

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1415

2001 HOUSE HUMAN SERVICES

HB 1415

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1415

House Human Services Committee

☐ Conference Committee

Hearing Date January 29, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		4690 to end
Tape 1		X	0 to 2025
Tape 2	X		170 to 600
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Open hearing on HB 1415.

Rep. Disrud: Introduced Bill. As an advocate for children, I have the desire to provide the very best services for them. In order to accomplish this goal, I have worked with others to bring HB 1415 before you today.

Rep. Keiser: I appear before you today, not only as a Representative, but also as a Board Member of Charles Hall Youth Services. Southwest Key came into our state as a for-profit organization that sets up these kinds of services. When they came into the state they started pirating employees from other institutions in the state who were doing the same business, and paying these employees more money. That is to be expected and that's the market place at work.

However, that put a hardship on other facilities in the state. We went to the Department of Human Services and asked if there was a moratorium that would preclude this because we are not operating at a profit. We were informed there was not a moratorium. Southwest Key, with about one weeks notice at best, pulled up stakes. We went from about an 85% occupancy to about a 50% occupancy at Charles Hall. That is why we are in a financial difficulty. As a public policy, we need to protect those nonprofit organizations that are doing a good job in this state.

Vice Chairman Devlin: According to the Fiscal Note, there is a moratorium being placed now and this bill will extend that moratorium, but will this allow additional beds if needed?

Rep. Keiser: I can't respond to that but I can say that, as a Board Member, when we went to the Department of Human Services and said "don't do this", we were informed they had no choice. That was between legislative sessions so if there is a moratorium in place, I compliment them for that.

Vice Chairman Devlin: The language changed in the bill says we are going to change the effective date from June 2001 to June 2003. We are extending the moratorium that is already there.

Rep. Keiser: I am all for that if the extension is a current one.

Rep. Porter: Other than state funding, what other revenues does Charles Hall get into. Are they United Way or private donations?

Rep. Keiser: We're doing everything we can, including giving blood. Charles Hall has just hired a fund raiser. We do make applications to United Way. We also have capital fund drives in the community.

Rep. Porter: Do you know about the percentage that the state provides in comparison to the cost of actually doing the business?

Rep. Keiser: I'm not sure, perhaps there are other people here who could answer that.

Rep. Weisz: When did Southwest Key come into the state and when did they leave?

Rep. Keiser: About three years ago, and they left after two years.

Tim Eissinger: Chairman of the Residential Child Care Facility Association. My comments are given in support of HB 1415. We base our support on three factors: First, a facility and present level of care in North Dakota have proven our ability to address the residential needs of children in the state. Second, we endorse reducing lengths of stays and placing them in a least restrictive care as possible. Our third and final point is that our association strongly supports the ability of the Department of Human Services to conduct a needs assessment and increase capacity when indicated.

Rep. Pollert: You say the demand may be reduced in the future, and then you say the ability that they should be able to assess. If you say they are going to reduce, why should we allow them the opportunity to increase the capacity?

Tim Eissinger: The department still should have the ability to identify a group of individuals. It might mean a reallocation of bids across the state.

Vice Chairman Devlin: Are all the facilities in the state members of your association?

Tim Eissinger: Not all are represented in the RCCF Association. I believe there are three or four small facilities that are not.

Vice Chairman Devlin: What approximately are the percentages of the occupancy rate?

Tim Eissinger: The majority of the facilities are running approximately 90%.

Dave Marian: Member of Residential Care Association. Some of the things that happened with Southwest Key that we don't want to see happen again was that it was quite an impact, not only to the community, but most of all it was a strong kind of a kick for the kids that had to be placed

where it probably was not the best place for them to be, such as why are they going out of state?

We're committed to providing the best facility.

Paul Ronigan: Director of Children and Family Services, Department of Human Services. I lend my support to a moratorium continuing, but we request the department be granted the flexibility to increase bed capacity only in response to demonstrated needs. It was adopted to be put in the department's funding capacity this last biennium.

Rep. Porter: What bothers me is that we have a number of children in residential treatment facilities out of North Dakota, where we are reimbursing quite a bit more than what we would be willing to reimburse our own instate facilities. How many children are outside of the state and why can't they be placed in the state?

