

# MICROFILM DIVIDER

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



ROLL NUMBER
-------------

DESCRIPTION

2109

2007 SENATE HUMAN SERVICES

SB 2109

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2109

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-10-07

Recorder Job Number: 862, 865

Committee Clerk Signature

*Mary K Mouson*

Minutes:

**Senator J. Lee, Chairman**, opened the hearing on SB 2109 relating to the moratorium on licensing of basic care for medical assistance recipient beds and the moratorium on expansion of long-term care bed capacity; and to declare an emergency. All members were present.

**Barbara Fischer** (Assistant Director of Budget and Operations, Dept. of Human Services)

See attached testimony #1 in support of SB 2109.

**Senator J. Lee** noted that there was a fiscal note but no fiscal impact

**Bruce Pritschet** (Director of the Division of Health Facilities for the ND Dept. of Health) See attached testimony #2 in support of SB 2109 and offering two amendments.

**Senator J. Lee** asked Mr. Pritschet to explain about the moratorium and conversion to basic care.

**Mr. Pritschet** explained that the skilled nursing facility has the option, if they have open beds in the skilled facility, of converting those beds to basic care beds. The basic care beds need to be kept separate and contiguous and there needs to be five or more. Then they need to be left that way for at least a 12 month period. At the end of the 12 month period they can ask for the beds to be reverted back to skilled beds if they are not able to fill them or the basic care service is not being utilized in the community.

**Senator J. Lee** said that basic care is reimbursed by Medicaid and asked for an explanation between basic care and assisted living.

**Barbara Fischer** said that ND is unique in the nation. Basic care is the equivalent to the assisted living in a lot of other states. Assisted living is an entity that provides services to 5 or more unrelated individuals and also provides individualized support services. Basic care is a congregate setting that provides all the services to the individual. Assisted living in ND is primarily a private pay market. Basic care has a rent subsidy that is the room and board portion for those facilities that participate in the BCAP program. 100% general funds are used to subsidize room and board for the individual. The personal care rate is the other component to the BCAP rate and that is a title 19 Medicaid service. There is an FMAP included in that.

Nursing facilities have rate equalization, basic care does not.

**Senator J. Lee** asked if there has been an issue with people saying they are going to convert to basic care and not doing it, hence, asking for the 48 months, or are we just being preemptive.

**Mr. Pritschet** answered that maybe a little of both and that they are trying to be a little preemptive. What they are running into when they are trying to accommodate the request for new basic care beds is whether to calculate into the process the beds that have been issued in the past or not. He said none had gone beyond 48 months but they have been getting approval for the beds and then not moving forward on breaking ground.

**Shelly Peterson** (President of the ND Long Term Care Assoc.) See attached testimony #3 in support of SB 2109. She reviewed the amendments proposed by the Dept. and they seemed fine. If the skilled beds are not put into service and licensed by the Dept. by the end of the 48 months, the beds would be lost and go out of the system forever.

**Senator Heckaman** asked if swing beds count in any of this.

**Ms. Peterson** replied that swing beds are not counted in the beds per thousand.

**Senator J. Lee** asked about the beds that are lost if not used within the 48 months of when they are transferred.

**Ms. Peterson** replied that if they decide that they cannot meet that timeframe, the only thing they can do is try to sell those to another facility. However, that next facility still has to meet that original timeframe. If neither one of them can meet it, then they go out of the system. For additional information, they do know that Turtle Mountain has not started construction on their nursing home or basic care facility.

**Senator Warner** asked if there is a secondary market for nursing home beds and is there a market price established or a bidding process.

**Ms. Peterson** said it is a buyer and seller negotiation. Her association is the go between. They put it out on bids.

**Bruce Murry** (ND Protection and Advocacy Project) See attached testimony #4 in support of SB 2109. He recommended that there be an amendment to the bill to clarify the rate.

**Senator J. Lee** said she was interested in a response from the Dept. on the proposed amendments.

**Ms. Fischer** explained that the intent was not to establish a minimum occupancy but rather to ensure that the entity that came in to seek basic care licensure would also agree to participate in the basic care assistance program.

**Senator J. Lee** asked Ms. Fischer to visit with Mr. Murry to see if there is an amendment that would clarify the intent.

**Linda Johnson Wurtz** (Associate State Director of Advocacy for AARP ND) Testified in favor of SB 2109 because they do agree with making the moratorium on beds permanent. She agreed with Mr. Murry and his concerns about the ambiguity in this bill.

There was no opposing or neutral testimony.

