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2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SCR 4006

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4006

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/18/07

Recorder Job Number: 1377

Committee Clerk Signature

Veronica Spaulding

Minutes:

All members of the committee were present.

Sen. Dever, Chairman, opened the hearing on SCR 4006.

Senator Joel Heitkamp from District 26 introduced the bill. He was in stead of Larry Robinson who was attending a funeral. See attachment #1. Senator Heitkamp expressed that he would not want to mislead people to think that if this was sent to Washington it would make a big difference but he feels it does send a message about debt and service and honor and right and wrong. He feels it is important to do for the veterans what we have said we would do.

Senator Horne asked the wording of the bill leads us to believe the federal government is not doing this now. Is that correct?

Senator Heitkamp said that is accurate.

Rudy Jenson, Chairman of the ND Administrative Committee on Veterans' Affairs, spoke in favor of the bill. See attachment #2.

Senator Dever asked why there was a reference to 2005. Had something changed?

Rudy deferred the question to Mr. Beard.

Daryl Beard, a member of the Administrative Committee of Veterans' Affairs and a Board Member of the ND State Veterans Home in Lisbon, ND, spoke in favor of the bill. See attachment # 3.

Senator Judy Lee questioned whether the problems this bill addresses were being experienced by all veterans or was it just the veterans who are living in the state veterans' homes.

Mr. Beard said it only affects the residents in the state veterans' homes. The federal government does pay a per diem to the state veterans' homes. The per diem for skilled care is around \$63 and the per diem for basic care is \$31. That amount is supposed to cover the total care for the veterans to include all staff, facility cost, everything. When you consider the care required by the veterans in the homes, referring to page 2 of attachment 3, psychiatric care and prescriptions are quite costly.

Senator Judy Lee asked whether there was any rationale for this only affecting state veterans' homes beside the fact that the per diem is supposed to cover the cost. If a veteran walks in for care the cost is covered but the cost is not covered for a veteran who is living in the home. Then she said it is probably because they have a per diem for the residents.

Mr. Beard responded that it doesn't seem to make sense. Even when a veteran who is a resident in the Lisbon veterans' home for instance is taken to the Fargo veterans' home for specialty care, the cost of that is covered. Mr. Beard has tried all avenues to get answers to this question including the local VA, Vision 23 in Minneapolis, Freedom of information Request in both places, and Nicholson in DC; he still has no answers. With all of the looking into it he has concluded that the law was initiated in about 1997 and sat dormant for awhile.

Senator Dever asked Daryl if he gets paid for the work he does as member of the Administrative Committee of Veterans' Affairs and as a Board Member of the ND State Veterans' Home in Lisbon.

Daryl responded that he is reimbursed at state rate.

Senator Dever expressed appreciation for the dedication Daryl has shown.

Support: Colonel John L. Jacobsen, Chairman of the Legislative Committee of the North Dakota Veterans Coordinating Council, spoke in favor of the bill. He asked for a do pass on behalf of the North Dakota Veterans Coordinating Council.

Opposition:-

Neutral: -

Senator Lee asked if Barb Fischer or Dr. Joyce who work in the Medicaid and prescription drugs area of Human Services could let us know if there is some responsibility that comes to Medicaid or not.

Dr. Brendan Joyce, the Pharmacy Administrator for Medicaid, spoke from a neutral position and at the request of Senator Robinson. He said the veterans' home purchases prescription drugs through the VA purchasing contract. He explained the different structure of payments for prescriptions. A private individual pays at the highest level, and private insurance companies pay less. Medicaid is down about 70% from the highest. The cost to the VA is even lower, and the Dept of Defense is lower yet. The veterans' homes work with formulary drugs and do a good job of keeping costs down. The only charge to the veterans is the co-pay. Even this is based on income. It is either an \$8 co-pay or a \$0 co-pay. The balance has to be paid by the veterans' home. Twelve basic care residents get most of their prescriptions paid by the VA because they are considered house bound. Within the 38 skilled care residents, 4 are covered by Medicaid and not Part D. They bill Medicaid the co-pay of \$8. When they are on Medicaid

and in skilled care, Medicaid picks up the co-pay amount. In the first 11 months of 2006 Medicaid paid for 177 prescriptions for 4 individuals for a total of \$634. 86. This is a very small amount that is able to be billed through Medicaid. He said the veterans' home has had trouble getting straight answers on Part D questions. The veterans' home bills only at their cost.