Paul Ronigan: It is that we can't find a placement for a child in North Dakota. We have to use out-of-state facilities. Anywhere from 32 to 38 children will typically be out of the state at any one particular time.

Rep. Porter: When you talk about the full out-of-state charges, can you give me a comparison to what that is in comparison to the \$350 per month your willing to pay an instate provider?

Paul Ronigan: Depends on which facilities and types of care required?

Rep. Klein: What is the number of residential beds currently instate?

Paul Ronigan: Approximately 290.

Chairman Price: When you do the instate, out-of-state comparison, can you give us the transportation cost?

Paul Ronigan: Yes, we will try to provide some transportation dollars for those costs.

Rep. Metcalf: You mentioned types of care - are some of the children placed out-of-state because you can't provide the type of care they need instate?

Paul Ronigan: Yes, right now even if we do a needs assessment and we develop other options for kids, there will still be some kids that we will not have the numbers in a particular category for a facility to gear up and provide that care economically in North Dakota.

Rep. Metcalf: What action is being done to get these kids back in the state?

Paul Ronigan: We have started analyzing the different categories. We have had major health crisis in my division. We have been experiencing staff shortage, but are looking at picking up the study.

Rose Stoller: Executive Director, North Dakota Mental Health Association. Mental health problems can occur to children of any socioeconomic background. In fact are not just poor kids. Our association is in support of HB 1415 and request a DO PASS.

Vice Chairman Devlin: Closed hearing on HB 1415.

COMMITTEE WORK:

Vice Chairman Devlin: Let's go back to HB 1415. What are your thoughts?

Rep. Weisz: I move we DO PASS.

Rep. Cleary: Second.

Vice Chairman Devlin: Discussion.

Rep. Porter: I'm still concerned with our money going to out-of-state facilities. The department needs to try to keep these children in the state. Shipping our most troubled youth out-of-state and paying a higher rate isn't the answer. I would like to see the numbers that they come down with and still find something to either present as a study or to tack on to another piece of legislation.

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House Human Services Committee
Bill/Resolution Number HB 1415
Hearing Date January 29, 2001

Rep. Metcalf: If we can economically get a facility here in North Dakota, I think the department is responsible to look at that. This bill will give them the authority to develop the beds that are necessary. I support this bill.

Rep. Cleary: I think most of these children have been in facilities in the state but we don't have facilities equipped to handle them here. That is why they are sent out-of-state. We would have to do a lot of upgrading.

Vice Chairman Devlin: Further discussion? Seeing no further discussion the clerk will read the roll for a **DO PASS**.

13 YES 0 NO 1 ABSENT CARRIED BY REP. TIEMAN

FISCAL NOTE

Requested by Legislative Council
01/23/2001

Bill/Resolution No.: HB 1415

Amendment to:

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.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

1999-2001 Biennium			2001-2003 Biennium			2003-2005 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 extends the ending date of the moratorium on the expansion of bed capacity in residential treatment centers for children and residential childcare facilities until June 30, 2003. These costs must be paid for regardless of whether the child is placed within or outside the state. Since the moratorium already exists, there is no fiscal impact on the State or the Department of Human Services.

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

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

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

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Welsz	Agency:	Department of Human Services
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Phone Number: 328-2307

Date Prepared: 01/26/2001

Date: 1-29-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1415

House Human Services Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep. Weisz Seconded By Rep. Cleary

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman			Rep. Audrey Cleary	✓	
Rep. William Devlin, V, Chairman	✓		Rep. Ralph Metcalf	✓	
Rep. Mark Dosch	✓		Rep. Carol Niemeier	✓	
Rep. Pat Galvin	✓		Rep. Sally Sandvig	✓	
Rep. Frank Klein	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Wayne Tieman	✓				
Rep. Dave Weiler	✓				
Rep. Robin Weisz	✓				

Total (Yes) 13 No _____

Absent 1

Floor Assignment Rep. Tieman

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

REPORT OF STANDING COMMITTEE (410)
January 30, 2001 1:26 p.m.

Module No: HR-16-1922
Carrier: Tleman
Insert LC: , Title: .

REPORT OF STANDING COMMITTEE

HB 1415: Human Services Committee (Rep. Price, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1415 was placed on the
Eleventh order on the calendar.

