buyer would have to immediately come into compliance and have a bathroom for each client. SB 2167 gives them the right to sell one time with the knowledge of the buyers that they are going to have to do the remodeling if they are to sell again. Senator Lyson said that if they close the Roughrider Inn in Williston he could not find a long term facility care unit that would take these clients and they would end up in the State Hospital.

Senator Lee asked if the Roughrider Inn was the only facility that this would apply too.

Senator Lyson replied that there were 3 or 4 more.

Shelly Peterson, President of the North Dakota Long Term Care Association (NDLTCA)

testified in support of SB 2167. See attached testimony, and list of currently licensed facilities.

In addition, Ms. Peterson asked that the committee consider an emergency clause so the owner of the Roughrider Inn can proceed with listing and selling their property.

Senator Lee asked what the Evergreens facilities in Fargo are.

Shelly Peterson answered that they are a licensed basic care facility; they provide services for people with dementia.

Senator Warner asked if licensing comes up for review after a period of years.

Shelly Peterson replied that every year they have to apply for a license.

Senator Warner asked about the grandfathering exemption in SB 2167.

Shelly Peterson answered that her understanding is that anyone licensed before July 2005 could sell their facility at any time and the new owner that purchased it would get the extension of the grandfathering. Peterson added that the Roughrider Inn and Tufte Manor in Grand Forks are the only ones she knew of that this affected and they are older facilities. All newer facilities licensed after July of 2005 have to follow the minimum requirements of a "living unit".

Perry Kitzan, owner of the Roughrider Inn, Williston, testified in favor of bill 2167.

(Testimony attached.)

Senator Lee asked if all residents of the Roughrider Inn were veterans.

Perry Kitzan, replied yes and added that this is why the home was started thirty years ago.

Senator Warner asked about compensation and **Mr. Kitzan** replied they are compensated by their VA benefits

Senator Dever asked when residents leave the facility, where do they go.

Perry Kitzan replied that they probably go to a VA nursing home.

No opposition to SB 2167

Barbara Fischer, Assistant Director, Budget and Operations, for the Medical Services Division of the Department of Human Services gave a neutral testimony on SB 2167. (See attached budget.) She suggested two amendments (included in her written testimony).

Senator Warner asked if the license here is specified.

Barbara Fischer answered that the provisions here apply to the living unit requirements.

Senator Lee asked if there was a time when the new owner had to meet code.

Barbara Fischer was not aware of any time frame applied to any existing facilities.

Senator Warner asked which section of the code refers to Human Services and which to the Health Department.

Human Services is NDCC 50-32-01 and Health Department is 50-32-02

Senator Lee asked Mr. Kitzen to clarify the number of individual and bathrooms.

Mr. Kitzen said the clients all have their own living units but they have to share 3 full baths and 6 half baths.

Bruce Murry from the protection advocacy project spoke in favor of a longer period of years to finance, but eventually come into compliance.

Senator Lee closed public hearing on SB 2167.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2167

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-17-07

Recorder Job Number: 1268

Committee Clerk Signature

Mary K Monson

Minutes:

Senator J. Lee, Chairman, opened SB 2167 for discussion. She reminded the committee that this is the bill about the Roughrider Inn in Williston, the one change in ownership, the definitions of living units.

Senator Warner thought it was a pretty minor concession to make to share a bathroom especially considering it is a very safe and comfortable home and, as congregate living goes, its pretty low cost.

Senator Heckaman asked if, when the facility relicenses every year, the facility is requested to come up to code.

Senator J. Lee said they are grandfathered in, no, they wouldn't.

It's not skilled nursing, more of a social model than a medical model. It's a place where people can feel as much at home as they can, considering.

Senator J. Lee said an amendment in front of them was from Barb Fischer who wanted to clarify the grandfathering provision. This is on page 2 of her testimony.

Senator Heckaman reminded that there was also an emergency clause and a word change on the bottom of page 1.

Senator J. Lee said that Bruce Murry from Protection and Advocacy favored a time limit.

The committee talked about the emergency clause and it was their consensus to add it.