Senator Dever asked whether federal action impacts the budget of the veterans' home as well as the budget of Medicaid.

Dr Joyce responded he is familiar only with the 634.86 expenditure he previously mentioned. He mentioned this is minimal and deferred the question to Barb Fischer.

Barb Fischer, Assistant Director for Budget and Operations with the Department of Human Services, spoke about rate equalization and the use of Medicaid and the use of the per diem.

Medicaid does not help with the costs incurred at a Veterans' Hospital, but does help with costs incurred at other medical facilities. She said the impact of the reduction is not known.

Senator Dever asked if this were a bill with a fiscal note, what amount would be attached to it.

There was no answer given. The impact was unknown.

Support: - Rep. Ralph Metcalf from District 24, representing the Veterans' Home, spoke in favor of the bill. He had spoken to the administrator of the Veterans' Home in Lisbon and found the additional cost of pharmaceuticals alone was \$900,000.00. The doctor visits, lab work, and x rays was \$220,000.00. At one time this was paid for by the VA until about 1 1/2 years ago.

Now we end up paying for it.

Senator Horne commented it is hard to understand how our government can neglect this responsibility. This should be rectified.

Rep. Metcalf mentioned that this has been on the books since 1997, but only enforced 1 1/2 years ago. The veterans' homes fought it but they lost the fight.

There was some discussion about how co-managed care works.

Chairman Dever closed the hearing on SCR 4006.

A do pass motion was made by Senator Marcellais.

The motion was seconded by Senator Nelson.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Marcellais

Date : 1-18-07
Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SCR 4006

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass

Motion Made By Marcellais Seconded By Nelson

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Marcellais

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

REPORT OF STANDING COMMITTEE (410)
January 18, 2007 2:51 p.m.

Module No: SR-12-0788
Carrier: Marcellais
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4006: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SCR 4006 was placed on the Eleventh order on the calendar.

2007 HOUSE HUMAN SERVICES

SCR 4006

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4006

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 6, 2007

Recorder Job Number: 2897

Committee Clerk Signature

Judith Brock

Minutes:

Chairman Price: We will open the hearing on SCR 4006.

Representative Ralph Metcalf, District 24: We need to support the vets and we need Federal obligation to support the veterans. It will cost the State lotz of money.

Representative Porter: I heard on the radio that Senator Conrad says we need to cut Veteran Affairs budget.

Representative Metcalf: I did not hear that.

Daryl Beard, Governing Board of ND State Veterans Home in Lisbon and Administrative Committee of Veterans' Affairs: See attached testimony, and attached statistics.

Chairman Price: Anyone else to testify for SCR 4006? Anyone in opposition? If noat we will close the hearing on SCR 4006

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4006

House Human Services Committee

Check here for Conference Committee

Hearing Date: March 19, 2007

Recorder Job Number: 5267

Committee Clerk Signature

Judith DeRock

Minutes:

Chairman Price: Take out SCR 4006 for discussion and to take action.

Representative Conrad: I move a do pass consent to calendar, seconded by

Representative Kaldor. The vote was 11 yeas, 0 nays, 1 absent.

Representative Hofstad will carry the bill to the floor.

Date: 3/19
Roll Call Vote #:

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES SCR 4006 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass Consent to Calendar

Motion Made By Rep. Conrad Seconded By Rep. Kaldor

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman			Kari L Conrad		
Vonnie Pietsch - Vice Chairman			Lee Kaldor		
Chuck Damschen			Louise Potter		
Patrick R. Hatlestad			Jasper Schneider		
Curt Hofstad					
Todd Porter					
Gerry Uglem					
Robin Weisz					

Total (Yes) 4 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 1

Floor Assignment Rep. Hofstad

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

REPORT OF STANDING COMMITTEE (410)
March 19, 2007 2:33 p.m.

Module No: HR-51-5666
Carrier: Hofstad
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4006: Human Services Committee (Rep. Price, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4006 was placed on the Tenth order on the calendar.

2007 TESTIMONY

SCR 4006

Attachment #1

January 18, 2007

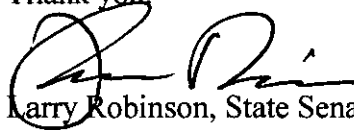
TO: Senator Dick Dever, Chairperson
Government and Veteran's Affairs Committee

RE: SCR 4006

Mr. Chairperson and members of the Government and Veterans Affairs Committee. Please accept my apologies for being absent for the hearing on SCR 4006 this morning. I am attending my sister in laws funeral in Mandan at the time of this hearing. I am sponsoring this resolution at the request of several veteran's in the state of North Dakota. The resolution addresses the serious issue of the health care and pharmaceutical needs of the veterans in state veterans homes. The North Dakota Veterans Home is within my legislative district. Needless to say, the cost of these services and needs have increased dramatically.