2001 SENATE HUMAN SERVICES

HB 1415

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1415

Senate Human Services Committee

☐ Conference Committee

Hearing Date March 7, 2001

Tape Number 1	Side A X	Side B	Meter # 32.1
Committee Clerk Signature <i>Carol Holodychuk</i>			

Minutes:

The hearing was opened on HB 1415.

REPRESENTATIVE RACHEL DISRUD, sponsor, introduced the bill. It makes sense that we don't overbuild facilities, but take care of young people in quality. Presented an amendment.

DIANE SZERDERA, Home on the Range, supports bill. (Written testimony) presented same amendment. SENATOR KILZER: What percentage of residents are out of state? MS.

SZERDERA: 10% are Montana residents. 90% in both Sentinel Butte and Fargo are ND residents.

PAUL RONNIGEN, Dept. Of Human Services, support bill with amendments.

No neutral or opposition testimony.

SENATOR MATHERN moved amendments 10563.0101. SENATOR ERBELE seconded the motion. Roll call vote carried 5-0-1. The vote will be held open for SENATOR LEE.

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Senate Human Services Committee

Bill/Resolution Number HB 1415

Hearing Date March 7, 2001

SENATOR MATHERN moved a DO PASS AS AMENDED. SENATOR POLOVETZ seconded it. Roll call vote carried 5-0-1. The vote will be held open for SENATOR FEE. SENATOR MATHERN will carry the bill.

PROPOSED AMENDMENTS TO HOUSE BILI. NO. 1415

Page 1, line 3, after "facility" insert "or group home"

Page 1, line 17, after "facility" insert "or group home"

Page 1, line 20, after "facility" insert "or a group home"

Renumber accordingly

Date: 3/2/01

Senate	HUMAN SERVICES	Committee
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Motion Made By Sen Mathun Seconded By Sen Eschale

[illegible]

Rep Dismund's Amendment

Roll Call Vote #: 2Date: 3/7/012001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1415Senate HUMAN SERVICES

Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as AmendedMotion Made By Sen Mathern Seconded By Sen Polovitz

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0Absent 0Floor Assignment Sen Mathern

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

REPORT OF STANDING COMMITTEE (410)
March 15, 2001 3:31 p.m.

Module No: SR-45-5762
Carrier: T. Mathern
Insert LC: 10563.0101 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1415: Human Services Committee (Sen. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1415 was placed on the Sixth order on the calendar.

Page 1, line 3, after "facility" insert "or group home"

Page 1, line 17, after "facility" insert "or group home"

Page 1, line 20, after "facility" insert "or a group home"

Renumber accordingly

2001 HOUSE HUMAN SERVICES

CONFERENCE COMMITTEE

HB 1415

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1415 CC

House Human Services Committee

☒ Conference Committee

Hearing Date April 18, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		0 to 1400
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Porter, Rep. Weiler, Rep. Metcalf, Chairman Erbele, Senator Kilzer, Senator Polovitz

Chairman Porter: I'm going to call the conference committee together on HB 1415, and the clerk will call the roll. We had the original hearing in the House and took testimony from the residential treatment centers, and when it came back to us it had some additional verbiage in there that included group homes. We didn't have a hearing on group homes or talked about the occupancy rate, or whether or not there needs to be a moratorium on group homes in North Dakota. That is the reason why we did not concur. I did ask the department to be down here and help explain and run some of the numbers for us so that we can get an idea of what the Senate concurred as far as their testimony. I would definitely open it up the Senate at this time to explain their reasoning and the amendment that was added to this bill.

Senator Kilzer: The amendment came to our committee at the request of Rep. Disrud. I don't have the reasons why that was brought. I'll keep looking while other people are talking.

Chairman Porter: Mr. Ronningen, do you want to step up and explain your knowledge of the amendment.

Paul Ronningen: Director of Children and Family Services, Department of Human Services. The amendment that came over, including group homes, was offered up by the facilities themselves. We have three different levels of licensing in the department for residential facilities. Group homes, which are small facilities of about 8, then the group homes that go much larger, then the residential treatment centers. After we had the initial hearing where it started in the House, the facilities thought that if we do any additional beds in the State of North Dakota, whether group homes, RCCF or RTC, that they all should have some scrutiny by the state before any new beds were added to the process. So that is what their rationale was. The bottom line for group homes and residential child care facilities is that we don't pay the full cost of providing that service in the State of North Dakota. From a business perspective you wouldn't necessarily set these businesses up to provide care, because you're not going to get paid for the amount of money you stick into it. It might cost you a \$100 to provide the service for the child, but you only get reimbursed by the state for about \$75.