Remodeling to bring up to code was discussed. Any addition would require a building code approval on the addition but it wouldn't have anything to do with the existing structure.

The new addition would have to adhere to code but that doesn't mean the old part does.

Senator Dever said the interest of the committee should not be to move the transaction ahead but to insure that kind of facility continues to be available to the people who need the service.

Senator Heckaman said she would not like to see them be unable to sell and have to close.

Senator Heckaman moved to accept the emergency clause and the two amendments from Barb Fischer. Seconded by Senator Dever. Roll call vote 6-0-0. Passed.

Discussion followed briefly about any new construction that would have to be built to code.

Another factor discussed was more than one person in a room. The only concern was if the owners imposed it on existing residents in order to generate revenue.

Senator Dever moved a Do Pass as Amended. Seconded by Senator Heckaman.

Roll call vote 6-0-0. Passed. Floor carrier is Senator Pomeroy.

FISCAL NOTE
Requested by Legislative Council
01/10/2007

Bill/Resolution No.: SB 2167

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill amends and reenacts section 50-32-02.1 of the North Dakota Century Code relating to licensure requirements of assisted living facilities.

There is no fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

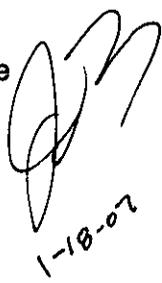
3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Debra A. McDermott	Agency:	Dept. Human Services
Phone Number:	328-3695	Date Prepared:	01/11/2007



Handwritten signature and date: 1-18-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2167

Page 1, line 2, after "facilities" insert "; and to declare an emergency"

Page 1, line 12, replace "possesses" with "possessed"

Page 1, line 14, after the first "the" insert "exception to the" and after "requirements" insert "under subsection 1"

Page 1, after line 16, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Date: 1-17-04

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2167

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number 70595 0101 Title .0200

Action Taken Accept emergency clause + 2 Fischer Amendments

Motion Made By Sen. Heckaman Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 1-17-07

Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2167

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Sen. Dever Seconded By Sen. Heckman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Pomeroy

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2167: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2167 was placed on the Sixth order on the calendar.

Page 1, line 2, after "facilities" insert "; and to declare an emergency"

Page 1, line 12, replace "possesses" with "possessed"

Page 1, line 14, after the first "the" insert "exception to the" and after "requirements" insert "under subsection 1"

Page 1, after line 16, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

2007 HOUSE HUMAN SERVICES

SB 2167

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2167

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 6, 2007

Recorder Job Number: 2901

Committee Clerk Signature

Judy Schock

Minutes:

Chairman Price: We will open the hearing on SB 2167.

Senator Stan Lyson: I am asking your support in SB 2167. The mentally ill are living in a home with assisted living. Don't take their home away.

Shelly Peterson, President of the ND Long Term Care Association: See attached testimony also another attached on the licensed living facilities.

Representative Hofstad: How many fit into these criteria?

Ms Peterson: Top my knowledge only 1 in Grand Forks.

Perry Kitzan owner of RoughRider Inn in Williston, ND: See attached testimony.

Chairman Price: Do you have units with private baths?

Mr. Kitzan: We have 4 units that do have.

Chairman Price: Anyone else to testify in favor of SB 2167? Anyone in opposition of SB 2167? If not we will close the hearing on SB 2167. Would the committee like to work on the bill?

Representative Hatlestad moves a do pass Seconded by **Representative Kaldor**. The vote is 11 yeas 0 nays and 1 absent. **Representative Hatlestad** will carry the bill to the floor.