I urge your careful consideration of this resolution.

Thank you



Larry Robinson, State Senator District 24

attach #2

Testimony
Rudy Jenson
SCR 4006
Senate Government & Veterans Affairs Committee
January 18, 2006

Chairman Dever, members of the committee, I am Rudy Jenson, chairman of the North Dakota Administrative Committee on Veterans' Affairs. This is a 15 member committee composed of 3 members appointed by the Governor from each of the state's 5 veterans organizations. We are responsible for overseeing the state veterans home and the operation of the state department of veterans' affairs.

I want to thank Sen. Robinson and the co-sponsors of Senate Concurrent Resolution 4006 for introducing this resolution. This resolution points out a critical concern regarding the care of our nation's veterans who reside in state veterans home.

For many years the federal VA provided primary care and pharmaceuticals to veterans residing in the North Dakota veterans home. In 2005 they stopped doing this. The state has now had to pick up these costs at great expense to the state.

This problem can only be solved at the federal level. That is why this Concurrent resolution has been introduced. While our Congressional delegation has been a strong supporter of having the VA return to the way these issues were being addressed prior to 2005, it is our belief it would help their efforts if the state legislature were to pass a resolution such as SCR 4006.

I respectfully ask that you and your committee recommend a Do Pass for SCR 4006.

Mr. Daryl Beard, a member of both the Administrative Committee on Veterans' Affairs and the veterans home governing board will follow me and provide you with more information on this issue.

Thank you for allowing me to share these thoughts with you.

Chairman Dever and Senators, good morning.

*Same
to House*

Attach #3

I am Daryl Beard and I serve on the Administrative Committee of Veterans' Affairs and as a Board Member of the North Dakota State Veterans Home in Lisbon, ND. This resolution has to do with the cost shifting of Federal obligations to States. Prior to 2005, the residents of the North Dakota State Veterans Home received all medical and pharmacy services from the Veterans Administration Medical Center in Fargo, ND

The veterans who reside in the North Dakota State Veterans Home all served in some branch of the Armed Forces of the United States. Currently 125 veterans reside at the home, with 38 of these residents in skilled care. In addition to a variety of physical conditions, many of these veterans have mental health and addiction diagnosis (see attached). Quality treatment requires regular primary medical care as well as appropriate medication.

In 2005 the Veteran's administration in Fargo stopped providing pharmacy and primary care to the veterans in the North Dakota State Veterans Home. The primary care is not just the doctor visits but all x-ray, lab work and any tests that the primary care physician orders. The medication needs of these veterans are complex and costly. We have had to go to the Emergency Commission for additional funding and expect to have to make another request before the end of the biennium.

This problem is not just North Dakota's but all fifty states.

I urge the passage of this resolution to let the Veteran's Administration and our Congressional delegation know that funding primary care and pharmacy for veterans is a Federal responsibility.

Thank you

Legislative information-2007 (January)

Basic Care
87 residents

Mental Health Diagnosis-59
Addiction (Alcohol or other Drugs) 40

28 residents with an addiction also have a mental health diagnosis (Co-occurring diagnosis)

Dementia-9
Head injury-9
Smoking-29

Skilled
38 residents
Mental Health- 29
Dementia-17
History of Addiction-7
Smoking-8
Mental health and addiction-4

Mental Health Diagnosis
Mood Disorders:

1. Major Depression
2. Bipolar Disorder
3. Dysthymic Disorder

Anxiety Disorders:

1. Obsessive-Compulsive Disorder
2. Posttraumatic Stress Disorder
3. Generalized Anxiety Disorder

Disorders Characterized by Psychotic Symptoms

1. Schizophrenia
2. Schizoaffective disorder
3. Delusional Disorder
4. Psychotic Disorder

Personality Disorders:

1. Paranoid Personality Disorder
2. Antisocial Personality Disorder
3. Borderline Personality Disorder
4. Narcissistic Personality Disorder Personality Disorder
5. Schizotypal Personality Disorder
6. Avoidant Personality Disorder