Chairman Porter: On the three different types of licensing, and by including the word generically as group home, that encompasses organizations like H.I.T and the group homes that are located all around the Bismarck-Mandan area providing DD type services?

Paul Ronningen: No, it does not. The way perceive this is that would be the group homes that we license within the Division of Children and Family Services for the provision of foster care. We don't oversee the DD licensure in the division.

Chairman Porter: That's because of the generic word "group home", it become specific because of the section of code that we're relating this to then?

Paul Ronningen: Yes.

Senator Kilzer: I found the testimony of Diane Taylor-Zudera from Home on the Range.

Apparently, that is one of the groups that supported the amendment or brought it in.

Chairman Porter: When we had the testimony on this bill the way it is with the residential treatment centers and the child care facilities, we had very specific testimony talking about numbers, talking about occupancy rates, talking about what happened with the Southwest Keys Program in North Dakota, and we had some really specific reasoning why to implement a moratorium. I have a little bit of a problem putting a moratorium on when I don't have that same kind of numbers, and the same kind of reasoning for the small group homes and large group homes. Is that available to us before we would do anything? If we're sitting at a 50% occupancy, and there are five facilities expecting build in the next year, then I could understand where we might want to slow that down a little bit.

Paul Ronningen: What we did, is after the moratorium was introduced with the group home language, we went back and looked at some of the numbers in group homes and RCCF care and put those together. We found that we had miss calculated some numbers early in the game. The total number of beds stays the same at 292, as you'll see in the letter (attached). I wrote a letter to Tim Eissinger who is the Chair of the Residential Childcare Facilities, and spearheaded this initiative to move towards the moratorium. As you can see, I also cc'd to Rep. Disrud. It is really how we would treat those 292 beds in the State of North Dakota moving forward. Basically, the spirit of the law is that if we would create any new beds in North Dakota, whether it is group home, RCCF, or RTC, that there would be a needs assessment done by the department in conjunction with the providers in the state, and that we would authorize those development of beds based on that needs assessment. From my understanding in talking with Tim today, the

Association really felt that any level of care if it was residential, should have that same authorization. I believe the group homes are running near capacity also. I don't know that there is much distinction between the group homes and the RCCF in their occupancy rates. On the last page you'll see some of our tallies of the beds and the dates that were used.

Chairman Porter: On the small and the large group homes, what is the state reimbursing as far as the percentage of cost on an average?

Paul Ronningen: It is different for each facility - guessing about 75 to 80%.

Chairman Porter: I'm wondering from the moratorium standpoint, where we looked at the residential facilities and we realized a problem, we addressed the problem, and we moved forward. But when you look at the group homes, and you look at a 75 % reimbursement rate, I don't see that it is going to get over built in the next two years based on some having to just break even - having to raise 25% of the money outside of the actual care given to the individuals in the group home.

Paul Ronningen: I think that is a fair statement, both for the RCCF, the larger group homes, and the small group homes. Unless they have foundations or churches behind them, no business person will come in to set up to think they are going to get a return on their dollar.

Chairman Porter: In going from that same aspect - there is not a single one of these now that Southwest Keys is moved out of state, there's not a single one of these operations that is a for-profit operation?

Paul Ronningen: No. They are non-profit.

Chairman Porter: Southwest Keys was a for-profit?

Paul Ronningen: I think, technically, they were a non-profit also.

Chairman Porter: But they were looking at a different market in that they were going to try and bring in self-pay clientele?

Paul Ronningen: I'm not really sure. The department had several conversations with Southwest Key about the economics for providing care in North Dakota. That was not their experience in other states, where if they spent a \$100, they got reimbursed \$100. I think they became quickly aware of the fact that they weren't going to get reimbursed the full cost, and really needed to cut their losses as quickly as they could once they realized that those reimbursement rates weren't at a 100%. From a business perspective, they just made a bad call.