Date: 2/6
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES S.B. 2167 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass

Motion Made By Rep. Hollestad Seconded By Rep. Kaldor

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price – Chairman	✓		Kari L Conrad	✓	
Vonnie Pietsch – Vice Chairman	✓		Lee Kaldor	✓	
Chuck Damschen	✓		Louise Potter	✓	
Patrick R. Hatlestad	✓		Jasper Schneider	✓	
Curt Hofstad	✓				
Todd Porter					
Gerry Uglen	✓				
Robin Weisz	✓				

Total (Yes) 11 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 1

Floor Assignment Rep. Hollestad

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2167, as engrossed: Human Services Committee (Rep. Price, Chairman)
recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2167 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2167

Testimony on SB 2167
Senate Human Services Committee
January 15, 2007

Chairman Lee and members of the Senate Human Services Committee, thank you for the opportunity to testify on SB 2167. My name is Shelly Peterson; I'm President of the North Dakota Long Term Care Association (NDLTCA). I am here to testify in support of SB 2167.

SB 2167 is in response to legislation passed in the 2005 session which is having a negative impact on an assisted living facility in North Dakota. The legislation that I am referring to is HB 1147. HB 1147 defined assisted living and outlined the minimum requirements of what must be contained in a "living unit" of an assisted living facility. Each living unit within an assisted living facility must contain:

1. A sleeping area;
2. An entry door that can be locked;
3. A private bath with a toilet, bathtub or shower and a sink.

The statute further states that no more than two people may occupy one bedroom of each living unit. The legislation grandfathered in all currently licensed assisted living facilities who may not have met the new requirements. The 2005 legislation was proposed by the Department of Human Services, through the efforts of the assisted living workgroup. The assisted living workgroup consisted of representatives from assisted living facilities, NDLTCA, Home Care Association, State Insurance Department, Department of Health, and Department of Human Services. The 2005 legislation was intended to establish minimum standards of what should be contained in a living unit and to address some licensing issues with adult family foster care homes who were interested in expanding into assisted living.

We educated our members on the proposed legislation and all were supportive. After the session, the Department of Human Services proposed rules to implement HB 1147. At that hearing we became aware of the RoughRider Inn in Williston, who expressed concerns regarding the definition of a "living unit." Their assisted living facility does not contain a bathroom for every living unit. They were grandfathered in, however, they are interested in selling their facility and the "grandfathering" provision does not extend to a new owner.

SB 2167 allows the grandfathering provision to extend to the first ownership change after 07-31-05. This would allow the RoughRider Inn to sell their facility and not have to add many additional bathrooms, prior to the sale.

Your consideration of SB 2167 is appreciated. I would like to introduce you to the owners of the RoughRider Inn and have you hear a little bit about their facility.

Thank you again, for the opportunity to testify on SB 2167.

Shelly Peterson, President
North Dakota Long Term Care Association
1900 North 11th Street
Bismarck, ND 58501
(701) 222-0660
www.ndltca.org

Licensed Assisted Living Facilities

(Sorted by City)

