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DESCRIPTION

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Diana H. Hall
Operator's Signature

10/2/03
Date

2003 HOUSE HUMAN SERVICES

HB 1228

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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1228

House Human Services Committee

☐ Conference Committee

Hearing Date January 20, 2003

Tape Number	Side A	Side B	Meter #
1		x	7.5 - 23.3
Committee Clerk Signature <i>Sharon Pennington</i>			

Minutes:

Andy Maragos appeared as prime sponsor and in support of this bill at the request of some of the providers and believes the bill is necessary in order to maintain the stability and quality of care that these treatment centers would give out. Also noting that there is an amendment that is required for this bill, dealing with lines 13 and 21, the year needs to be changed from 1999 to 2003.

Sen. Seymour appeared as a sponsor in support of this bill stating that this bill is important as quality residential treatment centers for children exist and they continual moratorium is important.

Joanne Hoesel, Administrator for children's Mental Health Programs for the Dept. of Human Services appeared in support with written testimony.

Committee concerns as to what the dept. would have done if no one would have introduced this bill, the moratorium would have been lifted plus they would have had to vacate those 12 beds

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10/2/03
Date

Page 2
House Human Services Committee
Bill/Resolution Number HB 1228
Hearing Date January 20, 2003

and then the budget would have been short. The capacity and occupied beds being the same, how many beds they actually budgeted for and where these 12 vacant beds are located. If these 12 beds are licensed or unlicensed and why not budget for them now?

Rep. Weisz has concerns with Ms. Hoesel's rationale and utilization regarding the 12 beds.

Response was that the bill would go back to 1999 and what was in place at that time and that was 96 beds.

Rep. Price noted that the frustration is the law said it was 96 were allowed up to this point, and whether they would be licensed or not, they were still allowed for up to 96 beds. The frustration was why wouldn't that be included in the budget because there is a potential that if they proved the need you couldn't deny up to 96 beds even with the moratorium.

Tim Elssinger, Chairman of RCCF Assoc. appeared in support with written testimony.

Diane Saudera from Home on the Range appeared in support and stated that the less children you are serving with the more beds, the higher the cost would be and so is in favor of the moratorium.

No opposition.

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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1228

House Human Services Committee

☐ Conference Committee

Hearing Date January 21, 2003

Tape Number	Side A	Side B	Meter #
2		x	18.8 - 20.7
Committee Clerk Signature <i>Sharon Brizuela</i>			

Further Discussion:

Rep. Devlin basically stated that the amendment changed the dates to 2003.

Rep. Weisz offered amendment on line 13 and 21 where it states June 30, 1999 change to June 30, 2003, second by Rep. Porter. 13 - 0 - 0.

Rep. Porter moved a DP motion as Amended and second by Rep. Potter. 12 - 0 - 1

Rep. Kreidt will carry the bill.

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Dannan Hall
Operator's Signature

1/21/03
Date

FISCAL NOTE
Requested by Legislative Council
01/23/2003

Amendment to: HB 1228

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$0	\$0		
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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 is introduced to request a continuation of the moratorium placed on the expansion of residential treatment centers for children, residential child care facility or group home bed capacity. The bill has been amended to set the moratorium at the number of beds licensed as of June 30, 2003. This bill as amended will have no fiscal impact.

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. Weisz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	01/23/2003

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Date

FISCAL NOTE
Requested by Legislative Council
01/13/2003

Bill/Resolution No.: HB 1228

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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$1,467,680		\$1,507,923
Expenditures			\$953,046	\$1,467,680	\$994,782	\$1,507,923
Appropriations			\$953,046	\$1,467,680	\$994,782	\$1,507,923

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
			\$153,002			\$158,821		

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This bill is introduced to request a continuation of the moratorium placed on the expansion of residential treatment centers for children, residential child care facility or group home bed capacity. The moratorium is being set at the number of beds licensed as of June 30, 1999. Since the start of the current biennium (2001 - 2003) 12 beds have been vacated and thus, the Department did not include funds in the budget for these 12 beds. This fiscal note sets forth the needed funding to provided services for these 12 beds.

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.

The Department will access Title IV-E (Foster Care) and Title XIX (Medical) funds for allowable expenditures along with the county match on foster care grants.

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.

If these 12 vacated beds were to be occupied, the estimated amount of expenditures incurred in the 2003-2005 binennium would be \$2,420,726 in total and \$953,046 in general funds. These expenditures would be incurred in the Department's grants line.

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.

If this bill is passed as currently proposed, the Department's appropriation would need to be increased for the 2003 - 2005

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Operator's Signature

Date

biennium - \$2,420,726 in total, General funds of \$953,046.

