

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1408

2005 HOUSE HUMAN SERVICES

HB 1408

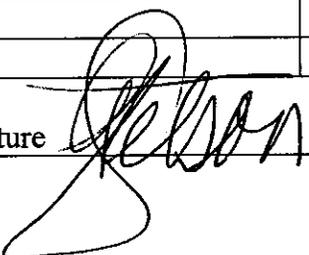
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1408

House Human Services Committee

Conference Committee

Hearing Date January 24, 2005

Tape Number	Side A	Side B	Meter #
# 2	x		# 165 - 3727
Committee Clerk Signature 			

Minutes:

Chairman Price opened hearing on HB 1408

Rep. Grande: Testimony attached

Rep. Nelson: On line 10, program for indigent adults, is there a program for children as well?

Rep. Grande: We are presenting Teen Challenge which would give male/female adults, and other proponents available. If this does get funded, we will be able to expand in all of those areas.

Mike Edward's, Ex. Director, Teen Challenge - Williston

Testimony attached.

Josh, 22, 4 year old daughter, manufactured meth, attempted to commit suicide, gun misfired.

Chairman Price: You indicated the judge gave you a choice of jail or Teen Challenge.

Josh: Yes and I choose TC.

Chairman Price: What is a day at TC?

Josh: 6:45AM, school, work study 3 PM, go out into the community and help people, back to TC and study, then to bed by 10 PM.

Chairman Price: You just have classes in AM?

Josh: Yes.

M. Edward's: We have 4 levels, before they graduate, have to have job, home and church and are on probation for 6 mos.

Rep. Kaldor: You said you had a potential of 3 year sentence, how does that work with TC, is there an out patient connection?

M. Edward's: No we keep them in the program, and keep in connection through the various ways. The program has a 50 year success rate.

Rep. Nelson: Who screens the applicants.

M. Edward's: We do. Have a 9 page application.

Rep. Nelson: You indicate you have 86/87% national average. Would it be fair to say that in consideration, that your high screening process, would it be as successful if you had court ordered.

M. Edward's: We hope to have something taking place in their lives to help them change. We are asking for funds for matching funds as a new alternative to working to help with the epidemic of meth addiction.

Chairman Price: Everyone in you program was facing sentencing? No , some just come to us and ask for help.

Danny: I found out who I am through the program, work from your heart; then work on your outside, You get peace. This give you hope and am able to function now. I spent 13 years trying to destroy my life and now I feel I can face life again and become a whole person.

Rep. Damschen: What would be grounds for not accepting individuals.

M. Edward's: Sex offenders, repeat offenders.

Rep. Damschen: Your saying that you don't just take the easy ones.

M. Edward's: No, we have some that are very troubled.

Shane: I have been arrested 22 times, I was on meth in 8th grade. I would go to prison, meth addicted, I would get healthy and when I was released, wouldn't know where to go. But now I have a change of heart, now I care about people and have a reason to live now.

Rep. Kaldor: Where are you from and how long have you been in the program.

Shane: Fargo and 6 months.

Chairman Price: How many do you have in the program?

M. Edward's: We have 8 right now, room for 16.

Chairman Price: Out of the 8, how many would be in prison if not in the program.

M. Edward's: 5

Chairman Price: Have you ever given any thought in working with DOC?

M. Edward's: We are new at this, those are options. We will consider that. What has been successful in MN. is their GRH program which provides room and board only and there are licensed room and board facility through the HS dept. and not very much. \$20.00 a night is what they compensate for indigent people, to feed and house them. When you are in this ministry,

where everything comes from outside sources, that makes up about 40% of their budget, and that what enabled them to grow at such a fast rate and be such a success in MN.

Rep. Nelson: Where did you come up with the figure of \$150,000.00?

Rep. Grande: We discussed the figures and DHS Approp. indicated that would be a more reasonable figure.

Rep. Nelson: How many do you expect in the next biennium?

Rep. Grande: We are looking at expansion, and can only be used for room and board.

Rep. Nelson: It is wonderful that the progress that these young men have done. I do struggle a bit as law enforcement in my area is also working with addiction and they don't get any grants. How do I go home and try and explain that TC is getting this grant.

Rep. Grande: I understand there are good licensed facilities, but I know this program works. The 30 day program could be mandated to have a licensed counselors.

Chairman Price: We appreciate Josh, Danny & Shane for coming and sharing their stories.

Barbara Murray: Pride, Inc. is a recovery center for people with addictions, 18 month program.

If you decide to fund this program, we hope you would be an opportunity for organizations like ourselves to have the available for similar consideration.

Hearing closed.

MR#3938

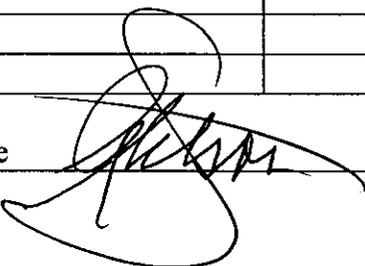
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1408

House Human Services Committee

Conference Committee

Hearing Date February 2, 2005

Tape Number	Side A	Side B	Meter #
#1		x	#69 -875
Committee Clerk Signature 			

Minutes:

Chairman Price: Opened discussion on HB 1408

Rep. Devlin: I have passed out the letter I received from representatives from Heart view.

Rep. Grande: Do you all have the proposed amendment? We feel the language is expectable.

Chairman Price: Is this a 60 day program?

Rep. Weisz: It bothers me that this is just one organization. What happens if other organizations apply for \$150,000.00?

Rep. Damschen: The purpose of this bill is to give this organization a jump start, I want everyone to remember the purposes and documented solutions. I hope we don't lose that perspective when looking at this bill.

Rep. Porter: I move for the amendments. **Rep. Ugem:** Second. Voice Vote: 12-0-0.

Rep. Damschen: Do Pass as amended and Re-Refered to Approp. **Rep. Ugem.** Second.

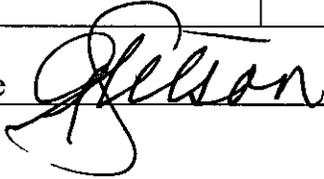
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1408

House Human Services Committee

Conference Committee

Hearing Date February 2, 2005

Tape Number	Side A	Side B	Meter #
3	X		18-1729
Committee Clerk Signature 			

Minutes:

Chairman Price: Opened discussion on HB 1408.

Rep. Devlin: Regarding the letter from the Heart View agency, the Dept. was contacted and under the present system, which covers the adult and inter generational, say that is a good program. They have now heard a man from Florida indicate that they do not agree with that thinking and the proposed legislation, and wanted to handle it through the administrative rules committee. That committee will not meet until next June and that is after the fact and these people are sitting here not being able to do the programs. We have added language and have taken it down to Appropriations to see if we can get it handled that way.

Chairman Price: In discussion with Rep. Grande, the language that you see, is acceptable. It would change it to the Dept. of Corrections, and they may allocate up to x amount of dollars.

This has the criteria for some substance abuse programs, so their would be some licensure areas.

Rep. Nelson: How much?

Chairman Price: They would probably do something like MN, a 60 day program. They would receive funding for that period, and if someone stays longer, they would have to fund it.

Rep. Kaldor: On page 1 line 2, second amendment is?

Chairman Price: That is my understanding. I would feel a bit more comfortable if they put on line 9, licensed nonprofit faith based.

Rep. Damschen: Licensed, what does that mean?

Chairman Price: The dept. would license part of their program, they would have to have a licensed addiction counselor on staff. It would not be the 19th month program. The first 30/60 days they could not do any Christian areas of the counseling. After that, they could do their Christian part of the program.

Rep. Sandvig: Do you know will be taking in adolescents from out of state or just ND.

Chairman Price: They are just adults now, and under the program, they will get some room and board paid under the funding.

Rep. Weisz: As I understand, on the dollars, this pilot project will only fund only one project organization, correct? Based on the numbers, if they do it for 60 days, I am questioning, just one organization.

Rep. Nelson: I have a question about, operating out of a broad licensing area. Would they be able to work with both the adult and juvenile population within the same building?

Chairman Price: We could say up to \$150,000 and take the grant line out, then it is just funding.

Rep. Damschen: The bill was to give a start to an organization that has 50 years of experience, to provide a solution for people that have a serious problem. I don't want us to loose sight of that fact.

Rep. Devlin: It may not go to this organization, other are in line already.

Rep. Damschen: I agree, there should be some license requirements. I don't know how we can be that selective, I guess that was why this bill was brought forward.

Chairman Price: Rep. Damschen, we have had other organizations here to ask for funding.

Rep. Potter: Why is it called Teen Challenge if it is working with adults.

Chairman Price: There are 187 other Teen Challenge projects in the US, this one they are working with adults. I don't know why that is.

Rep. Kaldor: The way I read this, to me, other than, if the 13-19 month program, looks like any organization can apply for funding.

Chairman Price: I have no ownership in this amendment, neither does Rep. Devlin, but I would like to see the license. I would like to see line 7& 8 saying up to \$150,000 from funds and not even say grant, necessarily. That way, they can use it to pay board/room on a daily basis, or be more selective with it.

Rep. Porter: On line 7, if there is 4-5 groups coming in, you can end up with 3-4 groups and the one group that came in to get the funding, not being awarded it.

Rep. Porter: Motion to move the amendment, in addition to, on Line 7, overstrike at the end of line 7 the word "a" and insert " up to" and on line 8, overstrike the word "grant", and on line 9 the word "a" before nonprofit, insert the word "licensed". On line 12, the original bill, take the word grant out. (See amendment)

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House Human Services Committee
Bill/Resolution Number HB 1408
Hearing Date February 2,2005

Rep. Uglem: Second.

Chairman Price: Voice Vote: Unanimous 12-0-0.

Rep. Damschen: Do Pass as amended and re-refered to Appropriations.

Rep. Uglem: Second

Vote: 7-5-0. **Carrier:** Rep. Damschen

FISCAL NOTE
 Requested by Legislative Council
 03/22/2005

Amendment to: Engrossed
 HB 1408

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$150,000			
Appropriations			\$150,000			

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 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, as amended by the Senate, provides general funds to the Department of Corrections and Rehabilitation for this pilot project (extended residential care program) to be implemented in the 2005 - 2007 biennia.

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.*

Per the bill, up to \$150,000 will be provided on a reimbursement basis to a nonprofit faith based organization in North Dakota to provide an extended residential care program (room and board) for indigent adults with alcohol or other substance abuse issues. The organization will be selected via a competitive bid process.

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.*

The bill provides that the cost of the pilot program be provided from a general fund appropriation to the DOCR.

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	03/22/2005

FISCAL NOTE
 Requested by Legislative Council
 02/07/2005

Amendment to: HB 1408

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$150,000			
Appropriations						

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 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.*

Funding for this pilot project is not included in the DOCR's 2005-07 executive budget recommendation. If this pilot project is approved without adding additional funding to the department's field services line item, the scope of treatment and/or supervision strategies included in the executive budget recommendation may be reduced.

It is important to note the DOCR is responsible for the care and custody of adult and juvenile offenders sentenced to the DOCR by the district courts in the State. This bill directs the DOCR to fund a program designed for indigent individuals. This bill makes no reference to the program participants being sentenced to the DOCR by a district court of the State.

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.*

Per the bill, up to \$150,000 will be provided to a nonprofit to provide a residential care program (room and board) for indigent adults with alcohol or other substance abuse issues.

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.*

The bill provides that the cost of the pilot program be provided from the department's field services line item, however it does not provide an additional appropriation to the field services line item.

Name:	Dave Krabbenhoft	Agency:	DOCR
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Phone Number: 328-6135

Date Prepared: 02/08/2005

PROPOSED AMENDMENTS TO 1408

Page 1, line 7, replace "human services shall provide a" with "corrections may allocate up to"

Page 1, replace line 8 with "\$100,000 from its appropriations"

Page 1, line 9, remove "fifty-ninth legislative assembly," and after "a" insert "licensed"

Page 1, line 12, remove "grant"

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1408

Page 1, line 1, replace "human services" with "corrections and rehabilitation"

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 50-31 of the North Dakota Century Code, relating to department of human services criteria for substance abuse programs that treat adolescents and adults;"

Page 1, line 7, replace "human services" with "corrections and rehabilitation"

Page 1, line 8, after "in" insert "the field services line item of", replace "House" with "Senate", and replace "1012" with "2015"

Page 1, after line 17, insert:

"SECTION 2. A new section to chapter 50-31 of the North Dakota Century Code is created and enacted as follows:

Criteria for substance abuse programs that treat adolescents and adults.

The department may not require a program that provides treatment for adolescents and adults to provide separate services for adolescents. Rules of the department may encourage a substance abuse treatment environment for adolescents which is separate physically from that for adult patients. However, rules of the department must make allowance for providing substance abuse treatment in intergenerational groups if limited resources and treatment space make substance abuse treatment in intergenerational groups a viable alternative to discontinuing services for adolescents."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1408

Page 1, line 1, replace "human services" with "corrections and rehabilitation"

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 50-31 of the North Dakota Century Code, relating to department of human services criteria for substance abuse programs that treat adolescents and adults;"

Page 1, line 7, replace "human services" with "corrections and rehabilitation" and replace "a" with "up to"

Page 1, line 8, remove "grant", after "in" insert "the field services line item of", replace "House" with "Senate", and replace "1012" with "2015"

Page 1, line 9, after "a" insert "licensed"

Page 1, line 12, remove "grant"

Page 1, after line 17, insert:

"SECTION 2. A new section to chapter 50-31 of the North Dakota Century Code is created and enacted as follows:

Criteria for substance abuse programs that treat adolescents and adults.
The department may not require a program that provides treatment for adolescents and adults to provide separate services for adolescents. Rules of the department may encourage a substance abuse treatment environment for adolescents which is separate physically from that for adult patients. However, rules of the department must make allowance for providing substance abuse treatment in intergenerational groups if limited resources and treatment space make substance abuse treatment in intergenerational groups a viable alternative to discontinuing services for adolescents."