Services Available

City	Assisted Living Facility	Street Address	Zip	Contact Person	Telephone	No. of Living Units	Bathing	Dressing	Toileting	Transferring	Eating	Medication Management	Personal Hygiene	Meal Preparation/Meals	Housekeeping	Transportation	Laundry	Other
Arthur	Prairie Villa	150 County Road 34	58006	Rebecca Parish	701-967-8316	6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Incontinence Management
Beach	Golden Valley Manor	260 5th St SW	58621	Vicki Braden	701-772-4282	41	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bismarck	Edgewood Vista of Bismarck	3406 Dominion Street	58503	Ron Wheeler	701-738-2000	58	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bismarck	Pimrose of Bismarck	1144 College Drive	58501	Melanie Soupir	701-222-8183	25	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bismarck	Valley View Heights	2500 Valley View Ave	58501	Calley Schmidt	701-221-3018	30	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bismarck	Waterford on West Century	1000 West Century Ave	58503	Arlene Farnsworth	701-323-7000	70	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bowman	Sunrise Village	203 11th Ave NW	58623	Darold Bertsch	701-523-3214	12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cooperstown	Park Place	1204 Park Avenue	58425	Gregory A. Stormp	701-787-2221	12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
DeVils Lake	Heartland Courts	620 14th Ave	58301	Katissa Olson	701-682-4905	48	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
DeVils Lake	Lake County Manor	1332 10th St NE	58301	Rosie Schneider	701-682-1880	18	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dickinson	Benedict Court	830 2nd Avenue East	58601	Sharon Stroth	701-456-7320	26	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dickinson	Evergreen Dickinson	2143 8th Ave West	58601	Jan Fitzner	701-483-6606	28	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dickinson	Hawks Point	1266 Signal Butte	58601	Jan Fitzner	701-483-6606	28	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ellendale	Evergreen Assisted Living	241 Main Street	58436	Lucy Grovnetich	253-905-7361	17	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fargo	Bethany Towers I and II	201 South University Drive	58103	Ray Weisgarber	701-239-3523	149	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fargo	Pioneer House Assisted Living	3540 S University Dr	58104	Doug Panchot	701-271-1862	48	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fargo	Riverview Place	5300 12th St S	58104	Jeff Pederson	701-237-4700	54	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fargo	Waterford at Harwood Groves	1200 Harwood Drive	58104	Deb Magnuson	701-476-1200	60	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Granton	Leisure Estates	405 Eastam Avenue	58237	Gloria Hanson	701-352-1901	26	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Grand Forks	Parkwood Place Lodge	4022 24th Ave S	58201	Nancy Andrews	701-787-7566	60	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Grand Forks	Tulle Manor	749 30th Street South	58201	Charles Nyberg	701-780-2600	35	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Grand Forks	Wheatland Terrace	3300 Cherry St	58201	Nancy Andrews	701-787-7566	70	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hatton	Tri-County Health Center	4008 24th Ave S	58201	Nancy Andrews	701-787-7566	60	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hettinger	Western Horizons	950 Dakota Ave	58240	Cynthia Treabwell	701-543-3102	11	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Jamestown	Heritage Center of Jamestown	700 North 4th St	58439	Adlene Johnson	701-567-6170	16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Jamestown	The Dewey Apartments	421 18th St NE	58401	Rockford Zastoupal	701-252-5660	41	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Kenmare	Baptist Home of Kenmare	1215 8th Avenue NE	58401	Lynda Adams	651-645-7271	18	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lakota	Lakota Congregate Housing - Prairie Rose	315 2nd Ave NW	58748	Karen Schwartz	701-365-4941	14	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lakota	Rosewood Court	102 5th Street W	58344	Emily Treiter	701-247-2902	16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lamoure	Lamoure Good Samaritan Assisted Living	320 2nd St SE	58458	Marcia Dunn	701-883-5999	12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Linton	Prairie Rose Assisted Living	501 Front Street East	58251	Rita Rafferty	701-343-6244	5	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lisbon	Beverly Anne Assisted Living Center	516 North Broadway	58552	Jodi Huht	701-254-4511	11	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lisbon	Prospect Manor	400 Prospect Street	58054	Beverly Milkesh	701-683-4062	24	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Minot	Sun Carriers	750 Main Street East	58257	Brett Ulrich	701-235-1197	16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Minot	Brentmoor of Minot	3515 10th St SW	58701	Jolene Lunde	701-788-3401	41	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Minot	Edgewood Vista of Minot	800 16th Ave SE	58701	Ron Whetter	701-839-3320	85	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Minot	Sammern Assisted Living	700 33rd Ave SW	58701	Jennifer Semmen	701-738-2000	115	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Minot	Somersat Court	1900 28th St SW	58701	Kathy Klein	701-852-4920	8	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Minot	The View	2905 Elk Drive	58701	Rob Kordeck	701-838-4500	67	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Minot	The Wellington	601 24th Avenue SW	58701	Maria Kufig	701-858-9800	61	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Minot	Wintering Creek Assisted Living	1608 16th St NW	58703	Daniel Rtrquette	701-839-5646	8	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Napoleon	Napoleon Assisted Living Apartments	320 5th Street East	58561	Lisa Beine	701-754-2381	10	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
New Rockford	Heritage House	215 13th St N	58358	Kathy Steinbach	701-947-2944	16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
New Salem	New Town Good Samaritan Center	100 Elm Avenue	58563	Bob Owens	701-843-7526	10	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
New Town	Royal Oakes Good Samaritan Assisted Living	603 1st Street North	58763	Val Eldie	701-627-4711	16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Oakes	Park View Manor Assisted Living	618 8th Ave NE	58072	Pat Hansen	701-742-3274	14	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rolla	Bridgeview Estates	1120 5th St NE	58790	Diana Nelson	701-444-4689	15	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rolla	Valley View Manor	302 S Main	58780	Debra Fraser	701-338-2727	16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Walthalla	North Border Estates	500 4th Street	58282	Debra Fraser	701-549-3831	16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Walford City	The Horizon	705 4th Ave NE	58854	Donna WhitesOwl	701-444-4689	15	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Williston	Rough Rider Inn	12 1st Avenue West	58801	Perry Kitzan	701-572-7556	17	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Williston	The Kensington	1001 24th St W	58801	Sandy Riveland	701-774-0424	39	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Willshak	Prairie Hills Assisted Living	400 S 4th St	58495	Gregory Salwei	701-452-2333	6	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