Chairman Price: In knowing that, I know what they did to the residential care facility as a whole. It was taking individuals away from them and then all of a sudden it was forced back into them. It really messed things up by having them here that short time frame, although we like the jobs in Mandan. It didn't do the state any justice by having them come in and pull out like that. I'm still not sold on the fact that the small and large group homes are presenting a problem of over growth in the next two years, that a moratorium needs to be in place. I'm not sure how that needs to be justified in my mind to make sure we're not doing something that doesn't need to be done.

Rep. Metcalf: It is a moratorium, but it is a gray moratorium. By the fact that you do have a needs assessment situation where the department can increase the beds. I kind of like that. I just don't like people going out there and doing things. Yes, maybe right now we don't see that somebody is going to come in with a group home. Maybe 6 months from now, a year from now we may see that and may affect the operation of an existing group home. Let the department look at it. I have trust in our department that they will make the proper assessments.

Senator Kilzer: I agree with Rep. Metcalf. I can see hospitals getting into this business. If a hospital can buy a nursing home, and they do it pretty often, it wouldn't be too much beyond that to consider getting into this. Maybe I shouldn't say business, but offering services.

Rep. Porter: Mr. Ronningen, explain how the needs assessment will look if Jamestown, ND, comes in and says "we have a foundation that wants to open up a residential care, small group home setting, and we want to build a 10 bed facility", explain to me how the department is going to handle that?

Paul Ronningen: We have not put together any parameters for the development of additional beds. What we most likely will do is that once the session is over and we know what the parameters of the bill are, sit down with the providers and start putting together a mechanism to take a look at what those processes will be. What I'm hoping to do, is then go take a look at the population of kids that we are sending to South Dakota and Minnesota for treatment and seeing if there are some possibilities of kids who could be treated in North Dakota if there was a facility to provide for their care. We're doing some of that work now over in Mandan with the children that have a lower I.Q and developmental disability and emotionally disturbed combination. That is going to be meeting the need for kids and families that we are sending out of state. There are other population groups that were having difficulty and needing in the State of North Dakota. Those include kids who have been involved in some sexual offenses, and that is a population of kids right now providers in the state aren't set for. We might be able to justify with the numbers we're sending out of state. The issuance of an RFP to describe what the department and other providers would see as reasonable is further continued development. So that is how I see that whole process playing out. We have a fairly good working relationship with the Association,

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House Human Services Committee

Bill/Resolution Number HB 1415

Hearing Date April 18, 2001

both the RTC and the RCCF and I see us going through discussions in the near future about how we should put those processes together.

Chairman Porter: Other questions?

Senator Kilzer: Are there a lot of out-of-state treatments going on?

Paul Ronningen: Right now we have about 37 children out-of-state in facilities, which has been running consistently at that level now since the evening out after Southwest Key.

Senator Kilzer: Where are the out-of-state facilities located at?

Paul Ronningen: We have several in Minnesota, a couple in South Dakota, and then we have some situations where children present a lot of very unique kinds of situations who might end up in Colorado or Texas.

Rep. Metcalf: I move that we accede to the Senate amendments.

Chairman Porter: We have a **motion that the House Accede to the Senate Amendments.**

Senator Kilzer: **Second.**

Rep. Porter: Discussion? The clerk will call the roll.

6 YES 0 NO

Rep. Porter: **Motion carried.**

Roll Call Vote # /

House _____ Committee _____

☒ Conference Committee

Action Taken House Accede to Senate Amendments

Motion Made By Rep. Metcalf Seconded By Senator Kulger

[illegible]