Renumber accordingly

Date: 2/2/05

Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL
BILL/RESOLUTION NO. HB 1408

House Human Services Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended + Re Ref to Approp

Motion Made By Rep. Damschen Seconded By Rep Uglem

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S.Price	✓		Rep.L. Kaldor	✓	
V Chrm.G.Kreidt		✓	Rep.L. Potter	✓	
Rep. V. Pietsch		✓	Rep.S. Sandvig	✓	
Rep.J.O. Nelson		✓			
Rep.W.R. Devlin	✓				
Rep.T. Porter		✓			
Rep.G. Uglem	✓				
Rep C. Damschen	✓				
Rep.R. Weisz		✓			

Total Yes 7 No 5

Absent 0

Floor Assignment Rep. Damschen

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

REPORT OF STANDING COMMITTEE

HB 1408: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1408 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "human services" with "corrections and rehabilitation"

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 50-31 of the North Dakota Century Code, relating to department of human services criteria for substance abuse programs that treat adolescents and adults;"

Page 1, line 7, replace "human services" with "corrections and rehabilitation" and replace "a" with "up to"

Page 1, line 8, remove "grant", after "in" insert "the field services line item of", replace "House" with "Senate", and replace "1012" with "2015"

Page 1, line 9, after "a" insert "licensed"

Page 1, line 12, remove "grant"

Page 1, after line 17, insert:

"SECTION 2. A new section to chapter 50-31 of the North Dakota Century Code is created and enacted as follows:

Criteria for substance abuse programs that treat adolescents and adults.
The department may not require a program that provides treatment for adolescents and adults to provide separate services for adolescents. Rules of the department may encourage a substance abuse treatment environment for adolescents which is separate physically from that for adult patients. However, rules of the department must make allowance for providing substance abuse treatment in intergenerational groups if limited resources and treatment space make substance abuse treatment in intergenerational groups a viable alternative to discontinuing services for adolescents."

Renumber accordingly

2005 HOUSE APPROPRIATIONS

HB 1408

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1408
Provides for Faith-based Substance Abuse Treatment

House Appropriations Committee
Human Resources Division

Hearing Date: 2-10-05 Thursday a.m.

Tape Number	Side A	Side B	Meter #
I	X		0 - 12.4

Committee Clerk Signature *Diana M. Orsley*

Minutes: **Chairman Delzer** called the meeting to order at 10:04 a.m. All members present.

Rep. Chuck Damschen, District 10: HB 1408 proposes a pilot program for a faith-based substance abuse treatment. We added an amendment for licensing because of the money involved. The executive director of the Heartview Foundation wrote a letter about the need to have all treatments available to help adolescents. To make expenditures wise, I think the money has to be channeled to an established organization. In the future, one might be Teen Challenge. They have shown an 86% success rate.

Chairman Delzer: Is it a proven record by recidivism to the courts?

Rep. Damschen: Yes.

Chairman Delzer: The standing committee dealt with it as field service?

Rep. Damschen: Yes. Line 9.

Chairman Delzer: Is the department in section two Human Services? In section one it is the Department of Corrections.

Page 2

Human Resources Division
Bill/Resolution Number 1408
Hearing Date: 2-10-05

Rep. Damschen: Yes. Section two is a vehicle to get that before Appropriations.

Chairman Delzer: The \$150,000 for the biennium is for room and board for the pilot project.

Are they figuring \$15 per day?

Rep. Damschen: Yes, maybe even \$13 per day.

Rep. Ralph Metcalf: So the cost of the treatment is borne by the faith-based pilot project?

Rep. Damschen: Yes, they rely on private pay or donations.

Chairman Delzer: I do not know if I totally agree that it should come out of corrections. One constituent aware of the Teen Challenge situation said it really worked. We should try this pilot program.

Rep. Larry Bellew: I move Do Pass on HB 1408.

Rep. Metcalf: I second it.

Chairman Delzer: Carol, the department on line 15 of the engrossed bill says that department of corrections would file the report. Would they or you have that information? We should specify.

Don Wright, Assistant Director of Mental Health and Substance Abuse for the Department of Human Services: Through a licensure process, we base licensing people on our criteria.

Programs generally do not report outcomes back to us, based on that licensure.

Chairman Delzer: But the language says there has to be outcomes reported back. Would it be better through the Department of Human Services or Corrections?

Rep. Metcalf: Who is going to provide the supervision of these people? Probation officers?

Chairman Delzer: I would think this is part of their staying out of jail. Don, do you take section two to mean as the Department of Human Services?

Wright: Yes.

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Human Resources Division

Bill/Resolution Number 1408

Hearing Date: 2-10-05

Chairman Delzer: Clerk will take the roll. We have a Do Pass on HB 1408 with a 6 - 0 vote.

Rep. Bellew will carry it to full committee. **Rep. Damschen** will take it to the Floor.

Rep. James Kerzman: It is hard to direct the money to a pilot program with a proven background since the other programs are in other states. We will not know the results this biennium.

In response to **Vice Chair Pollert's** question, **Chairman Delzer** said the department of section one will provide the money.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1408
Alternatives to Incarceration

House Appropriations Full Committee

Conference Committee

Hearing Date February 14, 2005

Tape Number	Side A	Side B	Meter #
1		X	#17.4 - #36.0
Committee Clerk Signature <i>Chris Alexander</i>			

Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on HB1408.

Rep. Larry Bellew explained that this bill has an appropriation of \$150,000. The original bill had the funding come from the Human Services and the standing committee changed that to come from the Department of Correction and Rehabilitation. The money will go to a group out of Williston for the room and board of the people they will be counseling.

Rep. Ken Svedjan, Chairman asked if this was a trial program.

Rep. Larry Bellew answered that it was a faith-based initiative similar to what President Bush has proposed. The group is a faith-based group called Teen Challenge out of Williston. The money is coming from the field services line of the DOCR budget because DOCR has some control through supervised provision

Rep. Ken Svedjan, Chairman commented that this was an enhancement of what has been appropriated for substance abuse, which in the Department of Human Services is fairly substantial

Rep. Larry Bellew answered that the money would have to be found within the DOCR budget.

Rep. Jeff Delzer commented that people will be served anyway but unsure whether it should be in Human Services or in the Department of Corrections and Rehabilitation. (meter Tape #1, side B, #19.2)

Rep. Ken Svedjan, Chairman commented that the bill reads that the dollars should come from the Department of Corrections and Rehabilitation (DOCR).

Rep. Jeff Delzer answered yes and commented that it would cost the DOCR considerably more to handle these folks than this appropriation calls for.

Rep. Pam Gulleon asked if there was any discussion about other programs that have this same type of look and mission. She mentioned one like this in Cando.

Rep. Larry Bellew answered that this was not discussed in committee.

Rep. Jeff Delzer commented that it was his understanding that there were other groups but a limiting factor was the 13-19 month time period in there. This program works out to about \$13 per day for room and board and the committee put on some kind of licensing requirement that wasn't on there before but our committee just looked at the money in this bill and passed it out to keep this alive.

Rep. Ron Carlisle commented that we will have the chance to talk about this again when we review the budget for DOCR in the second half of session.

Rep. James Kerzman commented that there was a bill in the Senate regarding faith-based projects which will set up a committee in the Office of the Governor that will look at faith-based projects and make determinations about them.

Rep. Joe Kroeber asked if this was an option or a mandate for DOCR

Rep. Larry Bellew answered that this was a mandate.

Rep. Joe Kroeber commented that what this bill does is to mandate the types of programs that will be done by DOCR.

Rep. Ken Svedjan, Chairman clarified that this shouldn't be interpreted this way but that they will see this as a savings of money in DOCR.

Rep. Joe Kroeber asked if DOCR is aware of this and did they get the chance to testify on this.

Rep. Ken Svedjan, Chairman commented that this came from the policy committee who changed the source of funding and that we have said here that once we get the DOCR budget we will take a look at a couple of things like should the money be put into the budget for this plus to see if the DOCR is willing to take this on.

Rep. Ole Aarsvold commented that this was new ground regarding the request of proposals from faith-based groups as providers. Would we ask for proposals from various faith-based groups before we contract for these services.

Mr. Jim Smith from Legislative Council answered that it would be up to DOCR. It would have to be a licensed non profit faith based group that we would provide a grants to so it could be any organization that fit that criteria.

Rep. Ole Aarsvold asked if there would be a bidding process.

Mr. Jim Smith from Legislative Council answered that he was unsure if a bidding process would be required or not.

Rep. Ken Svedjan, Chairman clarified that the limitation was that it could only be provided by a licensed non profit faith based organization.

Rep. James Kerzman commented that the non profit would gain nothing from the counseling. This only provides for the room and board for \$15 a day.

Rep. Larry Bellew moved a Do Pass motion on HB1408.

Rep. James Kerzman seconded.

Rep. Pam Gulleon commented that the intent in this should not be to eliminate already existing programs that do excellent work but struggle constantly for funding. It is unclear whether these groups would be eligible for this funding with this faith based language in the bill.
(meter Tape #1, side B, #25.5)

Rep. Jeff Delzer commented that there was a proposal that there could be a track record requirement put in this bill on the Senate side.

Rep. Pam Gulleon explained the facility and program at Cando.

Rep. Jeff Delzer commented that the subcommittee focused on the dollars in the bill and that this committee might not want to change any of the policy in the bill, but just let it go through and see what happens to it. .

Rep. Ken Svedjan, Chairman commented that the fiscal note in the bill was non specific as to who would be eligible for these funds and whether it could be more than one provider.

Rep. Pam Gulleson moved a substitute motion to change the "Faith-based" language to say "non profit status" since this alone would include all non profits not just those who are faith-based.

Rep. Ole Aarsvold seconded.

Rep. Larry Bellew asked if this was delving too far into the policy of the bill.

Rep. Jeff Delzer commented that he would oppose this motion because it was the intent of the sponsors for this to be a faith based bill and it would be the responsibility of the standing committee to make this change.

Rep. Keith Kempenich mentioned that it was the faith-based language that the sponsors of the bill wanted.

Rep. David Monson suggested that perhaps we should add the language needed to include all non profits instead of taking out the faith-based language.

Rep. Earl Rennerfeldt commented that Teen Challenge is a good program based in Minneapolis that has been really successful in this type of counseling. (meter Tape #1, side B, #30.9)

Rep. Ken Svedjan, Chairman called for a voice vote on the substitute motion to withdraw the faith-based language. Motion failed.

Rep. Tom Brusegaard asked about the money spent on students being housed for \$15 per day versus the money saved in DOCR.

Rep. Jeff Delzer answered that DOCR says it costs them \$62 per day to house an inmate. However, these folks might not be incarcerated anyway.

Rep. Earl Rennerfeldt commented that people have the choice to go to this program or to go to jail.

Rep. Jeff Delzer commented that having alternatives to jail doesn't really prove that they are being kept out of jail.

Rep. Ralph Metcalf commented that these were not necessarily just students, but indigent adults and alcohol and substance abuse adults are involved too.

Rep. Ken Svedjan, Chairman called for a roll call vote on the Do Pass motion on HB1408.

Motion carried with a vote of 23 yeas, 0 neas, and 0 absences. Rep Damschen will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed the discussion on HB1408.

Date: 2/10/05
Roll Call Vote #: ①

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1408

House Appropriations - Human Resources Committee

Check here for Conference Committee

Legislative Council Amendment Number 50641.0102

Action Taken DO PASS

Motion Made By Rep. Bellew Seconded By Rep. Metcalf

Representatives	Yes	No	Representatives	Yes	No
Chairman Jeff Delzer	✓		Rep. James Kerzman	✓	
Vice Chairman Chet Pollert	✓		Rep. Ralph Metcalf	✓	
Rep. Larry Bellew	✓				
Rep. Alon C. Wieland	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Rep. Bellew (Rep. Damschen will take it to the Floor)

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

Date: February 14, 2005
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1408

House Appropriations - Full Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep Bellew Seconded By Rep Kerzman

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol	X	
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	X	
Rep. Tom Brusegaard	X		Rep. Jeff Delzer	X	
Rep. Earl Rennerfeldt	X		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	X	
Rep. Pam Gulleon	X		Rep. James Kerzman	X	
Rep. Ron Carlisle	X		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	X				
Rep. Blair Thoreson	X				
Rep. Joe Kroeber	X				
Rep. Clark Williams	X				
Rep. Al Carlson	X				

Total Yes 23 No 0

Absent 0

Floor Assignment Rep Damschen

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

REPORT OF STANDING COMMITTEE (410)
February 14, 2005 10:24 a.m.

Module No: HR-29-2739
Carrier: Damschen
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1408, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)
recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1408 was placed on the Eleventh order on the calendar.

2005 SENATE HUMAN SERVICES

HB 1408

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1408

Senate Human Services Committee

Conference Committee

Hearing Date March 1, 2005

Tape Number	Side A	Side B	Meter #
1	x		00-4940
1		x	4080-5000
Committee Clerk Signature <i>Cathy Kinard</i>			

Minutes:

Chairman Lee opened the public hearing on HB 1408. All members were present.

This bill directs the department of corrections and rehabilitation to provide a grant for a pilot project for an alternative care program for adults with substance abuse issues.

Representative Bette Grande, District 41, introduced the bill. See written testimony (Attachment 1). After introducing the bill, Rep. Grande, introduced representatives from Teen Challenge, a group that meets the criteria of the bill.

Chairman Lee: The one thing I noticed when reading through this bill is I can understand how you can write RFPs so that you can only buy a Caterpillar tractor or a Lincoln Towncar. But this one seems like it's written so that it only fits Teen Challenge. I'm wondering if there are other entities that are comparable to this in the state and that meet the particular criteria or is it so specific that it would only apply to the one program?

Rep. Grande: It was written, it does meet the criteria for the Teen Challenge. They do need to work on setting up licensure on a portion of their care. Right now, no one has the exact criteria. There are a couple of long-term care, but they're not faith based. I think there are other groups that want to try to meet the criteria.

Chairman Lee: I'm just wondering, and I haven't been approached by anyone, but if entities who, like a boys and girls ranch, to do some kind of thing that is also residential but not necessarily faith based, would they be excluded from this consideration because they're not primarily faith based? I don't understand how we got that criteria.

Rep. Grande: I think they would qualify, just because they have a faith based element. It doesn't say specifically that it has to be faith based. It's just that one of the elements.

Testimony in favor of bill

Representative Chuck Damschen, District 10. This bill was in our committee on the House side. We know that incarceration is not a working solution or working treatment for drug problems. We're all seeking a solution and a successful treatment program for the drug problem. This is written to some extent for Teen Challenge. It's been around for about 50 years and it has been successful. There was an independent study done by Northwestern University; they interview people who had completed Teen Challenge's program--and three to five years after graduating, 86% of those graduates were drug free. If you compare that with the 14-16% success rate of other programs, and consider it from just a financial standpoint even, if you take 100 clients and treat them and 86 of them go into society and become productive citizens or 85 of them go back into treatment in a few months, I think we can figure out what the positive results of Teen Challenge are. It's important though, on a private project, with the need for treatment and

successful treatment, that we channel the funds towards something that's proven to be successful.

We would do that in our own businesses and personal spending. The amendment, we did go to the department of corrections, because incarceration doesn't seem to be a cure. I'm not sure why the amendment was put in there, but it probably doesn't affect the outcome.