Name:	Brenda M. Weisz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	01/17/2003

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Dennis G. Ball
Operator's Signature

10/2/03
Date

30371.0102
Title.0200

Adopted by the Human Services Committee
January 21, 2003

VR
1/21/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1228 HR 1-22-03

Page 1, line 13, overstrike "1999" and Insert immediately thereafter "2003"

Page 1, line 21, overstrike "1999" and insert immediately thereafter "2003"

Renumber accordingly

Page No. 1

30371.0102

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Dennis Hall
Operator's Signature

1/21/03
Date

Action 1-21-03
Date: January 20, 2003
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1228

House _____ HUMAN SERVICES _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP as Amended

Motion Made By Rep. Porter Seconded By Rep. Potter

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair	A		Rep. Sally Sandvig	✓	
Rep. Bill Devlin, Vice-Chair	✓		Rep. Bill Amerman	✓	
Rep. Robin Weisz	✓		Rep. Carol Niemeier	✓	
Rep. Vonnie Pietsch	✓		Rep. Louise Potter	✓	
Rep. Gerald Uglem	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Gary Kreidt	✓				
Rep. Alon Wieland	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Kreidt

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

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Donna Hall 1/21/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
January 22, 2003 1:17 p.m.

Module No: HR-12-0914
Carrier: Kreidt
Insert LC: 30371.0102 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1228: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1228 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "1999" and Insert immediately thereafter "2003"

Page 1, line 21, overstrike "1999" and Insert immediately thereafter "2003"

Renumber accordingly

Deanna Hall
Operator's Signature

1/21/03
Date

2003 SENATE HUMAN SERVICES

HB 1228

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10/2/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1228

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 26, 2003

Tape Number	Side A	Side B	Meter #
2	X		106 - 2545
Committee Clerk Signature <i>Donna Kramer</i>			

Minutes:

SENATOR JUDY LEE opened the public hearing for HB 1228 relating to continuing a moratorium on the expansion of residential treatment center for children and residential child care facility or group home bed capacity; to provide an expiration date; and to declare an emergency.

REPRESENTATIVE ANDREW MARAGOS, of District 3, introduced the HB 1228. (Meter # 304 - 365)

TIM EISSINGER, Chairman of the Residential Child Care Facilities Association, testified in support of the bill. Explained to a group of high school students what his association does in helping children placed outside their family homes. Discussion with the committee regarding educational needs, methane problem increase, and about the 7 member agencies. (Written testimony) (Meter # 480 - 1180)

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Donna Kramer
Operator's Signature

10/2/03
Date

Page 2

Senate Human Services Committee

Bill/Resolution Number HB 1228

Hearing Date February 26, 2003

JOANNE HOESEL, Administrator for Children's Mental Health Programs for the Department of Human Services, testified in support of the bill. Discussion with committee regarding residential treatment centers as being one level down from the state hospital, utilization at the state hospital has been decreasing, how many children being served out of state, and "sex offender" children.

(Written testimony) (Meter # 1185 - 1648)

DIANE SZUDERA, in behalf of the Home On The Range, testified in support of HB 1228.

(Meter # 1685 - 1750)

SENATOR LEE closed the public hearing on HB 1228. (Meter # 1797)

SENATOR LEE opened the committee discussion on HB 1228. Discussed the moratorium date extension of two years, costs follow ND budget, as to whether facilities in MN will continue to care for ND children with very specific needs, if MN does reduce the number and do we have a facility in ND to accommodate. (Meter # 1814 - 2248)

RON HEDT, Chief of Operations with Dakota Boys Ranch representing services in Bismarck, Fargo and Minot, spoke. Excellent working relationship with Dept. of Human Services. Have spent past couple of years spent quite a bit of time talking about diversifying services. ...

Western Plains in Mandan opening in May. ... Trying to reduce numbers going out of state. ...

Length of stay reduced ... making adaptations. (Meter # 2260 - 2457)

SENATOR POLOVITZ made a motion to Do Pass.

SENATOR BROWN seconded the motion.

Roll call was read. 6 yeas 0 nays.

SENATOR BROWN will be the carrier. (Meter # 2545)

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Donna Baller
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10/2/03
Date

Date: 02-26-03
Roll Call Vote #: ①

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1228

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Polovitz Seconded By Sen. Brown.

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer	✓				
Senator April Fairfield	✓				
Senator Michael Polovitz	✓				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Sen. Brown

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

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10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
February 26, 2003 3:34 p.m.

