

Testimony
Senate Bill No.2088
Senate Human Services Committee
Senator Lee, Chairman
January 11, 2023

Chairman Lee, and members of the Senate Human Services Committee, I am Corey Kjos, Enterprise Operations Manager with the Department of Health and Human Services (Department). I appear before you in support of Senate Bill No. 2088, which was introduced at the request of the Department.

The Department is recommending that we discontinue the licensing of Assisted Living facilities. The current practice of licensing Assisted Living facilities does little more than place an administrative burden on the Department as well as the facility while providing little to no oversight of the facility. Each year the facilities must submit an application, payment for license, and written agreements with the tenant. The agreements must include separate rates for rent and services provided to the tenant, as well as payment terms, refund policies, rate changes, tenancy criteria, and living unit inspections. They must also provide a copy of the written notice provided to tenants that explain how the tenant may report a complaint regarding the assisted living facility. The Department reviews these documents and issues the license based on this information.

This is where the current licensing process falls short. There currently isn't any authority, under the licensing provisions, provided to the Department that would allow us to act on any complaint received by a tenant against an assisted living facility. The Department does not have the authority to suspend or revoke a license based upon a complaint

received, in fact the Department, under the licensing provisions, does not have the authority to investigate a complaint. If complaints are received, they are to be forwarded to the appropriate agency, entity, or program for investigation. The complaints are typically sent to the Long-Term Care Ombudsmen which works to ensure that the issue is resolved to the tenants liking, and unless the tenant allows the Ombudsmen to share the information the Department does not find out what the resolution was to the complaint. Even if the Department is provided information as to the resolution of the issue, no further action can be taken by the Department to reduce or eliminate future complaints or concerns.

In closing the current licensing process ends up being no more than a rubber stamp by the Department for a facility to operate which likely provides the residents and their families a false sense of security that the State has oversight or is performing any type of regulation of the facilities.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.