Chairman Lee: Both Rep. Devlin and Sandy Tabor asked that this amendment be removed.

Sen. Brown: Just take out section 2.

Sen. Dever: In another bill in the Political Subs committee, we had a bill to establish in the Governors office a faith based initiative program. The amendments they offered were to save faith based and community initiative in order to address concerns about separation of church and state. Should we be thinking about something like that with this bill too, or is this specific enough

Rep. Damschen: I don't know the specifics of what you did there, and I don't think involving the community is a problem. I do know that we're not establishing a religion through using a faith based organization and not limiting the use of practice of religion and I think those are the two issues this refers to.

Rep. Grande: One of the ways to address that is the fact that this money would be separated out and used only for room and board. The other aspect of that is that committee that they're wanting to set up under the Governor's is to look at a whole spectrum of things. This bill is specific to working on drug rehabilitation and is focused just on a pilot project. And this is just one avenue that would be looked at by the committee. That committee is not just looking at drug rehabilitation where this bill is focused to that.

Sen. Dever: Our interests shouldn't be that it's a faith base organization, but that it works.

Rep. Grande: Correct. That's why when I wrote in this bill, that Teen Challenge does meet the criteria where it's been a long term program.

Mike Edwards, Executive Director for Teen Challenge in Williston, ND. See attachment 2

Greg Moran, Sean Flater, Chad Wareske, Josh Bennington, Justin Peterson, James

Herman: Graduates of Teen Challenge. They all testified how Teen Challenge changed their lives, kept them out of jail and helped them become productive citizens.

Edwards: That was a portion of our students. There are 187 centers, the one closest to us in Minnesota has over 300 students. They're less than 10 years old and they play an important role by delivering chronic inebriates from their addictions for that state. We want to do the same for North Dakota. We're fairly new in the state and we filled up in no time, and we have a waiting and we're seeking more room more facility. We may not be conventional, I heard the word 'licensed' and I don't think any of the centers are licensed because we don't do conventional methods. However, the program works. We hope the leaders of the state will be interested in getting on board with helping the chronic inebriates any way they can. It would be like getting matching funds from the public to run something. Churches do the donating, everything we have is from individual volunteers and donors. We don't have any government monies of any sort coming in right now. Most of these men are beaten and broken, they don't have a nickel to their name; the drugs have robbed them of everything: their families, their vehicles, their homes. Several were sleeping in parks--they have nothing when they get here and it's up to us to help them. We're seeking whatever assistance we can to deliver these men to living a normal life.

Chairmen Lee: Do you work only with men?

Edwards: Currently we're an adult men's facility but our goal is help all genders and all ages eventually. The Minnesota facility treats all categories: youth and adults.

Chairman Lee: What is the age of the youngest person you may have treated?

Edwards: Nineteen.

Chairman Lee: I think you should change your name.

Kurt Snyder, Executive Director of the Heartview Foundation. See written testimony.
(Attachment 3, 3A)

Testimony in opposition

Dan Ulmer, Blue Cross Blue Shield of North Dakota.

Ulmer: The bill seems like a good idea until Section 2, which is the amendment that says that you can mix adolescents and adults. Our psychologist didn't like it. (See attachment 4). He explained a section from Blue Cross's reimbursement guidelines, which says that for these particular accommodations, that they need to provide separate accommodations for youth and adults and that there be rules in place that no unsupervised interactions take place between adults and adolescents. So this amendment doesn't speak to the supervisory issue at all. There are some serious issues concerning adults and minors. Most of these folks are in serious mental difficulty or they wouldn't be where they are--fairly vulnerable. These are serious issues that need to be addressed. We're opposed to the amendment.

JoAnne Hoesel, Director of the Division of mental Health and Substance Abuse for the Department of Human Services. See written testimony. (Attachment 5)

Sen. Warner: I have a question on the selection of applicants and if they'd been through adjudication or not. Have they been convicted of a criminal offense or is this being offered as an option to prison.

Hoesel: You're referring to Section 1 and I don't know how Corrections would implement that.

Sen. Warner: What are the similarities/differences between this program and ones like Dakota Boy Ranch and Home on the Range.

Hoesel: Each program is unique. The licensing process does not dictate content. So there are variations across the state. Those that are licensed have clinical oversight and they take a look at treatment planning. There will be similarities, too, but I can't quickly tell you about that. I would say that the majority have some spiritual aspect.

Sen. Warner: Do you regard licensing as an imperative for quality of treatment?

Hoesel: We strongly believe that there needs to be a minimum set of standards in order to prevent mistreatment--that's what the licensing process does--it assures that.

Chairman Lee: Have you had any conversations with Mr. Edwards about the potential licensures since that was something that arose in the House? Apparently Teen Challenge isn't a licensed facility.

Edwards: Right, other facilities are licensed for room and board.

Hoesel: If a program puts itself out to be providing substance abuse treatment, according to the laws in North Dakota, they would need to be licensed.

Sen. Dever: If we take Section 2 out of the bill, how is the department of human services continuing to be involved in this program.

Hoesel: I would interpret it at this point, is that once the Department of Corrections would choose who those dollars would be given to, we would either inform them of whether the party is already licensed, or we would need to go in and do license review to see if, according to the rules, their licensable. We'll license any entity that meets the licensing rules; we don't dictate content. So we already license faith based organizations, so that's not an issue under licensure. It's whether they meet the licensure rules.

Andie Johnson, Clinical Director at Share House and Sister's Pass in Fargo, North Dakota.

Representing the North Dakota Addiction Treatment Providers Coalition. I am speaking with significant concerns that this does circumvent the rule making process. I am proud to be an addiction counselor from North Dakota. We were the first state to have licensure standards for our field and I'm proud of that. Our standards are among the highest. As we talk about licensure issues as they apply to Teen Challenge, I feel very strongly, as well as the coalition, that this needs to be a licensed facility if they're going to be providing addiction treatment. We, as a treatment provider coalition, welcome more options for treatment. I would have loved to have brought many of the people from my agency to identify success stories. We believe we provide good treatment and we took two giant steps forward in changing the recent administrative rules and providing that in accordance with a criteria. What that did was bring clarity and very decisive decision making tactics to the field of addiction counseling and how we provide services. So I stand in opposition, especially to Section 2 and want to let you know that the rule making process as it stands is a wonderful partnership with the legislature. We went all across the state garnering a lot of understanding about the administrative rules and how we felt those rules needed to be implemented and changed and our voice was heard. If we circumvent the rule

making process, as it stands right now, we will set a precedent that will take big step in providing good treatment for addiction science across the state of North Dakota.

There was no further testimony. Chairman Lee closed the public hearing.

Chairman Lee reopened discussion.

Sen. Warner: Can we ask legislative council to research if there's any precedent for granting startup money or, since they're asking for board or room money, Home on the Range for Boys or Dakota Boys Ranch to see if they received a state grant when they were starting up. If there was precedent at that time for giving them a head start or boost.

My second question is in regard to licensing referred to on line 11 of page 1; I'm not sure if the licensing refers to the housing part of it or the treatment aspect.

Chairman Lee: I learned that they are licensed as a residential facility. The licensing question that the man from Heartview brought up, is whether or not licensed addiction counselors are used. The counselors are not licensed addiction counselors.

Sen. Warner: Under the licensing part on the residential facility, do they fit into that continuum of nursing homes; are they licensed as some sort of boarding house or apartment building or summer camp or an orphanage.

Sen. Lyson: Their licensed as some sort of social service. Residential facility.

Sen. Warner: Is there some sort of equivalency to a developmental disability center then?

Chairman Lee: No, because they would be getting reimbursement then.

Sen. Warner: I'm just not sure what we're licensing them to do. Because the grant specifics that they can only use the money for housing.

Chairman Lee: I would like to have one of the human services people and answer those questions for us.

Sen. Warner: Is this for human services or health; is strictly for sanitation.

Sen. Lyson: Social Services was involved in Williston.

Sen. Warner: What I'm getting at, is that I don't want to create a special criteria outside the regulatory established system if they can be slotted into the regular system somehow. I don't want them to be treated differently or privileged somehow.

Chairman Lee: Even though they have a good success rate, they still have to meet certain standards as far as I'm concerned.

Sen. Warner: They need to use licensed addiction counselors and establish a treatment modality.

Chairman Lee: I think they've got one.

Sen. Warner: I felt very uncomfortable that there was nobody from corrections here this morning.

Sen. Brown: Are we going into corrections only because of the dollars?

Sen. Dever: Is it policy or budget?

Sen. Lyson: They're getting money out of corrections. I understood from Bette that it's coming out of Field Services.

Sen. Dever: The amendment was drawn up by Bill Devlin.

Chairman Lee: It says, 'if this pilot project is approved without adding additional funding to the department's field services line item, the scope and treatment and/or division strategies

included in the executive budget recommendation may be reduced' I would like to hear from corrections.

Sen. Warner: I'm uncomfortable offering people a choice between religion and jail, too. I am a person of faith and take it seriously, but I think it needs to be authentic, derived from a genuine belief rather than coercion.

Sen. Lyson: I don't disagree except I've done a lot of research on this outfit because they came into Williston. Their success rate is unbelievable. These people are staying with the church.

Sen. Dever: I think our interest has to be not because it's faith based but because it works.

Sen. Lyson: I agree. It's a nasty word to say 'faith based' but I think we need to start thinking outside the box.

Sen. Brown: The old program's not working.

Sen. Lyson: Even the social workers will tell you that.

Sen. Dever: Duane Sanstead, who sits on the board of the Boy's Ranch.

Chairman Lee: We've got some questions that Carlee will help us with and find out a little more about that and have someone from corrections to talk with us.

Chairman Lee ended the discussion on this bill.

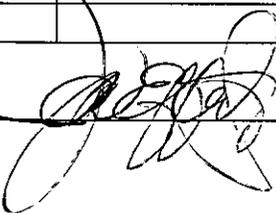
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1408

Senate Human Services Committee

Conference Committee

Hearing Date March 2, 2005

Tape Number	Side A	Side B	Meter #
1	x		4803 - end
1		x	0 - 2390
Committee Clerk Signature 			

Minutes:

Chairman Judy Lee opened the discussion on HB 1408.

Chairman Judy Lee said she has asked Jo Ann Hoesel to appear to discuss licensing since there were some questions at yesterday's hearing.

Jo Ann Hoesel, Director of the Division of Mental Health and Substance Abuse for the Department of Human Services, said she was going to give a brief overview of licensing in general and passed out a handout. (attachment 1). Licensing for substance abuse sets minimum standards. They are currently based on national and international accepted practices. They set protection on three levels. One is for the consumer or customer or family member so when they are seeking treatment, they have some level of assurance of expertise and knowledge and what you are going to get for your dollar, time and effort. The second is for the provider so they can say they are a licensed treatment program. The third is protection for the state. The state has knowledge of what treatment is being delivered and how it is being delivered. She wants to be

clear, licensure does not dictate content. They do currently license faith based programs. There is no problem in including spirituality. The Dakota Boys and Girls Ranch is affiliated with the Missouri Synod Lutheran Church, Lutheran Social Services, Mercy Hospital and a number of other hospitals across the state are licensed and are associated with faith based organizations. New rules were adopted in 2004, based on legislation from the last session that requested the Department of Human Services develop a specific licensing level for residential services. Blue Cross Blue Shield and other insurers were interested in being able to pay for that level of service because it is less expensive than in patient care and it is a viable level of care and it works. The Century Code requires all programs providing substance abuse treatment to be licensed by Department of Human Services. If someone is putting themselves out as providing substance abuse treatment, they have to be licensed. If they don't make that claim or provide those services, they don't need a license.

Senator J. Lee asked if they don't make the claim but they do provide the services, do they have to be licensed? If you don't put yourself out as an addiction counselor, is it required.

Ms. Hoesel deferred to Don Wright, the Assistant Director of the Division and in charge of licensing.

Mr. Wright said over the course of the years they have had a few questionable cases where they aren't saying they are doing treatment but it becomes obvious to the general public that it is addiction treatment. Then the Department of Human Services with assistance of the Attorney General's office has to take a look at it.

Senator Lyson asked how they are looking at Teen Challenge now?

Mr. Wright said they have had contact with Teen Challenge for over a year as far as licensure. They came to Department of Human Services looking for a license. They were establishing a program in Williston and has some concern in the neighborhood and they were looking for someone to license them. At that time, they weren't looking at providing addiction treatment. They came back in a couple of months, decided they wanted to do addiction treatment and applied under the old rule. The Department of Human Services worked hard with them, flexed the rule at times to make it work, knowing there was a new rule coming down the pike. They gave Teen Challenge a draft of the new rule and told them it was coming. The new rule came into effect and Mr. Edwards said they did not meet the new rule and decided not to apply. Many times. The web site refers to treatment. His position is they hold themselves out to do addiction treatment.

Senator Lyson asked if they are doing something wrong, if so, lets get it taken care of.

Mr. Wright said they were aware they were going to have to make contact and do something, With this bill, they have decided to wait and see what happens, this might help solve the situation.

Ms. Hoesel said they did issue a letter in November when it was clear they were not going to be licensed that they would need to remove any reference to them providing treatment. The residential piece of the licensure requires clinical involvement. They do not need to hire someone full time but they do need to have a licensed addiction counselor involved, taking a look at the treatment, making sure it is appropriate and providing some treatment. You have the ongoing nature of licensure also.

Senator J. Lee said she has a problem with exempting anyone from licensure from a liability standpoint, especially with children. She is pleased Teen Challenge has said they are licensed in other states and hope they will do so here.

Ms. Hoesel said she agrees wholeheartedly. She does not mean to imply that Teen Challenge is not a good program but they are required to license programs and there are 84 treatment providers in the state that are adhering to these standards and doing a good job. (side B meter 20)

Senator Brown asked if the licensure standards have to be black and white, can they be gray? They are having some success in something that is new. Can the state stretch a little? What are you licensing?

Ms. Hoesel said the intent of licensing is to remove as much as possible the gray area. Senator Brown asked how they start something new?

Ms. Hoesel said they are requiring they do an assessment, does the person need medical help, are they really addicted, is the treatment appropriate and at the right level. They require a comprehensive treatment plan, they require periodic assessment so they can be stepped down into less restrictive settings. They require a discharge plan so they are successful at home.

Senator Brown asked about methamphetamine. In the interim he sat on a committee that heard a lot about meth addiction treatment, the detox period is nine months. It varies. If it is more than six months, that does not fit into an alcohol treatment plan.

Ms. Hoesel said the clinicians are trained to assess for those things, successful treatment must be at the right time, at the right place for the right duration and the right length. It doesn't matter

what they are using as much as what impact it is having on that person's life. Their rules say that is how it must be approached. Treatment centers are at capacity and beyond.