Module No: SR-34-3536
Carrier: Brown
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1228, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)
recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1228 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-34-3536

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Donna Halloran
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10/2/03
Date

2003 TESTIMONY
HB 1228

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Dorena G. Ballantyne
Operator's Signature

10/2/03
Date

TESTIMONY
HB 1228-DEPARTMENT OF HUMAN SERVICES
HOUSE HUMAN SERVICES
CLARA SUE PRICE, CHAIRMAN

Chairman Price, and members of the Human Service committee, my name is JoAnne Hoesel and I serve as the administrator for children's mental health programs for the Department of Human Services. I am here today to present testimony regarding House Bill 1228. The Department supports the passage of this bill with one recommended amendment to change the moratorium reference date for the number of licensed beds from June 30, 1999 to June 30, 2003.

This bill was introduced to request a continuation of the moratorium placed on the expansion on bed capacity and was set at the number of beds licensed as of June 30, 1999. Since the start of the biennium twelve (12) residential treatment center beds were vacated and thus, the Department of Human Services did not budget for them in the 03-05 budget. The fiscal note sets forth the needed funds to provide services for these twelve (12) RTC beds. No additional funding is needed if the bed capacity in the moratorium were set at the number of licensed beds as of June 30, 2003 rather than June 30, 1999. This would reflect the current number of licensed RTC beds which is 84. Attachment A lists the current residential treatment centers and their current licensed bed capacity. Attachment B is a document which provides rationale for the suggested amendment.

The number of group and residential child care facility (RCCF) beds was 289 as of June 30, 1999. As of the most recent licensing (July 1, 2002) the licensed bed count is 288. Attachment C lists the current licensed group home and residential child care facilities.

Thank you for the opportunity to provide this information.

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JoAnne Hoesel
Operator's Signature

10/2/03
Date

ATTACHMENT A

Licensed North Dakota Residential Treatment Centers

<u>Facility</u>	<u>Bed Capacity</u>
Dakota Boys Ranch - Fargo	16
Dakota Boys Ranch - Minot	16
Luther Hall - Fargo	16
Ruth Meiers Adolescent Center - Grand Forks	12
Manchester House - Bismarck	8
Western Plains Residential Center- Dakota Boys Ranch Mandan	16

Total = 84

January 2003
Department of Human Services

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10/2/03
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ATTACHMENT B

DEPARTMENT OF HUMAN SERVICES
RESIDENTIAL TREATMENT CENTER
SUPPORT FOR 84-BED CAPACITY

Occupancy rate. According to the Medicaid program statistics, it appears that residential treatment facilities will continue to have open beds in the future. Projections indicate that overall occupancy rates will be less than 90% in the coming biennium even taking into consideration other payer sources.

Eight Rivers Utilization. Eight Rivers did not admit additional youth starting in September 2001 and had 1 - 3 youth in that facility through July 2002 at which time this facility was closed and the children were served on the children and adolescent psychiatric unit at the ND State Hospital. This indicates that the absence of these beds did not have a major negative impact on the system. Alex Schweitzer states that the average daily census of the child & adolescent unit at the ND State Hospital is twelve (12).

Foster Care utilization rates. Numbers of children in foster care in federal fiscal year 2000 were 1,978 and in FFY 2001 were 1,929. A decrease of 49 children.

Out of state Placements. Placements of children into out of state facilities in July were at 38 children. This is compared to 47 children at that time in 2001. In December of 2002 there were 33 children in out of state facility care.

Community options. Additional PATH beds were added to the system to accommodate an increase for those who through the CON process were not approved for RTC level of care.

Collectively, the items above lead to the support of a decrease of RTC beds from 96 to 84.

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Operator's Signature

10/2/03
Date

ATTACHMENT C

Licensed Group Homes and Residential Child Care Facilities January 17, 2003

	Beds
Centre Grand Forks	8
Charles Hall Youth Services Bismarck	27
Fargo Youth Home (DBR) Fargo	10
Fargo Safe Home (DBR) Fargo	8
DBR-RCCF Minot	39
DBR-Transitional Living Minot	12
Eckert Youth Homes Williston	16
Harmony House Devils Lake	7
Home on the Range Sentinel Butte	79
New Outlooks Devils Lake	10
Oppen Home Minot	6
Prairie Harvest Grand Forks	8
Prairie Learning Center Raleigh	50
Red River Victory Ranch Fargo	8
	<hr/>
	Total: 288

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BUDGET COMMITTEE ON HUMAN SERVICES

Representative Amy Warnke - Chairman

REPRESENTATIVES

Audrey B. Cleary, Jeff Delzer, Pat Galvin, Bob Hunsaker, James Kerzman, Ralph Metcalf, Chet Pollert, Todd Porter, Clara Sue Price, Dale C. Severson, Ken Svedjan, Wayne W. Tieman,

SENATORS

Robert S. Erbele, Thomas Fischer, Kenneth Kroepflin, Judy Lee, Michael Polovitz

Date: 1/20/2003

House Bill # 1228

Madame Chairman and members of the Budget Committee on Human Services,

Thank you for the opportunity to present my remarks on behalf of the North Dakota Residential Child Care Facility Association. My name is Tim Elssinger and I presently serve as Chairman of that group. The Residential Child Care Facility Association represents (7) member agencies from across the state, from Fargo to Sentinel Butte, who serve nearly 290 of our states very seriously troubled children.