The hearing on SB 2109 was closed.

**Job #865**

**Senator J. Lee** opened SB 2109 for discussion. The amendment by Ms. Fischer was reviewed.

**Senator Erbele** moved to accept the proposed amendment by Ms. Fischer.

Seconded by **Senator Heckaman**. Roll call vote 6-0-0. Amendment accepted.

**Senator Erbele** moved a Do Pass as amended. Seconded by **Senator Dever**.

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

There was a discussion with committee members questioning why the beds are lost forever rather than coming back to the state for redistribution.

**Senator Dever** noted that Mr. Pritschet also had proposed amendments.

**Senator Warner** made a motion to reconsider action on SB 2109. Seconded by

**Senator Heckaman**. Approved on a voice vote. 6-0-0

Discussion on the amendments proposed by Mr. Pritschet clarified that it was for new basic care beds.

It was also noted that there was an emergency clause.

**Senator Pomeroy** moved to accept the amendments by Mr. Pritschet. The motion was seconded by **Senator Heckaman**. Roll call vote 6-0-0. Amendments accepted.

**Senator Warner** moved a Do Pass as further amended. The motion was seconded by

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

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2109

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-16-07

Recorder Job Number: 1233

Committee Clerk Signature	<i>Mary K. Monson</i>
---------------------------	-----------------------

Minutes:

Senator J. Lee, Chairman reopened SB 2109 for purposes of reviewing the amendment.

The committee found the amendment acceptable and agreed to move ahead with their prior vote of a Do Pass as Amended.

# FISCAL NOTE

Requested by Legislative Council

04/06/2007

Amendment to:           Engrossed  
                                  SB 2109

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

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

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

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

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

This bill would amend and reenact the NDCC section relating to a moratorium on the expansion of basic care bed capacity.

This bill would also amend and reenact the NDCC section relating to a moratorium on the expansion of long-term care bed capacity.

There is no fiscal impact.

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

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

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

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

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

<b>Name:</b>	Debra A. McDermott	<b>Agency:</b>	Human Services
<b>Phone Number:</b>	328-3695	<b>Date Prepared:</b>	04/09/2007



**FISCAL NOTE**  
 Requested by Legislative Council  
 03/09/2007

Amendment to:           Engrossed  
                                   SB 2109

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

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

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

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

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

This bill would amend and reenact the NDCC section relating to a moratorium on the expansion of basic care bed capacity

This bill would amend the NDCC section relating to a moratorium on the expansion of long-term care bed capacity allowing an exemption from the moratorium for critical areas.

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

This bill would allow the Department to grant an exemption from the moratorium in areas in which the skilled nursing bed population is less than sixty beds per one thousand elderly individuals. An exemption may not become effective until March 1, 2009.

For the 2007-2009 biennium, the Department is unable to determine a fiscal impact as we are uncertain how the bill, as amended, would be implemented.

For the 2009-2011 biennium there may be a fiscal impact. However, at this time the fiscal impact is undeterminable.

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

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

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

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

<b>Name:</b>	Debra A. McDermott	<b>Agency:</b>	Dept of Human Services
<b>Phone Number:</b>	328-3695	<b>Date Prepared:</b>	03/09/2007

# FISCAL NOTE

Requested by Legislative Council

01/22/2007

Amendment to: SB 2109

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

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

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

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

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

This bill would amend and reenact NDCC section 23-09.3-01.1 relating to a moratorium on the expansion of basic care bed capacity.

This bill would also amend and reenact NDCC section 23-16-01.1 relating to a moratorium on the expansion of long-term care bed capacity.

There is no fiscal impact.

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

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

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

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

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

<b>Name:</b>	Debra A. McDermott	<b>Agency:</b>	Dept of Human Services
<b>Phone Number:</b>	328-3695	<b>Date Prepared:</b>	01/22/2007

# FISCAL NOTE

Requested by Legislative Council  
12/28/2006

Bill/Resolution No.: SB 2109

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

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

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

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

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

This bill would amend and reenact NDCC section 23-09.3-01.1 relating to a moratorium on the expansion of basic care bed capacity.

This bill would also amend and reenact NDCC section 23-16-01.1 relating to a moratorium on the expansion of long-term care bed capacity.

There is no fiscal impact.

