

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1496

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Salvatore Riccardi
Operator's Signature

10/16/03
Date

2003 HOUSE HUMAN SERVICES

HB 1496

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford
Operator's Signature

10/6/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1496

House Human Services Committee

Conference Committee

Hearing Date January 29, 2003

Tape Number	Side A	Side B	Meter #
1		x	43.0 - 61.8
2	x		0.0 - 22.4
2		x	0.0 - 6.6
Committee Clerk Signature <i>Sharon Kenyon</i>			

Minutes:

Rep. Dennis Johnson appeared as prime sponsor stating this is a very serious issue.

Shelly Peterson, ND Long Term Care Assoc. appeared in support with written testimony stating this bill only affects Basic Care facilities.

Rep. Kreidt noted the problem with assistance & down grading to Basic Care.

Mark Ulrich, Administrator of the Odd Fellows Home, a Basic Care Facility in Devils Lake appeared in support with written testimony and to share a situation with the committee.

Timothy Exner, Owner & Administrator of Rock of Ages, a basic care facility in Jamestown with written testimony appeared in support.

Rep. Kreidt: with the basic care facility that provide Alzheimer's services, do they fall under the same standards as the regular basic care facility. Answer: Alzheimer's units is under the basic care licensure but my reimbursement is a waiver program.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Rickford
Operator's Signature

10/16/03
Date

Page 2

House Human Services Committee

Bill/Resolution Number HB 1496

Hearing Date January 29, 2003

Blaine Nordwall, Director of Economic Assistance Policy to the Dept. of Human Services

appeared in opposition with written testimony.

Alternative is to provide the coverage to married individuals receiving services in basic care facilities using only the state general funds. That would require amendments to the bill.

Rep. Weisz: What kind of Medicaid waiver on basic care, what do we get out of basic care allowance. Answer: Medicaid alizing - what we were able to do was identify the service called personal care as being a component of basic care services. Medicaid only covers part of the basic care costs.

Rep. Devlin: States share is \$40.00, Basic care facility rate is \$50.00 and we used all out of general fund, we are talking \$10.00 difference per day per individual. Answer: yes

Shelly Peterson, ND Long Term Care Assoc. appeared to recommend that the committee kill the bill given the fact that they will not be able to access the federal funds.

Rep. Porter made a motion for DO NOT PASS, second by Rep. Pollert

Rep. Porter stated that Mr. Nordwall offered an amendment and wanted to know if we should get it, beings he offered it to us, we should take it.

VOTE: 8 - 5 - 0

Rep. Amerman to carry the bill

Rep. Wieland asked how does the State lobby the Federal Govt. for these types of things and who does it. Answer: by Rep. Price, lobbying our congressional delegation, sometimes resolutions are used to try to send a message, in some cases applications for waivers, work through your international governors assoc., legislative organizations.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Sal Costa Richardson
Operator's Signature

10/16/03
Date

FISCAL NOTE
 Requested by Legislative Council
 01/21/2003

Bill/Resolution No.: HB 1496

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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 bill would extend "spousal impoverishment prevention" concepts to include individuals residing in a basic care facility. In order to receive federal Medicaid funds for the additional individuals that would become eligible for Medicaid under this bill, the Medicaid income and asset limits would need to be increased for all two-person Medicaid units to the limits set for spousal impoverishment prevention. Alternatively, with amendments to the bill, the additional costs of providing care to married residents of basic care facilities could be covered by state general funds. Since the Department of Human Services was not able to determine the number of new Medicaid cases resulting from the bill, the fiscal impact is unknown.

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, 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:	Human Services
Phone Number:	328-2397	Date Prepared:	01/27/2003

B. Costa
 Operator's Signature

10/16/03
 Date

Date: January 29, 2003
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1496

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DNP

Motion Made By Rep. Porter Seconded By Rep. Pollert

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair	✓		Rep. Sally Sandvig		✓
Rep. Bill Devlin, Vice-Chair		✓	Rep. Bill Amerman	✓	
Rep. Robin Weisz	✓		Rep. Carol Niemeier		✓
Rep. Vonnie Pietsch	✓		Rep. Louise Potter		✓
Rep. Gerald Uglem	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Gary Kreidt		✓			
Rep. Alon Wieland	✓				

Total (Yes) 8 No 5

Absent 0

Floor Assignment Rep. Amerman

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Sal Costa Rickford 10/16/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 30, 2003 8:46 a.m.

Module No: HR-18-1314
Carrier: Amerman
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1496: Human Services Committee (Rep. Price, Chairman) recommends DO NOT PASS (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1496 was placed on the Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-18-1314

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Richardson
Operator's Signature

10/16/03
Date

2003 TESTIMONY

HB 1496

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Richardson
Operator's Signature

10/16/03
Date

L

Testimony on HB 1496
House Human Services Committee
January 29, 2003

Chairman Price and members of the House Human Services Committee, thank you for the opportunity to testify on HB 1496. My name is Shelly Peterson, President of the North Dakota Long Term Care Association. We represent nursing facilities, basic care facilities and assisted living facilities in North Dakota.

North Dakota extends protection against impoverishment to spouses of recipients of Medicaid waiver home and community based care and nursing home residents. This allows individuals who admit their spouse to a nursing home or need care at home, to receive services and not spend down to poverty levels.

The proposed legislation adopts this impoverishment provision to individuals whose spouse needs basic care services. Since 1997 a few individuals have moved their spouse from a basic care facility to a nursing home to receive this greater resource limit. This move was made, not because nursing care was necessary, but for asset and income protection.

We understand the community spouse, not needing care not wanting to deplete the vast majority of their assets and income. In these limited situations, basic care was the least restrictive and most appropriate setting for the spouse. The average daily cost of basic care is \$50.85. The average daily cost of nursing facility care is \$129.71. In both settings we receive federal matching dollars. If we can maintain more spouses appropriately in basic care, government dollars could be saved.

The bill draft before you would extend spousal income and asset protection in basic care, as currently available to spouses of recipients of Medicaid waiver home and community based care and nursing facility care. The 2003 income and asset levels are \$2,267 monthly and \$90,660 respectively.

Today a basic care assistance spouse has a \$12,000 asset limit. Conceivably \$6,000 is for their burial, with \$6,000 remaining. Attached to my testimony is a Fact Sheet on Basic Care. If we can support more individuals in basic care, they save money, the state saves money and the person needing care is in the least restrictive, most independent level of care.

To be eligible for basic care services the individual can not be severely impaired in any of the activities of daily living of toileting, transferring to or from a bed or chair, or eating; and has health, welfare or safety needs, including a need for supervision or a structured environment or must be impaired in three of the four instrumental activities of daily living: preparing meals, doing housework, taking medicine, and doing laundry.

Your consideration of extending spousal income and asset protection to spouses of basic care recipients is appreciated. I would be happy to answer questions you may have.

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