I would like to testify in support of House Bill #1228, a continuance of the moratorium on residential beds in North Dakota. As an Association, we feel the moratorium has functioned well on behalf of our state over the last biennium. The number of children placed out-of-state for residential services is decreasing. We, as an Association, have been a part of that process and have worked very hard to develop programming that allows us to serve North Dakota's children here. We recognize the states changing demographics, and that the demand for residential services could potentially change in its distribution across the state, but will not likely increase in the foreseeable future.

The moratorium has helped to ensure that ND agencies are protected against out-of-state entities and other interested parties who pursue residential programming as an economic opportunity for themselves. I know we as a state are attempting to encourage economic opportunity, but not at the expense of North Dakota's children and the agencies that have successfully taken on the challenge of teaching, caring for and rebuilding their young lives.

Occasionally, our member agencies do see fluctuations in our populations that could indicate brief increased demand. It is important to us that the moratorium permits the Department to conduct a needs assessment at each of the three levels of care, and gives us the flexibility to adapt should the need arise. This assurance and our present positive relationship with the Department leaves the Association very comfortable supporting the bill.

Again, I support House Bill 1228 regarding continuing the moratorium and I thank you for hearing my testimony.



Tim Elssinger
Chairman, RCCF Association

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10/2/03
Date

NORTH DAKOTA SENATE HUMAN SERVICES COMMITTEE

Judy Lee - Chair, Richard Brown - Vice Chairman, Robert S. Erbele, April Fairfield, Tom Fischer, Michael Polovitz

Date: Wednesday, February 26th, 2003 11:00AM

House Bill # 1228 Relating to continuing a moratorium on the expansion of residential treatment center for children and residential child care facility or group home bed capacity

Madame Chair and members of the Senate Human Services Committee,

Thank you for the opportunity to present my remarks on behalf of the North Dakota Residential Child Care Facilities Association. My name is Tim Elssinger and I presently serve as Chairman of that group. The Residential Child Care Facilities Association represents (7) member agencies from across the state, from Fargo to Sentinel Butte, who serve nearly 290 of our states very seriously, troubled children.

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Again, I support House Bill 1228 regarding continuing the moratorium and I thank you for hearing my testimony.

Tim Elssinger
Chairman, RCCF Association

Donna Hall
Operator's Signature

10/2/03
Date

TESTIMONY
HB 1228-DEPARTMENT OF HUMAN SERVICES
SENATE HUMAN SERVICES
JUDY LEE, CHAIRMAN
FEBRUARY 26, 2003

Chairman Lee, and members of the Human Services committee, my name is JoAnne Hoesel and I serve as the administrator for children's mental health programs for the Department of Human Services. I am here today to provide information and support regarding House Bill 1228.

This bill requests a continuation of the moratorium placed on the expansion of out of home care beds and is set at the number of beds licensed as of June 30, 2003. Currently there are 84 licensed residential treatment center beds and 288 licensed group and residential child care beds. Attachments A and B provide the lists of current providers and the number of current beds.

I am available to answer any questions.

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JoAnne Hoesel
Operator's Signature

10/2/03
Date

ATTACHMENT A

Licensed Group Homes and Residential Child Care Facilities February 26, 2003

	Beds
Centre Grand Forks	8
Charles Hall Youth Services Bismarck	27
Fargo Youth Home (DBR) Fargo	10
Fargo Safe Home (DBR) Fargo	8
DBR-RCCF Minot	39
DBR-Transitional Living Minot	12
Eckert Youth Homes Williston	16
Harmony House Devils Lake	7
Home on the Range Sentinel Butte	79
New Outlooks Devils Lake	10
Oppen Home Minot	6
Prairie Harvest Grand Forks	8
Prairie Learning Center Raleigh	50
Red River Victory Ranch Fargo	8
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	Total: 288

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Dorena G. Ballerich
Operator's Signature

10/2/03
Date

ATTACHMENT B

Licensed North Dakota Residential Treatment Centers

<u>Facility</u>	<u>Bed Capacity</u>
Dakota Boys Ranch - Fargo	16
Dakota Boys Ranch - Minot	16
Luther Hall - Fargo	16
Ruth Meiers Adolescent Center - Grand Forks	12
Manchester House - Bismarck	8
Western Plains Residential Center- Dakota Boys Ranch Mandan	16

Total = 84

February 2003
Department of Human Services

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Dorena Hall
Operator's Signature

10/2/03
Date