

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SEN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1109

2001 HOUSE HUMAN SERVICES

HB 1109

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1109

House Human Services Committee

Conference Committee

Hearing Date January 16, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X	X	Tape did not work
Tape 2	X		Tape did not work
Committee Clerk Signature	<i>Connie Easton</i>		

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Doseh, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig.

Chairman Price: Opened hearing on HB 1109

David Zentner: Director of Medical Services for the Department of Human Services. This HB 1109 would permit the Health Department to license assisted living facilities through the boardinghouse definition, add two requirements to the basic care definition regarding the need for staff to be available 24 hours per day, establishes a licensing fee for each basic care facility to be collected by the department to offset the cost to the department of conducting review of each facility, a section which includes definitions including a new definition for assisted living, establishes a method to receive complaints regarding the operation of assisted living facilities, establishes the process for registering assisted living facilities, a section that deals with

removing the set amount for monthly personal care allowances from state law, a section repealing language that permits basic care residents to select their own pharmacist. This bill is a cooperative effort of government, the long-term care industry and advocates to come to a workable compromise with respect to the regulation of assisted living facilities. (See testimony)

Chairman Price: What would be considered response staff under Section 2, subparagraph a.?

David Zentner: Staff who are available at the facility. We would look at what needs the patient has.

Chairman Price: If wife needs care and husband does not, are there going to be any restrictions?

David Zentner: The facility would provide flexibility.

Rep. Deylin: Does nursing home licensing go through your department?

David Zentner: Licensing goes through the Health Department.

Rep. Deylin: Was that the position of the task force?

David Zentner: Yes, it was part of the task force's recommendation to do that.

Rep. Weisz: The Department of Human Services is registering and the Health Department is doing the licensing?

David Zentner: The task force wants to use the current mechanism.

Rep. Sandvig: HUDD unit became assisted living facility, do you anticipate more of this?

David Zentner: Those that can provide these services are encouraged to do so.

Rep. Cleary: Are these facilities being investigated?

David Zentner: No.

Vice Chairman Devlin: I am concerned about Section 8 which would repeal language that permits basic care residents to select their own pharmacist.

David Zentner: There will be someone else here who can better answer your question.

Rep. Niemeier: My constituents feel the \$45 allowance is inadequate.

David Zentner: There are no dollars in this biennium to raise it.

Roger Unger: Manager for Licensing and Certification, Department of Health. (See written testimony.) I am here to provide testimony relating to Section 3 of HB 1109 which is proposed as an amendment to Section 23-09.3-05. The proposed amendment will permit the Department of Health to establish a licensing fee that will permit an on-site survey of basic care facilities for compliance with program and life safety code requirements every two years. The proposal to establish a licensing fee based on the actual cost of licensing and survey is intended to create a state licensing program that is a self funding operation.

Rep. Doseh: It seems high that we would need three people to inspect two facilities.

Roger Unger: Two FTE's cover administration and program survey.

Chairman Prigg: How many assisted living facilities are you aware of in the state.

Roger Unger: Approximately 70.

Rep. Metcalf: I find inspections are over man powered. What system do you have in place that inspections have quality, common sense inspections?

Roger Unger: We have strong quality management.

Kenon Bullinger: Food and Lodging Division, Department of Health. Our FTE's concentrate their investigative effort on food preparation.

Shelly Peterson: President of the North Dakota Long Term Care Association. (See written testimony.) Suggested improvements to HB 1109.

Penny Weston: Edgewood Vista. Our clients want to maintain choice. I support looking at the study resolution.

Kathy Klein: Spectrum Care. (See written testimony.) During the Ad Hoc Committee we made recommendations aimed at attempting to assist in defining the new and evolving lifestyle living alternatives becoming available to senior citizens. We understand the State Health Department's interest in monitoring this evolution and hope to participate in that monitoring. However, we believe that HB 1109 does not approach the newly developing industry in the most helpful manner. While we agree with much of what you will hear today from others in the industry, there are several things we would like to stress and some amendments we wish to offer for your consideration. We believe that it is necessary to include a definition of "Independent Living Facility", and we offer an additional amendment to clarify the definition as proposed for "Assisted Living Facilities". In closing, we also believe MANDATORY registration of facilities, including independent living facilities, will provide no benefits to seniors but will result in additional costs they must bear.

Rep. Pollert: Do you receive federal funding?

Kathy Klein: No.

Rep. Pollert: How are you regulated?

Kathy Klein: Fire department inspections.