Senator Brown said their standards are very flexible.

Ms. Hoesel said yes, it is about matching a client to the right placement criteria.

Senator Brown said an outfit that came up with new idea could come to Department of Human Services and would not be denied a license just because it is a new method. The assessment is a very good idea.

Ms. Hoesel said the issue with Teen Challenge is clinical management. They do not have a licensed addiction counselor and that is problematic.

Senator Brown said they could handle that with a supervisor.

Senator Lyson said what if there is a court order that says Teen Challenge or prison, there have been two or three of these orders. These people have been through the other programs and it hasn't worked so the court assigns them to Teen Challenge.

Senator J. Lee said she has a problem with someone saying God or jail. They all received an email message from Mr. Edwards and he says they do not want to establish a clinical approach because that would defeat having an alternative way of hope which ties to Senator Brown's question of a new kind of treatment plan. Mr. Edwards said he wants to establish that Teen Challenge is not a drug and alcohol treatment center. Anyone who sat in this room yesterday would have a hard time believing Teen Challenge is not a drug and alcohol treatment center. The people who testified all said Teen Challenge helped them with their addiction problems.

Senator Lyson said through their faith.

Senator J. Lee said she realizes that. She has a hard time saying it is not a drug and alcohol treatment center. If they meet the minimum standards, Department of Human Services does not care what else they do. If they added a licensed addiction counselor, would that take care of it?

Ms. Hoesel said there are some requirements as to what that person does. She would refer them back to the rule.

Senator J. Lee said does the Department of Human Services care if it becomes more of a faith based program if they have success with it?

Senator Brown said he thought he heard Ms. Hoesel say the addiction counselor has to make a treatment plan.

Senator J. Lee asked if someone else can make the plan with the consultation of the addiction counselor?

Senator Lyson said they have a plan for every patient.

Ms. Hoesel said they are not far away from being licensed.

Mr. Wright said there are not impossible barriers to their license. Somehow there needs to be availability to meet their clinical issues.

Senator Warner asked when the court orders someone to Teen Challenge, who picks up the cost?

Senator Lyson said that is a good question, probably he has to pay it himself, perhaps the church helps, Teen Challenge is affiliated with the Assembly of God Church. He knows the family and there is no money there.

Senator Brown asked if residential treatment centers are accredited by a board of some kind?

Ms. Hoesel said if there is a nationally recognized accreditation body that has accredited a program, they use it as a basis for licensure. Examples are Trinity, Meritcare, Mercy.

Senator Lyson said a couple of the boys in Teen Challenge came from Mercy recovery. He will have a heart to heart with him on the phone tonight.

Ms. Hoesel said if someone is so opposed to being licensed, over time it might not work out very well.

Mr. Wright said maybe he is afraid of someone else controlling him and licensing doesn't do that.

Senator Lyson said maybe he isn't as opposed to it as the church. But he will ask him, that is the only way to find out.

Senator J. Lee said maybe he is afraid of someone having veto power on the way the program is run. He has a program that works and he doesn't want someone to interfere with it.

Senator Lyson said they won't take anyone that is drunk.

Senator Warner asked if the legislature has ever given a start up grant to any of the 80 other programs.

Ms. Hoesel said Dakota Boys and Girls Ranch deal with children but they are also licensed as residential child treatment centers so their reimbursement is very different. She said since it is over \$25,000 we need to deal with procurement issues.

Senator J. Lee asked if the only reason this bill is here is so that an outfit that is not licensed can get money for their program? If they get licensed, it all goes away and is find.

Senator Dever asked if they charge individuals to be a part of their program.

Senator Lyson said \$10 - \$15 per day for room and board.

Senator Dever asked if that makes a difference in licensure?

Ms. Hoesel said funding is an entirely different issue

Senator Lyson said he has trouble with giving state money without some state control.

Mr. Wright said if they don't want to deal with the clinical things, maybe they don't deserve the money.

Ms. Hoesel said there have been some people attending the earlier hearings that have said, how about us, we do a good job.

Senator J. Lee said the Dakota Boys and Girls Ranch is faith based too. The minimum age of those treated at Teen Challenge and they said 19 so from a legal standpoint they are adults.

Those boys looked like they were 16.

Senator Dever said he wonders if the rules for licensure are lengthy. Could the committee see them. Shouldn't their national organization have some guidelines to follow.

Senator J. Lee said they are licensed in Minnesota.

Ms. Hoesel gave the rules to Senator Dever and offered to help him with things he doesn't understand. She has been told that he thinks a licensed addiction counselor would affect his program.

Senator Lyson said he has some concerns about the clinical aspects, what do we mean by that.

Mr. Wright said understanding the medical aspects of addiction.

Ms. Hoesel said also identifying other issues, depression, schizophrenia.

Senator Lyson said there is someone with them all the time, if someone has a mental disease, even a lay person can pick it up and get them some help. Some of these guys when they hit rock bottom may sit around and cry for two days.

Mr. Wright said every kid needs an assessment and plan. He thinks they already have it.

Senator J. Lee said if one of her family members was there she would be uncomfortable if there were not a licensed professional there occasionally.

Senator Lyson said family members are invited to visit at any time.

Senator J. Lee said they would be a team member, to be a part of the program. It doesn't seem threatening to her.

Senator Lyson said he agrees. A lay person can identify these situations too.

Senator J. Lee said we have the toughest addiction counselor requirements in the nation.

Senator J. Lee asked Senator Lyson to contact Mr. Edwards and find out his concerns.

Senator Warner said we are still way outside the bill. It is \$150,000 going to start up an agency that no other equivalent agency has ever gotten. It is his understanding they already have a financial plan in place and had the first year's in place prior to licensure, is that correct?

Ms. Hoesel said he is probably referring to a residential child care facility and they are funded in a completely different way.

Mr. Wright said the program they are talking about funding is within the Teen Challenge program.

Senator Dever asked if we just give them \$150,000 and tell them to apply it to room and board?

Senator Lyson said he understands it will be given to them at a rate of \$13/ day 16 people for two years for room and board.

Senator Warner said it has never come out in testimony that it is for adjudicated people.

Senator Lyson said that is why we need to get Warren in here.

Senator J. Lee said we also need to get someone from corrections in here because this comes out of the corrections budget and if its not in the corrections budget it comes out of the field services budget and she doesn't know if they are OK with it.

Ms. Hoesel said she hopes they take a look at the impact on the whole system of care by licensed providers., it is based on science.

Senator Lyson said there is not question in his mind about that and there is always a different way of doing things.

Mr. Wright said they have a fairly lengthy involvement with Teen Challenge. In all honesty it has been fairly frustrating relationship. At times, Mr. Edwards has felt he was heavy handed. He would like to invite the committee to come along on the licensure visit, he would appreciate it if someone would come along.

Senator Lyson said he would love to.

Chairman Judy Lee closed the discussion on HB 1408.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1408

Senate Human Services Committee

Conference Committee

Hearing Date March 8, 2005

Tape Number	Side A	Side B	Meter #
2	x		2265-end
2		x	00-740
Committee Clerk Signature <i>Cathy Howard</i>			

Minutes:

Chairman Lee reopened discussion on HB 1408. All members were present.

Warren R. Emmer, Director, Department of Correction and Rehabilitation, Field Services Division. See written testimony (Attachment 1)

Chairman Lee: Our concerns, as you may already know, are a) how does corrections feel about having this moved to your budget? and b) licensing or not licensing.

Emmer: My prepared remarks will probably answer those remarks. I also have with me, Lois Merkel, supervisor of the Williston district office and Rich Hukster, the person from my division that works with a lot of the programming.

He went on with his written testimony.

Chairman Lee: In attachment C you say 'indigent adults'. If they have adults that aren't indigent, how do you handle that?

Emmer: We mirrored what the original bill was. I do think that if people have the resources, they're looking at \$12-14 a day. It costs more to live anywhere than \$12-\$14 a day. So I would say, that if it's a non-indigent person that is going in there, I would suggest that we have the authority to charge that person for that. We would participate with the vendor...actually I would prefer that the person initiate the relationship with the vendor directly and keep us out of it, because then it would maintain the appropriations authority and we wouldn't be using up our authority for somebody who we're collecting their money and redistributing it. But for the most part, the kind of folks that are going to land in a long-term program such as has been described, is going to typically be indigent initially.

Chairman Lee: Our only challenge is that we can't do anything about SB 2058 because it's in the House now.

Emmer: I understand, that's why if you kept this in bill form they'd rectify it somewhere down the road.

Chairman Lee: It could wind up being addressed by being moved into the corrections budget during a conference committee process or if we hash this out and, the House has not yet acted on the corrections budget, they could certainly do it at that time. But at this time, we need to deal with it as 1408, including an appropriation, and if it's rereferred to Appropriations at which point they can deal with where to put it.

Emmer: If you're going to do that then we'd strongly recommend that you put it under the department of corrections. The headings should all be changed and the preface of the bill. It's not a treatment program anymore, it's a housing program. I don't want to see this bill die

because of an appropriations tied to it. I think the way we've put this together, it could work and be a useful part of the process.

Chairman Lee: And it is your feeling, as long as we have a requirement that the program has to be consistent with ACA standards and best practices that we will have assurances of quality. Our concern here is that responsibility that we have here in the legislature and a state is to make sure that facilities are a safe and appropriate place for whomever is assigned there. And we have been very uncomfortable with the fact that this project has been unwilling to consider licensure. There isn't any question that they talk about substance abuse issues; all the men who came in here talked about how it's working for them and all were dealing with substance abuse. It isn't just a corrections issue.

Emmer: I understand that. What we recommend is that Attachment A and B could be legislative intent that those two particular attachments are incorporated into legislative intent; that the department of corrections shall insure that these programs do protect the clientele in there. We feel comfortable that with the....for one thing, not just the people in there, if I may, it's the community at large. If we're going to be paying for somebody to be in a residential place, we want to make sure we're not putting that community at risk. That's why we support the notion of having a community screening team. If they want access to that program, and then if that program wants to get dollars from us, that would require them to refer that person back to this screening team to make, first of all, a decision that this person is appropriate for the program and that we're not putting the community at risk. There's additional criteria set out there...I would even, if it's possible, let it be more flexible, where the department can set up, in the formal request for proposal, even more guidelines than maybe we're described there. But I feel

comfortable that it's plenty. Attachment B....if you had a 60 watt service of power in an old house and you've got 15 plug-ins in the wall socket, and it's a fire hazard...we don't want to have anybody in those placements, either. There would be typical life safety issues that would have to be insured.

Sen. Warner: One of our discussions earlier, to require licensure for such a facility. And one of the requirements would have been a professional social worker, a licensed social worker to do evaluations and objectively determined if there was any reason for concern about the safety of the individual. A trained social worker, I presume, would be trained to detect things like schizophrenia or other mental illnesses or to detect symptoms of child abuse or abusive behavior either as a recipient or an abuser. Here you're supplanting that with a community screening team made up of presumably of civilians and people from the community who are not trained to recognize those sorts symptoms. Do you think there would be any concern there?

Emmer: We encounter that type of population throughout our system. We use screening teams in Fargo and in Bismarck. It's cross-section of the helping professions, law enforcement, and includes community job service. We also have several assessment tools that help us make decisions. We aren't skilled in looking at schizophrenia or other mental illnesses. Typically, though with releasing information forms, we can access that information. These people, more often than not, are already part of the system somewhere--they're in the human service system somewhere. Where this would come into play, in some of these programs, but probably not involving us too often, they import people from other states that want access to these type of programs. With those type of cases, if they're under correctional supervision, which by the way, out criteria would say to get this money they have to be under our supervision pursuant to

interstate compact; we would have to get that information, we would have to be able to access that information before we could make a determination that they'd be eligible or not. If they'd had any mental illness issues. The bottom line is, there are avenues to get that information, we will have the right people on that community board. I'm confident in Ms. Merkel and we think we could work through that.

Sen. Lyson: These people, in most part, would already be adjudicated.

Emmer: The criteria would be that these people are already our people.

Sen. Brown: I'd like to go back to your first criteria. Eligible individuals *must* be adjudicated adult offenders. I'm curious, are all of them at Teen Challenge today meet that first criteria?

Emmer: Ten of those folks are under our supervision.

Sen. Brown: What about the others? Aren't there more than ten?

Emmer: Yes, but this is only addressing those that would be accessing the \$150,000.

Sen. Brown: Does Teen Challenge think the money is to go for all of them?

Emmer: That's one of the other, when I talked about the slippery slope and vendors contacting directly legislators, I bet you a nickel that's what they think. I think there needs to be more structure put into this thing. And I also think Teen Challenge, in general, is a good program. The one in Williston doesn't have a big track record yet, but generally, Teen Challenge as worked well all across the country. But for them to access correctional dollars, it stands to reason, that they be our clientele and that we have some control of who goes in there.

Sen. Brown: I agree. To answer your question about mental health and corrections: I feel that there are people in your facility out southeast of town that have mental health and drug issues and I think we could have places, and New England would be a good example of an alternative

facility in a community. I think this is a good example. I share our chair's concern that are the people doing the treating, all providing the treating, is there a good plan for the treatment? I would like to see more community based facilities. Williston is out in the middle of nowhere. I think it's a good idea if we can solve the funding and legal issues.

Emmer: To the extent that this money is coming out of corrections, if we have the kind of control where the people who are accessing this money is under our supervision, I think this is an excellent program. Twelve to 19 months of enforced pro-social behavior is a form of treatment in itself. That's why I think these programs are starting to succeed all across the country. It's not for everybody, and I struggle with that a little bit, the indoctrination piece. The issue is that the clientele need to want to go there, ask us to screen them, so the first part is them wanting to go there. Then they come back and the community board screens them and we give them permission. I'm not going to refer a good Catholic boy from Dickinson to this program if he doesn't want to go there.

Sen. Lyson: Again, they're under your supervision so they've already been screened and been evaluated for drug use, mental illness before they would get to that spot. Usually from presentence and court order before they get to the adjudication.

Emmer: *If* the person's been in the prison, you'll have a lot of that. On the other hand, if the person's been on probation, we may not have it. But this is probably an example of where the person's gone on probation, he's gotten in trouble, and he's facing revocation petition or he's just out of control in some way and at that point, we'll generally know the information. As Senator Brown said, Williston's a town where you get to know a lot about the people and Lois knows everybody who's under supervision up there (her and her staff)

Sen. Lyson: Just so everybody knows, you're not just handing them \$150,000. You're going to pay them as the rate goes through.

Emmer: That's an excellent point. I strongly suggest that we don't hand any vendor a pot of money. What I suggest is this is on a daily rate, I think \$12 a day, and that we make the decision and that we control the purse strings.