Total (Yes) 6 No 0

Absent 0

Floor Assignment

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

2001 TESTIMONY

HB 1415

HB 1415

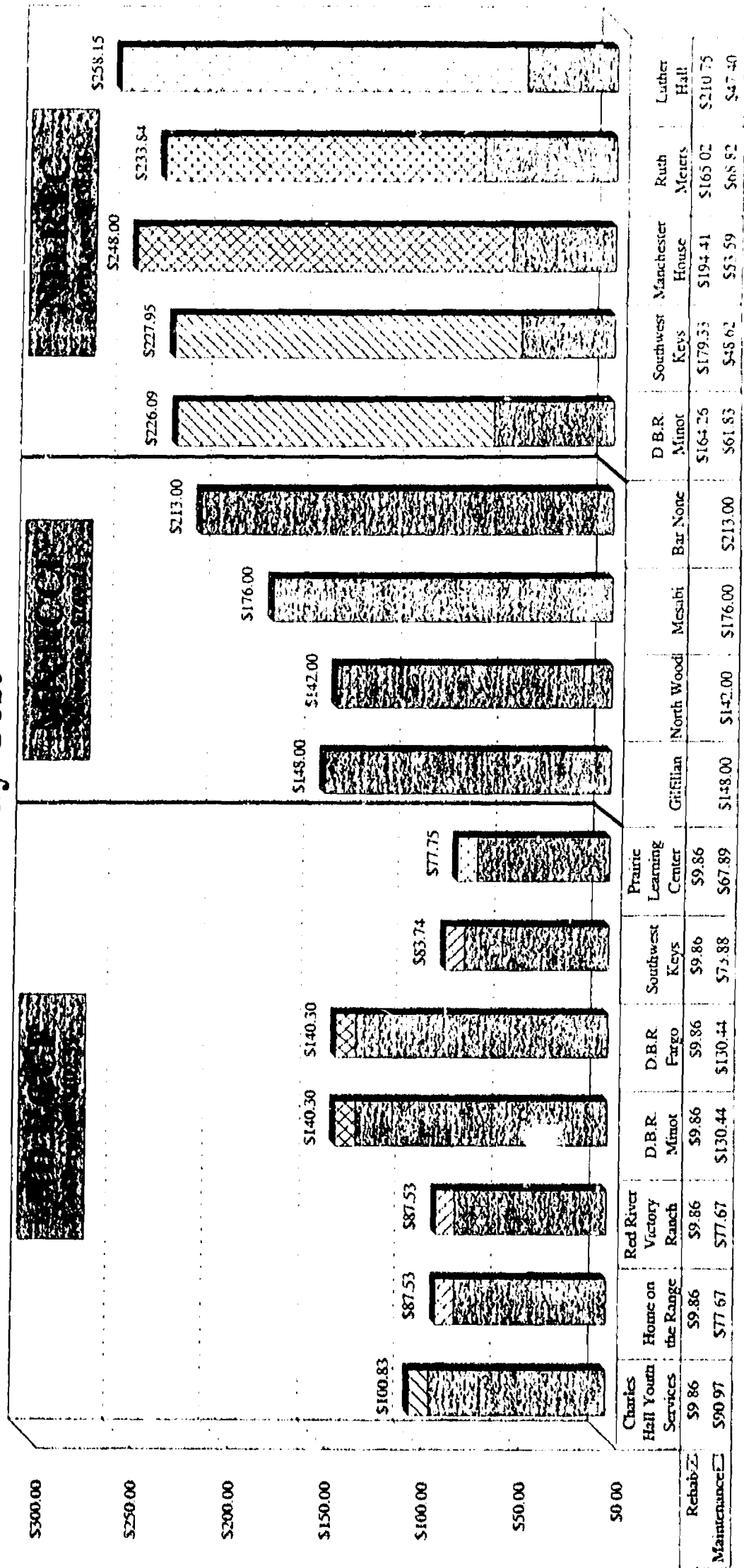
MAINTENANCE/SERVICE DAILY RATES
GROUP/RCCF'S
(As of 1/1/01)

Group/RCCF's	Maintenance Rate		Service Rate		Maintenance & Service**	
	Effective Date	Daily Rate	DHS Reimbursement	Facility Service Costs *	Daily Rate	Daily Rate
Charles Hall Youth Services	07/01/00	\$95.12	\$9.86	\$17.72		\$104.98
Dakota Boys Ranch RCCF (does not include DBR-RTC or DBR Fargo Safe Home)	01/01/01	144.35	9.86	19.72		154.21
Eckert Youth Home	09/01/00	100.27	9.86	21.59		110.13
Home on the Range (+ Red River Victory Ranch)	04/01/00	87.50	9.86	12.71		97.36
Harmony House	01/01/01	80.15	9.86	15.19		90.01
Prairie Learning Center	07/01/00	69.67	9.86	10.24		79.53
Lake Oahe Group Home	04/01/00	103.60	9.86	12.67		113.46