Vance Magnuson: N.D. Insurance Department. Presented memo from Muriel Peterson, Program Administrator for Aging Services Division of the Department of Human Services. Memo regarded whether registration of assisted living would be sufficient for long-term care insurance coverage should the registration process become law.

Chairman Price: Close hearing on HB 1109.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1109 A

House Human Services Committee

Conference Committee

Hearing Date February 7, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		1620 to 3300
Committee Clerk Signature <i>Connie Easton</i>			

Minutes:

COMMITTEE WORK:

CHAIRMAN PRICE: Let's move to 1109. 1109 had a subcommittee of Pollert, Tieman, and Niemcier on it.

REP. POLLERT: (Explained amendments.)

REP. METCALF: If you have a facility that has both basic care and nursing care, how does that work - will they be subject to two inspections, or will they be subject to the skilled nursing and cover the basic care portion also?

REP. METCALF: We can't change that right now, because a lot of that is federally driven.

They could be something that could be discussed in the development of the process. It will be a much reduced type of survey, hopefully, because they don't want to add to the cost of basic care.

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House Human Services Committee

Bill/Resolution Number HB 1109

Hearing Date February 7, 2001

REP. POLLERT: Right now the only surveys do in basic care is if there is a complaint. There was talk about a voluntary survey. The committee took out the word "voluntary", because in business, how many people are going to ask for a survey?

CHAIRMAN PRICE: Rep. Tieman, do you have anything to add?

REP. TIEMAN: I would like to say thank you to Rep. Niemeier and Rep. Pollert for all of their good work and, especially, our Chairman. This is a very good bill.

REP. NIEMEIER: I would echo that as well, that Rep. Pollert deserves credit for the work and the negotiations that he did in putting this together.

CHAIRMAN PRICE: My thanks to all three of you - it saved a lot of committee time. Is there a motion?

REP. POLLERT: I would move for a motion to approve the amendments.

REP. PORTER: Second.

CHAIRMAN PRICE: Discussion on the amendment? This bill will still be going down to Appropriations.

REP. NIEMEIER: I just wanted to add a comment that one of the issues we had the most input on was the one of the registration fee of \$45 per bed. I got many e-mails saying that was really going to put them under the gun. The resolution we got on that was a good one, and satisfy all.

CHAIRMAN PRICE: Other questions? All those in favor of the amendments signify by saying Aye (14 Yes). We have an amended bill, what are your wishes?

REP. PORTER: I would move a DO PASS as amended and rerefer to Appropriations.

REP. WEILER: Second.

CHAIRMAN PRICE: Discussion? The clerk will call the roll on a **DO PASS and rerefer to Appropriations.**

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House Human Services Committee
Bill/Resolution Number HB 1109
Hearing Date February 7, 2001

14 YES 0 NO 0 ABSENT CARRIED BY REP. POLLERT

FISCAL NOTE
 Requested by Legislative Council
 03/23/2001

Bill/Resolution No.:

Amendment to: Recrossed
 HB 1109

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$6,375		\$7,875
Expenditures						
Appropriations						

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This would require all assisted living facilities to be registered by the Department of Human Services. It also requires the Department to establish a method to receive complaints related to assisted living facilities and forward those complaints to the appropriate agency for investigation. The cost to establish a registration and complaint process is difficult to estimate, but it is believed that the fiscal impact will be minimal for the Department. The Department is hopeful that we will be able to absorb any costs associated with this bill that are over and above the revenue that will be generated through the registration fees.

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.*

This bill includes a registration fee of \$75 per facility to be paid annually. It's estimated that there would be 40 facilities registered in the first year and 45 registered in the second year of the biennium. The registration fees would result in \$6,375 in revenue and would be used to offset the cost of operating the registration and complaint processes.

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, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Welsz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	03/26/2001

FISCAL NOTE
 Requested by Legislative Council
 02/22/2001

Bill/Resolution No.:

Amendment to: Engrossed
 HB 1109

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$850		\$1,050
Expenditures						
Appropriations						

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This would require all assisted living facilities to be registered by the Department of Human Services. It also requires the Department to establish a method to receive complaints related to assisted living facilities and forward those complaints to the appropriate agency for investigation. The cost to establish a registration and complaint process is difficult to estimate but it is believed that the fiscal impact will be minimal for the Department. The Department is hopeful that we will be able to absorb any costs that may be associated with this bill.

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.*

The bill includes a registration fee of \$10 per facility to be paid annually. It's estimated that there will be 40 facilities registered in the first year and 45 registered in the second year of the biennium. That would result in \$850 in revenue to go towards the cost of operating the registration and complaint processes.

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, of the effect*

on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Brenda M. Weisz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	03/01/2001