Sen. Brown: If I could go back to the program, if you had a person that's on probation, got himself with drugs again and was faced with coming back here to Bismarck, would you consider putting him out there? Or what if he went out there on his own, would you help him stay there?

Emmer: We would probably consider it both ways. The person is first going to have to say they want the program.

Sen. Brown: Can a person ask for the program in lieu of going back to jail? Maybe gaming the system a little.

Emmer: There was a person who tried to game the system. We all were surprised when he was in the program, but he thought that the jail was easier than the program and we finally helped him out a little on that. It's not the kind of program you can fool for long.

Sen. Brown: Some of the statistics look questionable because there are some that have left it and they don't seem to be counted. What happens to those that leave? Do they leave voluntarily and take a bus to Bismarck.

Emmer: Lois (Merkel) can you tell us what happens?

Lois Merkel, Supervisor of the probation office in Williston: The individual that we're talking about wanted to go to Teen Challenge, he saw the Lord and begged to go there. When he got there, he maintained for a while, but then he kept pushing the limits. During which time, they

did work with him. Numerous times they had him starting the program over, when he would violate *their* rules and eventually it got to the point where they said, no, we can't do this anymore. Based on the fact that he was a parolee, not a probationer, I had him picked up and placed in prison. He had a horrendous record, so he was sentenced again to two years. However, he had 20 years hanging over his head, and the judge felt that he made so much progress that he gave him credit for six years for having gone to Teen Challenge. After it was said and done, he wanted to stay and wrote a lot of letters.

There is also another individual that was there and called me and said he couldn't do this religious thing. On Friday, they called and said he wasn't in the program any longer and they transported him back to Bismarck where they picked him up. He is now calling and wanting to get back in. They are going to work with him on a second try--either here or in another state.

Chairman Lee: Part of our concerns have been that aren't any professionals involving substance abuse treatment working in this program.

Merkel: But I have seen their criteria and each one of their modules, believe me, it's a tough program. I can't believe that there are a couple of boys in there that I have and how far they have come. I can honestly say, that when people go through traditional treatment, I don't see this kind of progress.

Chairman Lee: I recognize that it doesn't work for everybody and when I asked that what their training was for staff and they say it's other graduates, it makes me a little nervous. I wouldn't want high school physics taught by high school physics graduates because pretty soon you dumb down physics calls. I struggle that there isn't any advanced upper level education for the people involved, but rather give somebody else that found success in the system.

Emmer: Some of the folks they have there who are graduates of the program I feel do an awesome job. If you want to look at the treatment staff, most addiction counselors are reformed addicts. When they have a problem, they never hesitate calling to see what they should do.

Sen. Warner: Since you already have 10 people in this program, why do you need the bill? What prevents you from transferring per diem costs under current legislation?

Emmer: Arguably, we could initiate a contract with this program without this bill. We would ask for a request for proposal and through our alternatives program we could do this program. It something, though, that we have never done with a faith based community, it would be nice to have some legislative support that it makes some sense. But we have initiated contract and do have the authority to under the authority of the director of corrections to develop programs.

Sen. Brown: Are you asking for \$150,000 more or would you try and take it out of your budget?

Emmer: I'm here, directed by the director of corrections, to ask for the \$150,000 to come into the budget.

Sen. Brown: Say it the way I understand it--you want \$150,000 +.

Emmer: We want \$150,000. But, keep in mind...

Sen. Brown: That's not what this bill says.

Emmer: I know.

Chairman Lee: That's one of the reasons we asked you to come because we just couldn't imagine that you weren't going to talk to us that the fact that somebody just bid \$150,000 out of your budget.

Emmer: It did surprise me and I wasn't that happy about it. As Senator Warner said, we could do this without the bill. If that program folded, one of the motivaters and why I know the

director of corrections would certainly swallow hard and understand why this would have to come out of whatever appropriations comes from SB 2015; if this program folded, at least a half dozen of their guys would migrate into our prison. So this program is doing one thing, if nothing else, and I think it's doing more than one thing, it's holding people back from prison. And it's cheaper. So, on one hand, we're saying, give us \$150,000, but we also know, that when you do the math, that program folding would hurt us a lot.

Chairman Lee: We can put an appropriation on, if that's what the committee wishes to do.

Sen. Lyson: I signed onto this thing with the understanding that the \$150,000 had been talked to the people in the department of corrections. I would hope that you would scrap that bill and look at my attachments.

Chairman Lee: I was going to recommend that we talk with legislative council and rewriting a hog house amendment to 1408 that would include some of these things and would have a separate appropriation section.

Sen. Lyson: If you look at attachments A and B, where they have American Corrections Association standards, I think that covers us.

Chairman Lee: It doesn't say a thing about how the program works. If it winds up being under the department of corrections, will it be off-putting to people are not in the corrections system that do have a substance abuse problem? Will the family be reluctant to...will it be like juvie? Will it cut down on the private pays?

Emmer: My senses are that it wouldn't. They type of people that are landing here are so desperate by the time they get there, that a lot of their personal relationships have already been gone. This is a down and out population that you're generally see wander in there. We don't

want to manage Teen Challenge, we want to manage a contract with Teen Challenge set by us that is pursuant to standards and good criminogenic care. We just want to set up that contract, they can have whoever else they want in there unrelated to our population.

Sen. Warner: I understand the need to control behavior, it really bothers me though, and I am a person of faith, that you coerce mental action, that you coerce matters of faith. Are you satisfied that they could not say 'you confess to creationism or you're going back to prison?' Or confess whatever or you're going back to prison? You have to adhere to decisions of mental beliefs in order to not go back to prison?

Emmer: That is why it has to be initiated, in my opinion, by the client themselves, to us. That it's not going to be initiated from us to the client. I struggle with some of that myself. I share your concerns with that general concept of fundamentalism. It troubles me personally, but on the other hand, nothing succeeds like success, and in this case, it's working but it can't be coerced.

Chairman Lee: We have concerns with the rote presentations that the young men gave us that were here. They were cleaned up and articulate and presented themselves well, but it was very rote, manipulated isn't the right word, but Stepford Wives comes to mind.

Emmer: I think it would be good to tour one of their large programs because the program in Williston might not be modeling what's been successful across the country.

Chairman Lee: We did learn that the 83% success rate didn't count anybody who had left the program and only counts the people they can find. So it's a bogus number. When you find one thing that isn't quite on, then you begin to have some concerns about the other stuff. We want to ensure the integrity of the program.

Chairman Lee closed the meeting.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1408

Senate Human Services Committee

Conference Committee

Hearing Date March 14, 2005

Tape Number	Side A	Side B	Meter #
1	x		1180-2550
Committee Clerk Signature <i>Cothy Minam</i>			

Minutes:

Chairman Lee reopened discussion on HB 1408. All members were present.

I asked Alan Knutson to go over Warren Emmer's information and put it together so Corrections would have available up to \$150,000 reimbursing room and board costs for extended residential care.

Sen. Warner: Are we taking off the licensing requirements?

Chairman Lee: That's something we have to discuss because we seem to be struggling. I have a really hard time not licensing. But under corrections, Mr. Emmer, kind of convinced me, but I'm anxious to hear what you all think, that the standards of the American Corrections Association and the oversight of the Department of Corrections should be adequate for this two-year project. We're giving him the latitude to see how it goes and report back at the end of the interim and see how we want to go from there.

Sen. Lyson: There's two things here that you have to think about. First of all, the zoning of the area, and that's done locally, and they accept that. The place in Williston has been remodeled with all of the safety features, sprinklers, etc., that are necessary in the AMSE. Warren says that a lot of their training or treatment are not licensed treatments now in the Department of Corrections. They go by the ACA rules and don't use always licensed people and they set their own criteria. I guess I go by what Lois says more than Warren, because Lois had nine people in that program now. She said you can't believe the difference in those guys.

Chairman Lee: What was making me uncomfortable was not these men sharing their faith, but with the presentation being so rote. If the project seems to be working, and I haven't had anybody say it's a bad project, but everybody else in the state has to be licensed but those folks don't, and I do have a problem with that. But I'm willing to give it a shot for two years and see what goes with the corrections standards and reevaluate.

Sen. Lyson: That's what I would like to see. If this thing is working like Lois says it is, and I trust her...

Sen. Brown: You (Sen. Lyson) raised a red flag with me. You and I were on the interim committee that dealt with New England, and delay after delay because of physical things. But they are okay in Williston?

Sen. Lyson: Absolutely, I called the City Hall and asked them if they fit the criteria. That criteria for safety is completely different than anybody else. There's handicapped access, sprinklers, etc.; the inspector says it's one of the safest buildings in the city. There have been no problems from the neighbors.

Chairman Lee: Are you comfy with the amendment the way Alan proposed it and did we cover everything Mr. Emmer wanted?

Sen. Lyson: I think so.

Chairman Lee: It's \$150,000; it's corrections; it's reimbursing for room and board; it's extended care; indigent adults; in the biennium's; competitive bidding.

Sen. Lyson: I want to see what they can do and really have to have reports done properly.

Vice Chairman Dever: How many people was this going to support?

Chairman Lee: \$13 a day for 16 people for two years.

Vice Chairman Dever: Teen Challenge has existed since 1957 and I feel a little funny about calling it a pilot project. But what makes it one, is not its existence, but now its marriage to corrections.

Sen. Lyson: It is a pilot program for North Dakota. We're struggling with the Meth problem.

Vice Chairman Dever: And corrections is struggling with doing an innovative approaches to dealing with it.

Chairman Lee: And we need to be prepared for the fact that there are going to be entities in North Dakota who are licensed substance abuse and addition counseling providers who have jumped through all the hoops to provide that kind of treatment and they're not going to be enchanted with us doing that. This doesn't mean that we shouldn't do this, but they're not going to be thrilled because somebody's been exempted from what they had to do. But we're putting them under a different umbrella because they're under corrections and have to meet those standards. But it is a legitimate concern.

Sen. Warner: Concerning medical coverage, there's no medical coverage provided under this bill for these people who are, in many cases, coming off meth amphetamines and we know what kind of health problems those people have or even alcohol problems--is there medical coverage provided somewhere for these people?

Sen. Lyson: I think these people are in there, not somebody on the way to the penitentiary, these people are on parole or probation, so when they go into a place like this, they sign their waivers. They're not incarcerated, per se by the department of corrections, they're given permission to go to this treatment. The medical bills are their responsibility and I think Teen Challenge would say that their medical bills are their own responsibility.

Chairman Lee: Who pays the medical bills if someone's in prison?

Sen. Lyson: The corrections department. But they're not putting them in there. They're allowing them to be in there during the time of their parole or probation. Many of these people are already on assistance from Medicaid.

Chairman Lee: Except young single men usually don't get Medicaid. It's intended for women and children because men were expected to support themselves and their families when this was originally formed. It's very hard for a young man.

Sen. Lyson: So what do we do with a young guy who goes to the hospital and doesn't have money?

Chairman Lee: It really stinks. There are young men who have chronic health problems and they're really in trouble.

Vice Chairman Dever: Everybody there is over the age of 18 and everybody there is indigent?

Chairman Lee: Nineteen was the youngest, but they wouldn't necessarily be indigent but the ones who are there now are.

Sen. Warner: If they're not indigent, the Department of Corrections will charge them rent; they do that everywhere.

Senator Brown moved DO PASS on the amendment (0202), seconded by Senator Dever.

VOTE: 5 yeas, 0 nays, 0 absent

Senator Brown moved DO PASS the amended bill and rerefer to Appropriations, seconded by Senator Dever.

VOTE: 4 yeas, 1 nay, 0 absent

Chairman Lee: Senator Warner, what is your objection, just so I know.

Sen. Warner: I'm just not comfortable that we're serving this population very well.

Chairman Lee: I just wasn't aware of that with the conversation. Can we make it better?

Sen. Warner: No, you did a really good job, and took care of about 90% of my concerns.

Chairman Lee: I'm apprehensive about this too, but maybe in this two-year period if there's a way to make this better, we can.

Carrier: Senator Lyson

March 10, 2005

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1408

Page 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation to the department of corrections and rehabilitation for a pilot project for an alternative care program for adults with substance abuse issues; and to provide for a report to the legislative assembly.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - PILOT PROJECT - REPORT TO SIXTIETH LEGISLATIVE ASSEMBLY. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of reimbursing a nonprofit, faith-based organization in North Dakota for room and board costs associated with an extended residential care program in northwestern North Dakota for indigent adults with alcohol or other substance abuse issues as a pilot project, for the biennium beginning July 1, 2005, and ending June 30, 2007. The recipient, selected by a competitive bid process, shall use the funding for room and board costs relating to the pilot project. The department shall establish criteria that meets standards and best practices of the American corrections association for the population to be served and for the residential care services to be provided. The department shall provide a report to the sixtieth legislative assembly on the pilot project. The report must include information on the results and outcomes of the pilot project, the department's recommendations regarding continuing or expanding funding for the program, and its recommendations regarding the development of a payment system for room and board costs for these residential care services providers."

Renumber accordingly

Carlee 😊

REPORT OF STANDING COMMITTEE

HB 1408, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1408 was placed on the Sixth order on the calendar.

Page 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation to the department of corrections and rehabilitation for a pilot project for an alternative care program for adults with substance abuse issues; and to provide for a report to the legislative assembly.

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Renumber accordingly

2005 SENATE APPROPRIATIONS

HB 1408

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1408

Senate Appropriations Committee

Conference Committee

Hearing Date March 28, 2005

Tape Number	Side A	Side B	Meter #
1	a		0-2042
Committee Clerk Signature <i>Janet Penke</i>			

Minutes:

Vice Chairman Bowman called the hearing to order on HB 1408 beginning with roll call.

Stanley Lyson, District 1, Williston, testified in support of HB 1408 indicating the bill deals with methamphetamine and the Teen Challenges facility in Williston which is a faith based treatment facility. He indicated the individuals (up to 10) in treatment are there for 12 to 18 months and the success rate has been 86 %. This facility is sponsored by the Assembly of God Church which picks up the biggest percentage of the cost and a private donor who purchased and renovated the facility and brought it up to date. Because the need is there for a successful meth treatment facility this bill has been introduced and amended. The fiscal note on this bill is for \$150,000 for the biennium.

Senator Schobbing asked if the residents are sent by family members or court ordered.

Senator Lyson indicated that the individuals volunteer to go for treatment but if they mess up and are out of the program they do go back to the courts as a violation of probation.

Senator Robinson asked the average age and history of the program.

Senator Lyson indicated the age of individuals in the program ranges from 20-40 and the program has been in Williston for two years, beginning as a girls meth facility with all of the girls coming from out of state. The focus was then changed to meet the needs in North Dakota. Now there is no one from out of state.