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

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

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

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

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

<b>Name:</b>	Debra A. McDermott	<b>Agency:</b>	Dept. Human Services
<b>Phone Number:</b>	328-3695	<b>Date Prepared:</b>	01/03/2007

PROPOSED AMENDMENT TO SENATE BILL 2109  
DRAFT - AS PROPOSED BY BARBARA FISHER (BASED ON TESTIMONY BY  
BRUCE MURRY)

Page 1, line 17, overstrike "maintain a minimum occupancy rate", and insert immediately thereafter "participation programs"





PROPOSED AMENDMENT TO SENATE BILL 2109

Page 1, line 17, overstrike "maintain a minimum occupancy rate", and insert immediately thereafter "participation programs"

Page 1, after line 20, insert:

- c. When approval for new basic care beds is granted to an entity by the health department and the department of human services, the approved entity must license the beds within 48 months from the date of approval.

Page 2, after line 2, insert:

2. Not more than once in a twelve-month period may a nursing facility convert licensed nursing facility bed capacity to basic care bed capacity or convert basic care beds back to nursing facility beds if the beds have been licensed as basic care.



*JFB*  
1-17-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2109

Page 1, line 17, replace "maintain a minimum occupancy rate" with "any participation program"

Page 1, after line 20, insert:

"c. If the state department of health and the department of human services grant approval of new basic care beds to an entity, the approved entity shall license the beds within forty-eight months from the date of approval."

Page 2, line 2, after the period insert "A nursing facility may not convert licensed nursing bed capacity to basic care bed capacity or convert basic care beds back to nursing facility beds more than one time in a twelve-month period if the beds have been licensed as basic care."

Renumber accordingly





**REPORT OF STANDING COMMITTEE**

**SB 2109: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the Sixth order on the calendar.**

Page 1, line 17, replace "maintain a minimum occupancy rate" with "any participation program"

Page 1, after line 20, insert:

"c. If the state department of health and the department of human services grant approval of new basic care beds to an entity, the approved entity shall license the beds within forty-eight months from the date of approval."

Page 2, line 2, after the period insert "A nursing facility may not convert licensed nursing bed capacity to basic care bed capacity or convert basic care beds back to nursing facility beds more than one time in a twelve-month period if the beds have been licensed as basic care."

Renumber accordingly

2007 HOUSE HUMAN SERVICES

SB 2109

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2109

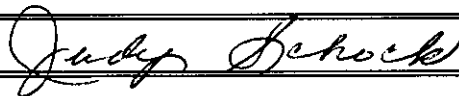
House Human Services Committee

Check here for Conference Committee

Hearing Date: February 7, 2007

Recorder Job Number: no minutes recorded

Committee Clerk Signature



Minutes:

**Chairman Price:** calls the meeting to order, and opens the hearing on SB 2109.

**Barb Fischer, Assistant Director of Budget and Operations of Medical Services of the Department of Human Services.** See attached testimony, along statistic attachment.

**Representative Conrad:** Would they be denied license if you don't take?

**Ms. Fischer:** You need an application for participation. The average cost for Medicaid in the facility is 65.00 dollars a day.

**Representative Porter:** The occupancy trends in the rural areas, is often a lack of beds.

People often have to travel 75 plus miles to visit their loved ones. That is a big hardship on families.

**Shelly Peterson, President of ND Long Term Care Association:** Also attachment of beds in limbo. Basic care is \$66.00 a day. Private pays is about \$4.00 more, We have a great unmet need.

**Representative Porter:** Why don't we want to look at this every 2 years? Can't we just leave it alone, but change a little language in place that puts more teeth in for mandatory beds in areas. Having families do a 150 mile round trip is to great a hardship for families.

**Ms Peterson:** We don't mind you looking at this every 2 years.

**Representative Porter:** Possibly the penalty is not enough if they don't move them. Maybe we should see the last 5 years penalty, and if that needs to be changed.

**Ms Peterson:** We wouldn't like that.

**Representative Conrad and Price:** made comments, but no minutes recorded.

**Darlene Bartz, chief of Health Resources Section for the ND Department of Health:** See attached testimony.

**Ron Frei, Regional Director of Finance for the Benedictine Health Systems:** See attached testimony.

**Barbra Walz:** I flew in from Denver to testify today. See attached testimony, and proposed amendments.

**Representative Conrad:** makes comments.

**Ms Peterson:** If given the expansion plans we will meet the demands.

**Chairman Price:** Anyone else to testify in favor of SB 2109? Any opposition to SB 2109? If not we will close the hearing on SB 2109