* Department computation

**Maintenance + Service = Daily Rate

Daily Cost



Retab-2
Maintenance

OUT-OF-STATE PLACEMENTS - 2000

Facility	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Charberlain	3						1	1	1	1	1	1
Northwood	9	8	8	9	7	6	6	7	8	8	7	9
Leo Hoffman	3	3	3	4	4	4	3	3	2	2	2	2
Bar None	6	6	6	6	6	5	4	3	3	3	3	3
Catholic Char.	1	1										
Gilfillian	11	11	11	12	13	12	10	12	11	10	10	9
St. Josephs Home for Chldn												1
Aprile Shelter		1	1	1								
Dakota Hse	2	2	1	1	1							
MilleLacs	1	1	1	2	2	2	2	1	1	1		1
Future Bound									1	1	1	1
Canyon Hills	1	1	1	1	1	1	1	1	1	1	1	1
Our Home	1							1	1	1	1	1
Cleo Wallace	2	2	2	2	2	2	2	2	2	1	1	1
Evergreen					1	1	1					
Springfield												
Woodfield												
Mesabi	1	1	3	3	3	3	4	5	6	7	6	5
Total	41	37	37	41	40	36	34	36	37	36	33	35

Residential Child Care Facilities Association Testimony
HB 1415
Senate Human Services Committee
3/7/01

Chairman Lee and Senators serving on the Human Services Committee,

My name is Diane Szudera. I have worked at Home On The Range for the past 17 years. Home On The Range is a member of the North Dakota Residential Child Care Facilities Association.

The chair of our Association, along with its membership, have asked that I present testimony in support of HB 1415. I have also been asked to propose that the Bill be amended to include the words "or group home" in three locations. (Please see accompanying draft of HB 1415 as passed by the House with our proposed amendment contained on lines 3, 17 and 20—which is underlined and in *italic*.)

The Association believes that the networking our agencies have been doing with private and public providers has helped children and families access community based services. This collaboration has successfully reduced the reliance on institutional care for behaviorally and emotionally disturbed youth in North Dakota. Less children are needing to be placed out of their homes and the length of stay for those who are placed has lessened considerably.

The residential child care facilities have been experiencing a reduction in overall bed utilization. Less than 5 years ago our agencies were operating at full capacity with waiting lists. Today, facilities frequently are not operating at capacity. Last year Home On The Range had an average of 5 open beds daily.

The average length of stay for residents has been significantly shortened. Home On The Range has seen a reduction from an average length of stay of 18 months to 11 months. The providers believe that the current number of out-of-state placements has been successfully reduced and stabilized as a result of the networking and the reduced over-reliance on institutional care.

In our discussions with the Department of Human Services, they have indicated their support of continuing the moratorium. The Association members are dedicated to work together with the Department to continue to refocus existing resources toward opportunities to help keep families together or appropriately reunite them as soon as possible. Limiting the expansion of institutional beds serves to support the direction of this work.

In conclusion, the Residential Child Care Facilities Association requests HB 1415 be amended to include the words "or group home" on lines 3, 17 and 20, and that this committee recommend a do pass on HB 1415.

A "Proposed Amendments to House Bill No. 1415," which was prepared by the Legislative Council, is attached to this testimony.

Thank you,

Diane Taylor Szudera
Home On The Range

Introduced by Representatives Disrud, Kelsner
Senators D. Mathern, Tallackson

1 A BILL for an Act to amend and reenact section 25-03.2-03.1 and 50-11-02.3 of the North
2 Dakota Century Code, relating to needs assessment and a moratorium on the expansion of
3 residential treatment center for children and residential child care facility or group home bed
4 capacity; to provide an expiration date; and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 25-03.2-03.1 of the 1999 Supplement to the
7 North Dakota Century Code is amended and reenacted as follows:

8 **25-03.2-03.1. (Effective through June 30, 2003) Moratorium on expansion of**
9 **residential treatment center for children bed capacity.** Notwithstanding sections 25-03.2-03
10 and 25-03.2-08, unless a needs assessment conducted by the Department indicates a need for the
11 licensing of additional bed capacity, the department may issue a license under this chapter for any
12 additional bed capacity for a residential treatment center for children above the state's gross
13 number of beds licensed as of June 30, 1999.

14 **SECTION 2. AMENDMENT.** Section 50-11-02.3 of the North Dakota Century Code
15 is amended and reenacted as follows:

16 **50-11-02.3. (Effective through June 30, 2003) Moratorium on expansion of**
17 **residential child care facility or group home bed capacity.** Notwithstanding sections 50-11-
18 02 and 50-11-09, unless a needs assessment conducted by the department indicates a need for the
19 licensing of additional bed capacity, the department may not issue a license under this chapter for
20 any additional bed capacity for a residential child care facility or group home above the state's
21 gross number of beds licensed as of June 30, 1999.