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ROUGH RIDER INN

12 - 1st Avenue West
kitzans@nemont.net

P.O. Box 2296
Williston, ND 58802-2296

(701) 572-7556
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Chairman Lee and Members of the Senate Human Services Committee

Thank you for the opportunity to testify on SB 2167. My name is Perry Kitzan, owner of the RoughRider Inn in Williston, North Dakota.

Our mission is "our home is your home" and we truly believe that those we serve are offered the best for mind, body, and spirit. The RoughRider Inn provides services to gentlemen who are veterans and have physical and/or mental illness. They are referred to us through Department of Veterans Affairs. The average age of our residents is 61 and the average length of stay is eight years.

Let me take you through a day in the life of Terry. He is a 48 years old. He came to live with us in 1999. Terry has a severe mental illness. He enlisted in the Army right after graduating from High School. He served our country five years before getting a medical discharge. Terry guarded the Tomb of the Unknown Soldier at Arlington. He was in and out of VA and state hospitals until he came to live at the RoughRider Inn.

Let me tell you about Terry's life with us! Terry gets up at 6 am, takes a shower, and walks to a local convenience store. He brings back coffee for his fellow veteran boarders. He gets his medications, which we load, for him. Every morning he receives 15 pills. Then he has breakfast, and starts his social rounds after that. Terry is a busy guy. He goes to local cafes, thrift shops, and churches, and spreads good will throughout the community. He always greets our school age children, and us. Since we are part of his family, he gifts us with hugs. At lunchtime, he is first at the table. He eats, and takes noon medications. He then leaves for appointments, and makes his social rounds in the community again. We offer transportation to any appointments, as requested. For supper the residents gather together to enjoy a home cooked meal. Terry's favorite meal is spaghetti and meatballs. He receives his third set of medications. After supper, he walks outside, and then gets ready for bed. He takes medications, and sleeps hard so he can be up and at it for a new day. Terry is a minority here because his siblings remain active in his life. This is just one of the fourteen men that reside at the RoughRider Inn.

For the men we serve this is as good as life gets. They do not fit very well in a family setting, they do not fit in a nursing home, nor do they fit in a mental hospital. They function best in a facility that offers them a place to live, good food to eat, supervision of their medications, assistance to negotiate the problems life presents, and other community services, which we coordinate for them.

The RoughRider Inn is a unique place dedicated to serve people who are unique. The Williston community has accepted and supported us for the past 30 years.

Thank you for your consideration to support SB 2167 as introduced by Senators Lyson, Dever, Grindberg, and Representative Carlisle. By amending the assisted living rules, it will allow our business to operate and improve for the next thirty years.

Yours truly,
Perry Kitzan, Owner
RoughRider Inn

"OUR HOME IS YOUR HOME"

Perry & Kristi Kitzan, Owners

Testimony
Senate Bill 2167 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 15, 2007

Chairman Lee, members of the Senate Human Services Committee, I am Barbara Fischer, Assistant Director, Budget and Operations, for the Medical Services Division, of the Department of Human Services.