Senator Tallackson asked if \$150,000 is the original request and if that was really enough money. The response was yes.

Senator Krauter indicated in looking at lines 14-16 it indicates the department shall establish criteria meeting the standards and policies of the American Correction Association. Is the group in Williston ready to be upgraded for the ACA requirements.

Senator Lyson indicated he has been informed that all criteria has been met and in place.

Senator Richard Devers, District 32, Bismarck, testified in support of HB 1408 and Teen Challenges which is a unique nontraditional treatment facility. He indicated the bill has evolved to be placed under the Department of Corrections and meets treatment facility standards. The only problem he foresees with this bill is that it is supporting a faith based facility, but it is a program that works and that is the most important issue. He indicated patients are not compelled to be there by the courts, they have a choice to be in the program.

Senator Krauter clarified when individuals are placed at the facility

Senator Lyson indicated this has nothing to do with the court. When the individual is placed on probation or parole, the parole officer asks if the individual wishes to receive treatment, the client then goes to treatment, the parole/probation officer visits the patient weekly and if something

Page 3

Senate Appropriations Committee

Bill/Resolution Number 1408

Hearing Date March 28, 2005

happens the individual removed from the program, that individual then goes back to court as a violation of that probation/parole.

Senator Mathern asked if the treatment facility refuses clients based on religion.

The response was he did not know about religion as criteria, but the facility has the right to screen and refuse individuals into the program and it is not limited to the Assembly of God religion.

Senator Fischer asked if this is limited to 10 people .

The response was the program is limited to 10 people and some are there on a voluntary basis.

Senator Andrist moved a do pass, Senator Kringstad seconded. A roll call vote was taken resulting in 14 yes, 0 no and 1 absent. The motion carried and Senator Lyson will carry the bill.

Vice Chairman Bowman closed the hearing on HB 1408.

Date 3/28
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 1408

Senate SENATE APPROPRIATIONS Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Andrist Seconded By Kringstad

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG			SENATOR KRAUTER	/	
VICE CHAIRMAN BOWMAN	✓		SENATOR LINDAAS	/	
VICE CHAIRMAN GRINDBERG	✓		SENATOR MATHERN	/	
SENATOR ANDRIST	✓		SENATOR ROBINSON	/	
SENATOR CHRISTMANN	/		SEN. TALLACKSON	/	
SENATOR FISCHER	/				
SENATOR KILZER	/				
SENATOR KRINGSTAD	/				
SENATOR SCHOBINGER	/				
SENATOR THANE	/				

Total (Yes) 14 No 0

Absent 1

Floor Assignment HMS Lyson

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

//

REPORT OF STANDING COMMITTEE (410)
March 28, 2005 11:04 a.m.

Module No: SR-56-6320
Carrier: Lyson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1408, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1408, as amended, was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1408



HEARTVIEW FOUNDATION

101 E. Broadway • Bismarck, N.D. 58501
701-222-0386 • 800-337-3160 • FAX 701-255-4891

January 17, 2005

Dear Legislator,

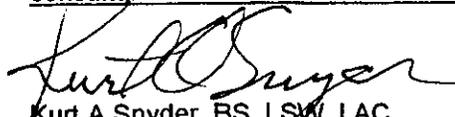
I would like to bring your attention to N.D. Admin. Code Article 75-09.1, which was implemented on October 26, 2004 through the emergency rules process. This administrative rule directly affects the drug and alcohol treatment opportunities for the adolescents in the state of North Dakota, (specifically 75-09.1-01-16. and 75-09.1-01-17). The administrative rule, as written, will force us to choose whether or not we will continue to serve adolescents. Adolescents are a very challenging population and there are very few addiction treatment programs for adolescents.

Heartview Foundation has worked with adolescents for over 30 years, and from 1984 through 1994 operated a separate adolescent unit. In 1994 Heartview began providing treatment in intergenerational groups. We have found this to be extremely effective and have had very positive results. This approach has allowed us to continue to provide adolescent services and also a choice of a private provider for the families in the Bismarck/Mandan area. By limiting private providers in this way, additional financial burden will be placed on the state to provide these services.

The Department of Human Services has written the rules mentioned above based upon the consultation services of Gerald D. Shulman, M.A., FACATA. Mr. Shulman has been adamant that adolescents cannot be served in conjunction with adult patients. The Department and Mr. Shulman base their position on the ASAM Patient Placement Criteria, Second Edition-Revised (ASAM PPC-2R). The Heartview Foundation agrees with the ASAM Placement Criteria and our programs are developed as such. However, the ASAM PPC-2R does not state that adolescents cannot be served with adults. It does state on page 185 in reference to adolescents, "Ideally, the treatment environment should be physically separate from that of adult patients." In an ideal world this would be the case, but North Dakota does not have unlimited resources. Treatment providers need the flexibility to be creative in their treatment approaches and be allowed to offer quality services to all ages.

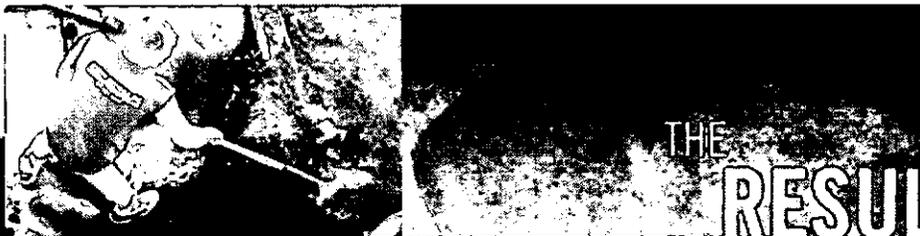
The stance that Mr. Shulman takes is based upon his experiences in Florida and other parts of the country. North Dakota is a rural state and our family values, culture and issues facing our adolescents are not the same as Florida. The Department of Human Services' emergency rules are forcing quality treatment providers to discontinue needed services for the young people of North Dakota.

I ask that you take some time to address this important issue and help the private treatment providers stand up to the pressures of the Department of Human Services and a consultant who does not understand the issues of our state.



Kurt A Snyder, BS, LSW, LAC
Executive Director

cc: Carol Olson, Executive Director – Department of Human Services
Joanne Hoesel, Executive Director, Division of Mental Health and Substance Abuse Services
Rep. William R. Devlin
Evonne Smith, Deputy Director, Department of Human Services



the Mission
the Program
the Results
the Need
the Opportunity
Program Application

Endorsements: Government Officials

- > Research Stu
- > Testimonies:
- > Testimonies:
- > Audio Testim
- > Endorsement
- > Endorsement
- > In The News
- > MnTC Newsle



George W. Bush

U.S. President

"Too many young people have already lost their lives, and too many others have suffered serious injury for us to ignore the problems of juvenile alcohol and drug abuse. Programs such as Teen Challenge work to change people's lives by changing their hearts. I commend you for your work with young men (and women) who are addicted to drugs and alcohol."

MAKE A DONAT



Tim Pawlenty

Governor of Minnesota

"The measure of a program's effectiveness is not how much it costs, but what it delivers. I support Minnesota Teen Challenge because it changes hearts and changes lives. Year after year, MnTC has proved that troubled lives can be turned around and become a source of hope and blessing to the whole community."



Norm Coleman

United States Senator

"The success stories of individuals who have been helped by MnTC are testimony to the powerful impact this program has on people's lives. I support Minnesota Teen Challenge and view it as an exemplary example of a drug and alcohol abuse program which creates positive, lasting change in the lives of individuals..."



Jim Ramstad

U.S. Congressman

"On behalf of all the people of our area, thanks for your tremendous public service to the young people of Minnesota! There are no words to adequately convey my admiration for all that Minnesota Teen Challenge has done. As a recovering alcoholic, I know, first hand, the value of treatment and faith in recovery. Your comprehensive program is a shining example for others all across our nation."



Patrick D. McGowen

Hennepin County Sheriff

"As a career law enforcement officer and the Sheriff of Hennepin County, I am very supportive of the work of Minnesota Teen Challenge. While no single program can meet every individual's needs, Teen Challenge is a program that works. It is a program that has a real impact on peoples' lives and the success stories of people who have turned trouble lives around are so heartening."



Michele Bachmann

Minnesota State Senator

"MN Teen Challenge provides an environment that truly fosters spiritual growth and positive change. I had the opportunity to listen to the Teen Challenge choir and speak to the group, the whole experience was moving. Teen Challenge fills a great need in the community."

Judge William R. Howard

Lead Judge Hennepin County Drug Court

"I have had the opportunity to supervise a number of individuals who have



entered and completed the Teen Challenge program. The love, care and compassion that your organization shows these individuals is a key component in its success."



Steve Sviggum

Speaker of the House

"As speaker of the Minnesota House of Representatives, I am grateful for the service and spirit provided by Minnesota Teen Challenge. Faith is too often left out of many treatment programs and MnTC shows what God can accomplish when we accept His help and bring Him into our lives. The success stories of the countless people MnTC has helped speak volumes about the quality of staff and its effectiveness in providing witness to the life-changing power of Jesus Christ."



Gen Olson

Minnesota State Senator-

Assistant Minority Leader

"Real change happens from the inside out. The key to the marvelous success of changed lives through the work of Minnesota Teen Challenge is your understanding and application of that principle and the power of faith in the Life Changer. God bless you as your efforts, in turn, bless the lives of so many. I'm pleased to be counted as one of your staunch supporters."

Lynda Boudreau

State Representative

"Lamar, was referred to as 'one of the most violent criminals in Minnesota' by the Commissioner of Corrections when



he walked into my legislative office this session. Pastor Rich often brings Teen Challenge students to my office when making his Capital rounds. Lamar told me that the Teen Challenge program is tougher than any prison he has been in. Thankfully the power of the Holy Spirit can break the chains of bondage and addictions to transform the hearts and minds of these students."



Dave Knutson

Minnesota State Senator

"Over the years I have had several opportunities to visit Teen Challenge and talk with Reverend Rich Scherber in Minneapolis at the Capitol. I am truly amazed and tremendously encouraged by the many lives that Teen Challenge has positively impacted and the hearts that have been mended through a solid program of high expectations and faith in Jesus Christ."

the Mission | the Program | the Results | the Need | the Opportunity | Get Freed
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January 18, 2005

Rules Administrator
Department of Human Services
State Capitol – Judicial Wing
600 E Boulevard Ave
Bismarck ND 58505-0250

RE: ND Administrative Code Article 75-09

Dear Rules Administrator:

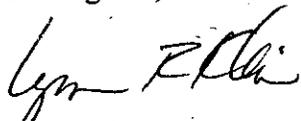
The above Article calls for the separation of adult and adolescents with regards to drug and alcohol treatment.

I would like to see this decision reversed. A tremendous opportunity exists when young people have the chance to learn from adults in intergenerational or mixed groups. The fear of adolescents learning the "ways of the world" from adults in treatment groups is possible, but unlikely.

The access adolescents have to the internet and their "network" is a greater educator. Far greater value is obtained when adolescents can see the consequences of substance abuse in the lives of adults. Adults in treatment are there for help, as well, and serve as an encouragement to adolescents to discontinue substance abuse.

Please reverse the call for separation of adults and adolescents in drug and alcohol treatment. Our rural state, adolescents and adult population is best served with the ability to work together in intergenerational or mixed groups.

Kind regards,


Lynn Klein
1733 N Bell St
Bismarck ND 58501-1531

*Kurt,
I hope this helps.
Lynn*

Bruce A. Romanick
District Judge

Lisa E. Soma
Reporter

State of North Dakota
District Court
South Central Judicial District

PO Box 1132
Washburn, ND 58577
(701) 422-3541 Phone
(701) 422-8212 Fax

PO Box 1012
Bismarck, ND 58502
(701) 222-6632 Phone
(701) 222-6645 Fax

January 21, 2005

Rules Administrator
N.D. Department of Human Services
State Capitol - Judicial Wing
600 E. Boulevard Avenue
Bismarck, ND 58505-250

Re: N.D. Administrative Code Article 75-09.1

Dear Sir/Madam:

The recent emergency change in the administrative code regarding services for adolescents has been brought to my attention and I would like to comment on the matter.

I am a District Judge of the South Central Judicial District and I run a Juvenile Drug Court (JDC). I would first like to comment that upon implementing the JDC in our district, we were confronted with our local human services center not being able to handle the additional services required by JDC. With considerable work and planning, we were able to come to an arrangement where participants in JDC are able to utilize treatment at the human services center and a representative is available for our staffing on a weekly basis. The difficulties we faced, I was informed, were due to lack of staffing at the human services center to accommodate the additional needs of JDC. The district's JDC also is supported by Hearview Foundation who provides services to some of the JDC participants and their families. The ability of the participants to choose between different providers is, in my eyes, a great benefit.

If treatment providers are forced to choose to not service adolescents, this will have an adverse effect upon all involved. First, the human services centers, which are mandated to provide services, will have their burdens increased dramatically. My concern here is that this administrative change will simply increase the burden on our human services centers without regard to how this increased burden will be addressed fiscally. I cannot imagine that such an increase will not require additional staffing and financial assets. Second, if providers are forced to not service adolescents by this administrative rule, you have narrowed the options available to families in attempting to deal with the serious addictions of their children. In essence, the rule will simply mandate there is only one way to treat adolescents and that way is through the human services centers. This may work for some, but from experience, it does not work for all.

I would also like to comment on the procedure for implementing this change. This change does not appear to be one where an emergency change to the code was necessary. I also believe careful thought should be taken when an agency enacts rules that have a perception of pitting that very agency's providers against private providers.

I would request a reconsideration of this administrative amendment. I believe how adolescents are treated in our mostly rural population needs to be looked at from a North Dakota perspective and not an urban population perspective.

Sincerely,


Bruce A. Romanick
District Judge

State of North Dakota
South Central Judicial District

Juvenile Court

514 East Thayer Avenue • Bismarck, North Dakota 58501 • Telephone (701) 222-6709 • FAX (701) 222-6699

January 19, 2005

JAN 20 2005

Rules Administrator
N.D. Department of Human Services
State Capitol – Judicial Wing
600 E. Boulevard Avenue
Bismarck, ND 58505-0250

Re: N.D. Administrative Code Article 75-09.1

Dear Sir/Madam:

Heartview Foundation in Bismarck, North Dakota and Center For Solutions in Cando, North Dakota have brought to my attention the change recently enacted in the Administrative Code which governs alcohol and drug abuse treatment providers. I would like to apprise you of my experience with, and my support of, these programs and their treatment of adolescents.