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2109

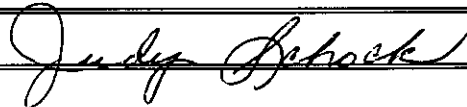
House Human Services Committee

Check here for Conference Committee

Hearing Date: February 21, 2007

Recorder Job Number: 3577

Committee Clerk Signature



Minutes:

**Chairman Price:** We need more discussion on SB 2109.

**Shelly Peterson, with ND Long Term Care:** I have additional follow up you had requested.

See attached. Information you requested about occupancy of the areas facilities as well as beds. It is 47 beds per 1,000. That would be just the Bismarck Mandan. The second hand out the difference on estimates and projections, and what they consider when they look at the metropolitan area. The data center will do a projection, and the projection is purely a projection. The will than after the fact when the date has passed they will do an estimate. I have more handouts for you. Med Center one is looking to purchase more beds. Glen Ullen and New Salem are the only ones that allow smoking. This is a lot of information for you.

**Representative Porter:** From a statistical stand point, could we agree to disagree that you can't expand Bismarck Mandan area to outside areas. We are setting ourselves up for a huge bout to what is going on now. Moving people far away from loved ones to visit them and tends to disconnect them. I would be good to do statistic on Garrison to see how often the Bismarck, Mandan residents get visits. I hear it all the time; I couldn't get placed in Bismarck now the closest place is Garrison. It happened to a relative of mine that was on a waiting list for a year



and half before they were placed in the Bismarck Mandan area. It still doesn't address the long term needs of this area.

**Ms. Peterson:** I felt I needed to be accurate on the metropolitan area which includes all of Morton County. Our current solution would be to redistribute the beds that are already in the system. Med Center does plan to expand and they do support the moratorium. There are only a few facilities get ready that soon.

**Representative Porter:** The moratorium part that bothers me is even with the penalties in place, facilities aren't moving the beds. We have a great need in the Bismarck, Mandan area for them.

**Chairman Price:** Committee we will chew on this a few days.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2109

House Human Services Committee

Check here for Conference Committee

Hearing Date: March 6, 2007

Recorder Job Number: 4424 & 4502

Committee Clerk Signature

*Judy Schock*

Minutes:

**Chairman Price:** Committee take out SB 2109 for discussion.

**Representative Porter:** I have proposed amendments and I will go through those with you.

See attached. I hear all the time of families having to go miles to visit a loved one in a nursing

home. One of the most recent one is in Richardton, which is another 85 miles west of

Bismarck, in a different county. There is still an over abundance of nursing home beds, taking

the whole state. There is no incentive with a rural facility to be concerned with a family in

Bismarck, Minot, Fargo or Grand Forks, and be worried about the disconnect this is creating

across the state. What the amendments are meant to do is send the message out to these

facilities that are holding beds, and the occupancy is hovering around the 90 mark, where they

could give up a couple of beds because of the demand in other areas. This is giving them the

message we are serious. I forgot about the study language. I have that for section 5. I will get

that taken care of. In the data the moratorium wouldn't be lifted the exception would be

granted. The state wide moratorium would still be in effect. What would go into effect during

the next session would be the exception to the moratorium. Based on the figures that Ms

Peterson gave us at 2009 Bismarck region using their statistical data includes the entire

county, and New Salem would be included in that and Bismarck would still be just above 60.

We want the message kicking in.

**Representative Hofstad:** From a facility stand point, when they are doing their long range planning would they look at this now and say, Okay this is an opportunity for us to expand.

Would that give them enough security to make that financial commitment to retool?

**Representative Porter:** I don't think so, but it would send, as we keep expending the moratorium the access problems in those urban areas are just going to get worse and worse. The rural facilities that have occupancy around the 90% have no incentive to sell anything out of their facilities. That 10% is just a cushion. There is no incentive to do anything more than they are doing now if we don't do something. They would only be in trouble when they drop below that 90% mark. Their reimbursement rate changes because of the low census.

**Representative Kaldor:** I am making assumption that the practical effect would be any facility that was contemplating seeking an exemption or waiver from the moratorium, probably the practical effect is they would probably wait, and wouldn't apply until February 1<sup>st</sup>.giving the fact we would be in session and it might complicate the process.

The committee discusses other dates, and why. They would be in session at the time. We will have to make a decision sooner or later on how far families need to travel to visit in nursing homes.

**Representative Conrad:** In regard to the study, could we look at some kind of incentive to provide to nursing home board of directors that they would reconsider making it something other than a nursing home, and would not effect jobs.

**Representative Potter:** I am glad to see the later date. The message I get is it should be held for the time being. I now have new and improved amendments and I will go over them