This bill will allow a continuation of a waiver of the licensing requirements when an entity sells or transfers an existing licensed assisted living facility to a new party. In essence, it extends "grandfather" provisions for a second time when a change of ownership occurs. Without the exception, grandfather provisions are not applicable to new licensees and new owners have to meet the licensing requirements in effect at the time of purchase.

The licensure requirements under NDCC 50-32-01 and 50-32-02 that would be waived are:

- A living unit must contain a sleeping area, a lockable entry, and a private bath with toilet, sink, and tub or shower
- No more than 2 people may occupy one bedroom of a living unit

I would like to suggest amendments to the language in subsection 2.

- The word "possesses" on line 12 should be changed to possessed, since licenses are valid only for one year and licenses

issued prior to those with an effective date of January 1, 2007 are no longer valid.

- To ensure that the same grandfather provisions provided to the existing owner are the provisions applicable to the new owner line 14 should read "allow a continuance of the exception to the licensure requirements provided in subsection 1 for the new owner. The"

I would be happy to answer any questions you may have.

Testimony on SB 2167
House Human Services Committee
February 6, 2007

Chairman Price and members of the House Human Services Committee, thank you for the opportunity to testify on SB 2167. My name is Shelly Peterson; I'm President of the North Dakota Long Term Care Association (NDLTCA). I am here to testify in support of SB 2167.

SB 2167 is in response to legislation passed in the 2005 session which is having a negative impact on an assisted living facility in North Dakota. The legislation that I am referring to is HB 1147. HB 1147 defined assisted living and outlined the minimum requirements of what must be contained in a "living unit" of an assisted living facility. Each living unit within an assisted living facility must contain:

1. A sleeping area;
2. An entry door that can be locked;
3. A private bath with a toilet, bathtub or shower and a sink.

The statute further states that no more than two people may occupy one bedroom of each living unit. The legislation grandfathered in all currently licensed assisted living facilities who may not have met the new requirements. The 2005 legislation was proposed by the Department of Human Services, through the efforts of the assisted living workgroup. The assisted living workgroup consisted of representatives from assisted living facilities, NDLTCA, Home Care Association, State Insurance Department, Department of Health, and Department of Human Services. The 2005 legislation was intended to establish minimum standards of what should be contained in a living unit and to address some licensing issues with adult family foster care homes who were interested in expanding into assisted living.

We educated our members on the proposed legislation and all were supportive. After the session, the Department of Human Services proposed rules to implement HB 1147. At that hearing we became aware of the RoughRider Inn in Williston, who expressed concerns regarding the definition of a "living unit." Their assisted living facility does not contain a bathroom for every living unit. They were grandfathered in, however, they are interested in selling their facility and the "grandfathering" provision does not extend to a new owner.

SB 2167 allows the grandfathering provision to extend to the first ownership change after 07-31-05. This would allow the RoughRider Inn to sell their facility and not have to add many additional bathrooms, prior to the sale.

Your consideration of SB 2167 is appreciated. I would like to introduce you to the owners of the RoughRider Inn and have you hear a little bit about their facility.

Thank you again, for the opportunity to testify on SB 2167.

Shelly Peterson, President
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Let me tell you about Terry's life with us! Terry gets up at 6 am, takes a shower, and walks to a local convenience store. He takes great pride in bringing back coffee for his fellow veteran boarders. He receives his medication and breakfast is served. Then Terry begins his social rounds some of which include going to the local cafes, thrift shops, and churches, spreading good will throughout the community. Since Terry considers the RoughRider Inn his home, and our family his extended family, it is not uncommon for Terry to stop in to see how we are doing and to say hello. At lunchtime, he is first at the table. He eats, and takes noon medications. He then leaves for appointments, and makes his social rounds in the community again. We offer transportation to any appointments, as requested. For supper the residents gather together to enjoy a home cooked meal. Terry's favorite meal is spaghetti and meatballs. He then receives his third set of medications. He goes outside for a final evening walk. Upon his return, he receives his last set of medication and retires to his private room for the night. This is just one of the fourteen men that reside at the RoughRider Inn.

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