Currently, I am the Director of Juvenile Court Services for Unit 3, which includes the South Central Judicial District and Southwest Judicial District, with Juvenile Court offices in Bismarck, Mandan, and Dickinson. My career with the Juvenile Court spans 30 years. I suspect the number of adolescents during this time period who came into Juvenile Court and required or sought drug and alcohol treatment from various providers is in the hundreds and possibly more. Heartview Foundation, for many years, has been an extremely valuable and effective resource in the Bismarck/Mandan area for adolescent drug and alcohol treatment. Heartview has always maintained a high level of treatment expertise, professionalism, and a genuine commitment to youth. When it comes to drug and alcohol treatment, it is very important families have a choice. Adolescents and families who seek treatment at Heartview are there because they chose that program, not because Juvenile Court required them to be at Heartview.

It is also important to note Heartview Foundation is an active member and treatment provider of the Bismarck/Mandan Juvenile Drug Court. A number of adolescent Drug Court participants are receiving treatment at Heartview because the families have selected Heartview as their treatment provider. To lose Heartview in this capacity would set back Juvenile Drug Court; but more importantly, it would severely impact families and adolescents who seek Heartview's services.

✓

Rules Administrator
N.D. Department Of Human Services
January 19, 2005

Page 2

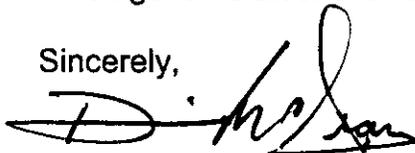
Center For Solutions in Cando, North Dakota, in my opinion, is one of the most effective and respected drug and alcohol treatment providers in the State. If one wants to measure services, one only needs to look at their results. I'm familiar with Center For Solutions because I know adolescents who went through the drug and alcohol treatment program. Adolescents who were unsuccessful in other treatment programs did well at Center For Solutions. Some youth I am speaking about were one step from long term residential treatment or the Youth Correctional Center. In the past six months, I have spoken with three young adults who went through Center For Solutions as adolescents. They will tell you, without hesitation, that Center For Solutions gave them a reason to move beyond drugs and alcohol.

Why does one treatment program work for one person but not another? I don't have that answer, and I am not sure treatment professionals know. The fact remains, and it has been my experience over the years in Juvenile Court, that one drug and alcohol treatment program does not fit all.

Both Heartview Foundation and Center For Solutions provide joint drug and alcohol treatment programs for adolescents and adults. Both treatment programs are highly successful. To restrict or limit drug and alcohol treatment options is to tell the public, families, and adolescents you don't have a choice. In all my years with Juvenile Court, I have yet to hear any adolescent or parent object or disapprove of joint adolescent and adult drug and alcohol treatment.

I ask that you address this issue without delay, as it pertains to the Administrative Code which governs alcohol and drug treatment in North Dakota.

Sincerely,



David McGeary, Director
Juvenile Court Services, Unit 3

DM:rw

Testimony on HB 1408

Madam Chair and members of the Committee, for the record my name is Carol Two Eagle, and I am asking you to hear me on HB 1408. My testimony is very short.

I believe that this bill, as written, violates the Constitution of the United States and violates the Doctrine of Separation of Church and State.

If faith-based projects – whether pilot or not - for substance-abuse abatement are to be funded with public monies, these projects should be advertised and let on bids or some similar fashion, *in order that groups of every faith, not just "Christian"*, have opportunity to get these funds and put these projects into action.

In the Indian world, we address these matters successfully through our Traditional ceremonial practices, but it takes tons of rocks (not just any rocks, but certain kinds) and tons of wood to hold these ceremonies, which are properly called "inipi" – which means, "purification" - and are commonly called "sweat lodge". In addition, we require sacred plants and other materials in considerable amounts for these ceremonies.

There is nothing free – it all must be paid for or transported, and that requires money. Our ponies today eat \$2/gallon "grassoline".

Over the years, our Traditional Ways have been assaulted in many ways – denying us the opportunity to access this kind of financial assistance from the government that taxes many of us (particularly when we live off our Reservations) is unfair as well as Un-Constitutional. Please either amend the bill to reflect "groups of people of every faith, including Native American Traditionalism" or recommend Do Not Pass.

Thank you for hearing me in a good way now. Mitakuye oiasin. We are all related.

Chairwoman Lee and members of the Senate Human Services Committee,

HB 1408 is a pilot project proposal for an alternate care program for adults with substance abuse issues. It asks for an appropriation from the DOCR field service line item. Initially this bill asked to have the money out of the human services budget, but was amended to the DOCR.

There has been a growing need for available treatment programs and with the increase in meth. additions and the need for long term treatment. The need for the state to utilize all avenues for treatment especially with long term facilities would be timely and is necessary. Cognitive restructuring and the learning how to live a drug free life takes time. The need for a clean start and a new life is vital to the return to society and stay clean. We need to help these proven programs provide services in this state. President Bush has been pushing for the use of proven faith based programs as a means of dealing with this epidemic and I feel we have a great opportunity to do just that.

The appropriation in this bill is small but is a way to help; it works out to be approximately:

\$13/day for 16 people for two years.

I would appreciate your support for this bill and would stand for questions.

Thank you,
Rep. Bette Grande, Dist 41

“The Jesus Factor”

Recovery begins with a change in behavior and the elimination of binding life-controlling habits. Teaching faith in Jesus Christ alters behavior and instills positive values that allow a person to holistically heal. The North Dakota Teen Challenge family believes, and results show, that an addict establishes a personal relationship with Jesus Christ if he wishes to find a permanent freedom from bondage. This central spiritual dynamic is the foundation on which all aspects of the North Dakota Teen Challenge Center program are built. NDTC rests upon one reason for success:

“The Jesus Factor”



Drawing by Teng Vu
Teen Challenge Graduate
NDTC lay counselor and choir director

Would you like to have the North Dakota Teen Challenge Student choir sing and share testimony at your church or special event?

Call our Events Coordinator Ron Toewe to schedule this joyous occasion.

North Dakota, a small state. It has one of the biggest drug problems in the country.

Your prayers and support along with North Dakota Teen Challenge, using the Jesus factor will help to set our state free from the bondage of addiction

All of our funding comes from faithful donors. Please help give them a chance.

**FREEDOM.
THE ULTIMATE GIFT.**

Contact:
Michael Edwards, Executive Director

North Dakota Teen Challenge
201 18th Street East, Williston, ND 58801
www.tc4hope.org
(701) 572-4God

Attachment 1 d

The Faith-Based Solution for the Drug Epidemic

Keep hope alive!

North Dakota Teen Challenge

Adult Center



TEEN CHALLENGE
WHERE HOPE IS BEING RESTORED
FOR THOSE HURTING

Ready for change?

**There is hope !
“in Jesus”**

www.tc4hope.org

} 2000 years ago,
 a teacher sat among
 Prostitutes,
 thieves,
 and drunkards.

Who will sit
 with them
 today?



Freedom.
 The Ultimate Gift.

North Dakota Teen Challenge
*13month residential treatment
 program with an additional 6 month
 re-introductory phase*

Thank you for giving to the
 Lord, I'm a life that has been
 changed



All for Jesus

Imagine a life without
 family, without shelter and
 constantly fighting the nagging
 ache of desperation. Addicts
 travel through life with the heavy
 chains of rejection, dejection,
 and suspicion. Each person who
 walks through the doors of the
 North Dakota Teen Challenge
 Center is tied down with a similar
 story of pain and hopelessness.
 NDTCC has a liberating story of
 redemption and hope.

Nationally recognized and
 respected, NDTCC is not just a
 place for help, it is a center for
 the future. Since 1958, Teen
 Challenge has founded it's
 programs on the teachings of
 Jesus to physically, mentally,
 emotionally and spiritually
 unchain the lives of thousands of
 addicts.

Across the country, an
 estimated 2 million +
 Americans are classified with
 substance dependencies or
 abuse

NDTCC is changing the
 numbers , successfully one
 day and one life at a time.



HEARTVIEW FOUNDATION

101 E. Broadway • Bismarck, N.D. 58501
701-222-0386 • 800-337-3160 • FAX 701-255-4891

January 20, 2005

Mr. Travis Rau
Police Youth Bureau

RE: Written Testimony for support of Heartview Foundation

Dear Travis,

As a result of recent changes in the Administrative rules that govern licensure of addiction treatment programs in the state of North Dakota, Heartview Foundation will be forced to separate our adolescent and adult patients in order to provide treatment services to both populations. It has been our experience that although there are considerations to be addressed for the special needs of our patients, they can be served well by attending intergenerational groups. In fact, we have witnessed very positive outcomes in the mix of ages and backgrounds and have found that there are far more similarities than differences in the nature of drug and alcohol problems among our adult and adolescent patients

Therefore, we have united with other private treatment providers in the state to fight this mandate. It is our hope that you will look back on your experiences with Heartview Foundation and provide written testimony to support our stance in this matter. Please address your thoughts and feelings to the Rules Administrator, Department of Human Services, State Capitol – Judicial Wing, 600 E. Boulevard Avenue, Bismarck, ND 58505-0250 by 1-21-05 in regards to North Dakota Administrative Code, Article 75-09.1 which was implemented on 10-26-04. We have enclosed a form letter that you may chose to use for this purpose.

Heartview really appreciates your support. Please call if you have any questions regarding this important issue.

Sincerely,

Kurt Snyder
Executive Director



HEARTVIEW FOUNDATION

101 E. Broadway • Bismarck, N.D. 58501
701-222-0386 • 800-337-3160 • FAX 701-255-4891

Proposed language changes for the Administrative Rules:

75-09.1-01-16. Differences in Dimensional Criteria for Adolescents and Adults.

1. A program may use detoxification for adolescents with substance abuse related disorders to interrupt the habitual compulsive use as well as attenuate the physiological and psychological features of withdrawal.

~~DELETE: 2. Because determination of adolescence need not be based on age alone, a program must implement a written policy regarding how to determine when it is appropriate to place an adolescent in an adult program. The decision to determine whether a person 17 years of age or younger is best served in an adult rather than adolescent program may be based on clinical judgment and other factors such as:~~

PROPOSED LANGUAGE: 2. Because determination of adolescence need not be based on age alone, programs that serve adolescents and adults in intergenerational groups must provide individualized treatment in accordance with 75-09.1-0115. **Individual treatment Plan.**

PROPOSED ADDITION: 3. A program may offer intergenerational groups when the ASAM Provider Criteria is met for both adolescent and adult Level of Care.



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75-09.1-01-17 CHANGE: ~~Criteria for Programs that Treat Adolescents and Adults.~~

PROPOSED LANGUAGE: Criteria for Programs that Treat Adolescents.

DELETE: 1. ~~If a program provides treatment for adolescents and adults, the program shall provide services for adolescents separate from adults except in those cases where a program determines that an adolescent will be best served in an adult program. A program shall document the clinical justification in the client record when an adolescent is treated with adults.~~

DELETE: 2. ~~Unsupervised interactions between adult and adolescent clients are prohibited.~~

DELETE: 3. ~~A residential or inpatient program shall provide bathroom facilities and sleeping quarters for adolescents that are separate from those provided for adults.~~

(#4 now becomes #1) NO CHANGES

1. A criminal history record investigation for employees working with adolescents is required.
 - a. A program...
 - b. A program...



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- c. A program...
 - i. An offense...
 - ii. An offense...

(#5 now becomes #2) NO CHANGES

- 2. A program providing services to adolescents must employ staff that is knowledgeable about adolescence development or have experience in working with and engaging adolescents.

(#6 now becomes #3) NO CHANGES

- 3. A program shall provide treatment to meet the level of cognitive development and other needs of an adolescent and must address the adolescent experience, including cognitive, emotional, physical, social and moral development, in addition to involvement with alcohol and other drugs.

(#7 now becomes #4) NO CHANGES

- 4. A program shall make every reasonable effort to engage an adolescent's family members or guardian in the adolescent's assessment, treatment, and continuing care.

PROPOSED ADDITION:

- 5. For programs that serve adolescents and adults at the same agency or in intergenerational groups, the agency must provide a safe environment by monitoring interactions between adults and adolescents.



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Compare Program Criteria for Adults Level II.5 and Adolescents Level II.5 in regards to hours. Please explain why:

Adolescent Level II.5 – **No less than 24-hours per week**

Adult Level II.5 – **No less than 20 hours per week**

The ASAM PPC-2R states on page 218, “Level II.5 Partial Hospitalization Programs (Adolescent) Partial hospitalization programs generally feature 20 or more hours of clinically intensive programming per week...” This is the same statement as on page 55 of the ASAM PPC-2R in reference to adults. **We propose that the Administrative Rules reflect the ASAM PPC-2R consistently throughout.**

75-09.1-05.1-02. Provider Criteria.

~~DELETE: 1. A partial hospitalization program shall offer no less than 24 hours of programming per week in a structured program.~~

PROPOSED LANGUAGE: 1. A partial hospitalization program shall offer no less than 20 hours of programming per week in a structured program.

It makes sense that adolescents may need less time in a Level II program, but what rationale would justify adolescents having 24 hours per week in Level II.5 when adults are expected to do only 20 hours per week in Level II.5?



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701-222-0386 • 800-337-3160 • FAX 701-255-4891

1/21/05

Dear Rules Administrator,

I am submitting testimony in opposition to N.D. Admin. Code Article 75-09.1, which was implemented on October 26, 2004 through the emergency rules process. This administrative rule directly affects the drug and alcohol treatment opportunities for the adolescents in the state of North Dakota, (specifically 75-09.1-01-16.; 75-09.1-01-17 and 75-09.1-05.1-02.). Adolescents are a very challenging population and there are very few addiction treatment programs for adolescents.

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HEARTVIEW FOUNDATION

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701-222-0386 • 800-337-3160 • FAX 701-255-4891

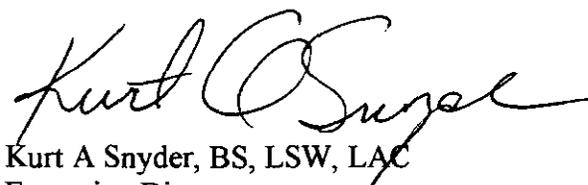
with the ASAM Placement Criteria and our programs are developed as such.

However, the ASAM PPC-2R does not state that adolescents cannot be served with adults. It does state on page 185 in reference to adolescents, "Ideally, the treatment environment should be physically separate from that of adult patients." In an ideal world this would be the case, but North Dakota does not have unlimited resources. Treatment providers need the flexibility to be creative in their treatment approaches and be allowed to offer quality services to all ages.

The stance that Mr. Shulman takes is based upon his experiences in Florida and other parts of the country. North Dakota is a rural state and our family values, culture and issues facing our adolescents are not the same as Florida. The Department of Human Services' emergency rules are forcing quality treatment providers to discontinue needed services for the young people of North Dakota.