22 **SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2003, and
23 after that date is ineffective.

24 **SECTION 4. EMERGENCY.** This act is declared to be an emergency measure.



NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES

John Hoeven, Governor
Carol K. Olson, Executive Director

Children and Family Services Division

(701) 328-2316
Toll Free 1-800-245-3730
Fax (701) 328-3538

March 26, 2001

Tim Eissinger, Chairman
Residential Childcare Facilities Association
Fargo Youth Home
1641 31st Avenue South
Fargo, ND 58103

Re: Bed Moratorium - H. B. 1415

Dear Tim:

The purpose of this letter is two-fold. First, to thank you for the presence and efforts of members of the association during the legislative session. I appreciate the working relationship with CFS staff.

Second, I want to review with you the number of beds involved with the moratorium, and the department's plan for implementation of the moratorium related to group home beds.

The group home/residential child care (RCCF) facility bed count as of 07-01-99 is 292 beds. This includes 56 group home beds and 236 RCCF beds, and is corrected from an earlier count which erroneously included ten beds in group instead of the RCCF category.

The group/RCCF bed count as of 03-15-01 totals 292. This includes 80 group home beds (16 of which were licensed subsequent to 07-01-99, plus one pending group home license for 8 beds), and 212 RCCF beds. Please refer to attached chart for information on closed beds, group beds licensed subsequent to 07-01-99, and the pending license for eight beds.

In summary then, we have the same 292 bed capacity today as we had 07-01-99. All available group/RCCF beds are licensed or pending licensure.

North Dakota also currently has 8 tribal group beds approved, and another 8 tribal beds pending approval. Tribal facilities are approved, not licensed pursuant to State law. Therefore, the moratorium does not extend to those beds. However, any increase in tribal beds does impact CFS budget in terms of bed occupancy by tribal children who are title IV-E eligible and reimbursable. In other words, any additional occupied beds, regardless of where located, impact CFS budget.

To determine the need for "licensing of additional bed capacity" pursuant to H. B. 1415, the department plans to count group/RCCF beds collectively rather than separately. We believe this will serve the state well in terms of determining needs, distinct populations of children, geographic issues, least restrictive options, budgetary constraints, and economies of scale. This means that if smaller facilities close, the best option may be a larger facility in a different location. Or it may mean consideration of a different configuration in the event of a larger facility closure, or collapsing the bed count if needs change. This is merely suggested for your consideration and discussion purposes. We need to ensure that we serve North Dakota children in out-of-home care in the best, least restrictive and most cost-effective way possible.

I wanted the association to be aware of the department's thinking related to the group/RCCF beds and the licensing moratorium. Perhaps we'll have the opportunity to discuss this further in the near future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Ronningen".

Paul Ronningen, Director
Children & Family Services

C: Carol K. Olson, Executive Director
Representative Rachael J. Disrud
Legislative Council

Residential Child Care Facilities		
	Bed Capacity	
	As of 7/1/99	As of 3/15/01
Home on the Range	79	79
Red River Victory Ranch	12	12
Dakota Boys Ranch - Minot RCCF	39	39
Dakota Boys Ranch - Fargo Youth Home	10	10
Dakota Boys Ranch - TL	12	12
New Outlooks	10	10
Prairie Learning Center	50	50
Southwest Key Program	24	Closed
Total RCCF Beds	236	212

GROUP FACILITIES		
	Bed Capacity	
	As of 7/1/99	As of 3/15/01
Eckert Youth Homes	16	16
Oppen Home	6	6
Harmony House	7	7
Charles Hall Youth Services	27	27
DBR Fargo Safe Home (7/13/99)	-	8
Prairie Harvest (2/1/01)	-	8
*Centre (license pending)	-	8
Total Group Home Beds	56	80

*License pending. This was included in the 1999 legislative budget.

Total beds as of 7/01/99 RCCF 236
Group 56
292

Total beds as of 1/24/01 RCCF 212
Group 80
292

Approved group homes:

Lake Oahe - 8 beds

**Little Shell - 8 beds

**Approval pending