If there are any questions regarding the proposed changes, feel free to contact me by e-mail at kurt.heartview@midconetwork.com or at 701-222-0386.

Thank you for your consideration in this matter,


Kurt A Snyder, BS, LSW, LAC
Executive Director



HEARTVIEW FOUNDATION

101 E. Broadway • Bismarck, N.D. 58501
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The “adolescent experience” is not limited to adolescents. Many adults who began using substances at a very young age function at very similar levels. **Programs are a vehicle to provide treatment for the specific level of impairment based upon ASAM criteria. No where in the ASAM manual does it say that this programming cannot be provided simultaneously with adults and adolescents in intergenerational groups.**

Specifically, ASAM PPC 2-R states on page 185, *“Ideally, the treatment environment should be physically separate from that of adult patients. Strategies to engage adolescents, channel their energy, and hold their attention are especially critical. Treatment must address the nuances of adolescent experience, including cognitive, emotional, physical, social, and moral development, in addition to involvement with alcohol and other drugs.”* The phrase, *“Treatment must address the nuances...”* does not necessarily mean the treatment program. But instead refers to the “treatment experience” which is a combination of group and individual therapy, family involvement and other resources to help the patient meet their “Individualized Treatment Plan”. When programs are identified as adult or adolescent specific, it limits providers from being creative in their treatment approaches. We need to individualize treatment programs to fit each patient’s treatment plan with respect to their cognitive and emotional maturity in addition to their chronological age. These plans are client driven, comprehensive, based on the patient’s strengths, needs, abilities, functional deficits and preferences. Why implement rules that do not allow treatment providers to be creative within our Levels of Care to implement these plans?

Attachment 4

Dan Ulmer

From: George O'Neill [George.O'Neill@noridian.com]
Sent: Tuesday, February 22, 2005 12:13 PM
To: Rod St.Auben; Dan Ulmer
Cc: Jon Rice; Jody Coste; Laurie Kappes; Cal Schmidt; Steven Webster; Holly Prodoehl; Jarvis Brosz
Subject: follow up on HB1408

In my last email I spoke of 'housing' adolescents separate from adults. As I re-read the bill I see that it speaks more of not requiring separating treatment. But my argument still stands. I think it is dangerous to have adults and adolescents in the same group therapy where folks are spilling their guts, etc. A great deal of intimacy occurs in group therapy and it just wouldn't be a good idea to have teens and adults together in such a setting. Also, it doesn't make sense therapeutically. Adults and adolescents will be bringing different issues to the table and have different developmental levels. Think of how difficult it is to talk to a teen even when it's not as intimate as group therapy.

George W. O'Neill, Ph.D.
Clinical Director of Mental Health
Noridian

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2/22/2005

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TESTIMONY
HB 1408 – HUMAN SERVICES COMMITTEE
SENATOR LEE, CHAIRMAN
MARCH 1, 2005

Chairman Lee, members of the Senate Human Services Committee, I am JoAnne Hoesel, Director of the Division of Mental Health & Substance Abuse for the Department of Human Services. I am here today to provide information regarding HB 1408.

Section two of this bill significantly impacts how the Department of Human Services creates and implements administrative rules for substance abuse treatment programs.

The Division is extremely concerned that this section negates the results of what was an open, fully interactive process of developing new rules for substance abuse services. While this section specifically addresses treatment regarding adolescents and adults, the implications are far more reaching. The Division held regional meetings and facilitated open dialogue with many providers across the state. Every concern discussed at these meetings was addressed with all participants. A consensus building workgroup specific to the adolescent issue was formed. The Division made substantial changes to the rules reflecting these comments and process. While it is obvious that the results did not satisfy all, it was an open process with substance abuse providers.

Adolescents have specific developmental tasks, life style, and environmental issues that differ from adults. Many have history of trauma which presents additional challenges in treatment. To place them in a group without screening for appropriateness is reckless and not in the best interest of either party. The Division's current rules require that

determination be made based on the clinical judgment of the addiction counselor that an adolescent is appropriately served in an adult program. Some examples of areas to assess to consider are level of emotional maturity, living status, and history of sexual acting out. With this determination, there is no problem with serving both together.

The American Society of Addiction Medicine (ASAM), which is an association of physicians dedicated to improving the treatment of alcoholism and other addictions, issued patient placement criteria regarding this issue which states: "Ideally, the treatment environment should be physically separate from that of adult patients." ASAM PPC-2R, p. 185. The rules were designed to provide even more flexibility than ASAM recommends and allow treatment of adolescents in an adult program when it is determined to be appropriate based on the provider's professional judgment.

The Division is committed to working with providers and putting into place administrative rules which reflect best practice.

Thank you!

Lyson, Stanley

From: Michael [mike@tc4hope.org]
Sent: Wednesday, March 02, 2005 10:39 AM
To: Lyson, Stanley
Subject: Teen Challenge

Thank you so much for allowing us to share yesterday. It was a great experience for the students. After having some time to reflect on the hearing, it seems that somehow Teen Challenge has been placed in the same category as a drug and alcohol treatment program and that some would like us to be licensed as such in order to receive financial assistance. We may work with the same type of people, however we do not use a clinical type of approach in helping people with their strongholds. We work on the heart, not the head. Minnesota has been very successful in offering room and board resources (room and board license) for the chronic inebriates, those who have been to treatment after treatment, prison after prison. Teen Challenge has a documented high success rate of helping those without hope. The dynamics of the 457 Teen Challenge Centers are in place, the wheel in motion, asking NDTC to change or to establish a clinical approach would defeat having an alternative way of hope. Once it has been established that Teen Challenge is not a drug and alcohol treatment center, then it will be quick to identify that we would not be in competition for resources with licensed programs that receive three and four hundred a day for their type of service.

We are very grateful to have been one of those considered for this the HB408 and wish the best for you and your families.

Sincerely,
Michael P. Edwards
NDTC Executive Director

3/2/2005

SENATE HUMAN SERVICES COMMITTEE
SENATOR JUDY LEE, CHAIRMAN
March 8, 2005

WARREN R. EMMER, DIRECTOR
DEPARTMENT OF CORRECTIONS AND REHABILITATION,
FIELD SERVICES DIVISION,
PRESENTING TESTIMONY RE: HB 1408

The department of corrections is concerned with the implication that H.B. 1408, and other like initiatives, may have on its delivery system.

- H.B. 1408 would require the department to re-distribute \$150,000 from existing *alternative to incarceration programs* to the pilot project.
- H.B. 1408 exasperates the cuts recommended by the Senate in S.B.2015.

The department respectfully recommends:

- That \$150,000 be added to S.B. 2015 to accommodate the intent of H.B. 1408.
- That the division of field services utilize the criteria, set out in "attachment A", to determine the target offender base for the pilot program.
- That the division requires all interested vendors to submit a bid, pursuant to a formal department "request for proposal", and that the contract be awarded to the most appropriate vendor.
- That any demonstration pilot program be conducted in Northwestern North Dakota.
- That the successful vendor, pursuant to the department's request for proposal, complies with all ACA standards set out in "attachment B".
- That 1408 not be passed and, instead, legislative intent, as outlined in "attachment C", be made a part of S.B. 2015.

ATTACHMENT A

HB 1408

PROGRAM CRITERIA: Consistent with ACA Standards and Best Practices the Vendor shall work in cooperation with the DOCR to coordinate services within the community, targeting the assessed risk and needs of the offender.

ELIGIBILITY CRITERIA: A Community Screening Team and Selection Committee will be established to determine an offender's eligibility and approval for placement in the residential care and services using the following criteria:

- ❖ Eligible individuals must be adjudicated adult offenders under the custody and control of the DOCR Division of Field Services.
- ❖ A determination must be established that if not for the residential care services and the coordinated services within the community that the offender would otherwise be incarcerated. (As determined by the Court and DOCR)
- ❖ The eligible offender will agree to sign any Release of Information needed to further authorize consideration by the Community Screening Team for eligibility. The Community Screening Team will consider the offender's risk and needs from any assessment and evaluation conducted, including but not limited to the Levels of Services Inventory-Revised, and any substance abuse evaluation and mental health assessment. Additional screening and evaluations may be recommended at the discretion of the Community Screening Team.
- ❖ That the Victim Concerns and Public Safety can be satisfied by the alternative plan to include the residential care for services.

COMMUNITY SCREENING TEAM AND SELECTION COMMITTEE: a DOCR Field Services representative shall facilitate the coordinated work of the Community Screening and Selection Committee. The Committee should include but not limited to representation of labor, education/vocational training, faith community, law enforcement, substance abuse and mental health professionals, and housing authority.

ATTACHMENT B

HB 1408

The following include a very brief overview of some ACA Standards the DOCR would require:

❖ **HOUSING:**

- a. 25- square feet of unencumbered space per offender.
- b. Natural lighting available or within 20 feet of the sleeping room.
- c. One operable toilet for every ten offenders.
- d. One operable shower for every eight offenders.
- e. One operable washer and dryer for every 16 offenders.
- f. Minimum space for storage of personal items.
- g. Adequate living space for varied activities.

❖ **SAFETY AND EMERGENCY**

- a. Facility must adhere to all safety and fire codes and have all the necessary safety equipment available.
- b. Written evacuation plan in the event of an emergency.
- c. State approved fire protection alarm system and an automatic detection system.

❖ **MAIL TELEPHONE, VISITING**

- a. A written policy and procedure that governs the facility's mail, telephone, and visiting services, including mail inspection, public phone use, and routine and special visits.

❖ **SUPERVISION**

- a. The facility must use a combination of supervision, inspection, accountability, and policies and procedures to promote safe and orderly operations.

❖ **FOOD SERVICE**

- a. Meals must be nutritionally balanced, well-planned, and prepared and served in a manner that meets governmental health and safety codes.

❖ **OFENDER PROGRAMS**

- a. The facility must have written policy and procedure that governs academic, vocational, and treatment programs for offenders, including coordination with services in the community.

ATTACHMENT C

HB 1408

**Alternative Care Program—Faith Based Pilot Program—Report to Sixtieth
Legislative Assembly
(Legislative Intent)**

The department of corrections and rehabilitation may provide up to \$150,000 from funds appropriated in the field services line item of section 3 of Senate Bill 2015, as approved by the fifty-ninth legislative assembly to a non-profit, faith based organization in North West North Dakota to provide a thirteen to nineteen month program for indigent adults as a pilot project for the biennium beginning July 1, 2005, and ending June 30th, 2007. The recipient, selected through a competitive bid process, shall use the funding for room and board costs relating to the pilot project. The department shall provide a report to the sixtieth legislative assembly on the pilot project. The report must include information on the results and outcomes of the pilot project, the department's recommendations regarding continuing or expanding funding for the program, and its recommendations regarding the development of a payment system for room and board costs for these residential care services providers. The department shall establish criteria for the target population as well as for the residential care for indigent adults

Grande, Bette B.

From: Michael [mike@tc4hope.org]

Sent: Tuesday, March 08, 2005 5:56 AM

To: Grande, Bette B.

North Dakota Teen Challenge is a 13 month faith based program to help people restore their lives and to live a normal life. Many of the Teen Challenge STUDENTS have strongholds and backgrounds that have led them to a life style of drugs and crime. NDTC teaches that there is a better way of life and how to become honest, giving members of the communities. NDTC consists of a proven foundational curriculum of four levels plus an additional program called PACE. This curriculum uses faith as the key element in order to teach that there is hope when there is a heart change. It teaches how to overcome problems with the power of faith in God. It teaches that many members of the Christian community will not condemn them for their past, however embrace them for their future. It encourages them of hope. Teen Challenge has a 50 year + proven track record in helping those chronic inebriates that have been to treatment after treatment without success, in helping those that society deems to be hopeless. Students are required to sing and give testimonies at churches throughout the state every Sunday. While attending these churches our students meet a large support network of caring people. Many of these people are willing to assist with some of the high cost of the student recovery as well as housing and employment upon graduation. NDTC is blessed to be a part of the solution. There is hope for North Dakota.

Michael P. Edwards
Executive Director

3/8/2005

Level One

Level one is an eight week course covering the following topics for one week each, except those indicated are two week courses.

- Relapse Prevention (2 Weeks)
- Facets of our Feelings (2 Weeks)
- Self Acceptance
- Interpersonal Relationships
- Family Dynamics
- Pharmacology

Level Two

Level Two is a 17-18 week course designed to cover a wide variety of topics that include but are not limited to. This curriculum is referred to as Group Studies for New Christians by Teen Challenge.

- A Quick Look At The Bible
- Temptation
- Christian Practices
- Obedience to God
- Love & Acceptance Myself
- Personal Relationships with Others

Level Three

Level Three is a twelve week class Referred to as "Healing for Damaged Emotions" In this course the students deal with what are often hurts and pains from childhood and have been continually stuffed down for years and years.

Level Four

Level Four is what is referred to as a transition phase, which means that we help the student prepare to transition back out into the community. The curriculum in this phase is covered in a set of books titled

- Christian Maturity
- The Christian in His Community
- Marriage and the Home

There are three things that students are required to accomplish prior to graduation from the program in this level, these are

- 1- Have a church to attend
- 2- Acquire a job
- 3- Have a place to live

Department of Human Services – Substance Abuse Treatment Information

Licensure Requirements

- North Dakota Century Code 50-31, requires that all substance abuse treatment programs be licensed by the Department of Human Services.
 - The Department will license **any** entity that meets licensure standards.
 - The Department does not have the authority to waive licensure requirements if an entity is claiming to provide addiction treatment. If they do not make this claim nor provide these services, they do not need to be licensed.
 - The Department of Human Services updated the code in 2004 after recommendations from the Center for Substance Abuse Services, legislative changes in the 03 – 05 legislative session regarding residential treatment, and need to update code to be consistent with research based programs.

Administrative Code

- The Department issues program licenses based on compliance with NDAC 75-09.1. The administrative code is based on ASAM (American Society of Addiction Medicine Patient Placement Criteria for the Treatment of Substance-Related Disorders – 2nd Edition Revised) standards which is the industry standard nationally and internationally.
 - Administrative Code does not dictate content of programming.

Procurement Law/Policies

Unless specified in law, grants must follow procurement procedures. All procurement transactions, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so that to provide maximum open and free competition.

All contracts, including amendments, which exceed \$25,000 need to be bid through the competitive sealed proposal process (also known as the request for proposal (RFP) process – see service chapter 120-01).

Teen Challenge – Minnesota

Teen Challenge operates a 60-day extended Chemical Dependency Program in Minnesota. This program is licensed by the Minnesota Department of Human Services. That licensure employs licensed alcohol and drug counselors.