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ROLL NUMBER

DESCRIPTION

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Deanna Halliwell
Operator's Signature

10/3/03
Date

2003 HOUSE HUMAN SERVICES

HB 1400

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Operator's Signature

10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1400
HOUSE HUMAN SERVICES COMMITTEE

☐ Conference Committee

Hearing Date 1-28-03

Tape Number	Side A	Side B	Meter #
1		x	23.5-61.4
Committee Clerk Signature <i>Sharon Benjume</i>			

Minutes: Chairman Price: called the hearing to order on HB 1400. All committee members were present.

Representative Devlin: appeared in support of HB 1400 and also was the prime sponsor.

(SEE ATTACHED TESTIMONY).

Representative Bercier: appeared in support of HB 1400. This has been a long standing issue for the tribes. I'm here before you today to echo the tribal communities, long term care facilities for our elders were our homes, we took care of our elders, unfortunately their are families that are not able to care for their elders, there are health issues out there. We didn't put our elders in homes and send them off 100 miles. This is probably not the best solution for tribal people it is something that will help us in our home areas. There are a couple of amendments that will be coming forward from the minority leader.

Shelly Peterson, President, North Dakota Long Term Care Association: appeared in support of HB 1400. **(SEE ATTACHED TESTIMONY).**

Representative Price: Where are we ranked in the nation?

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Dennis Hall
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10/3/03
Date

Page 2.

House Human Services Committee

Bill/Resolution Number HB 1400

Hearing Date 1-28-03

Shelly Peterson: We don't have that data.

Representative Kreidt: Is there a set price for beds?

Shelly Peterson: under the bed buy out program you will get \$15,000 a bed, if you remove 8 or more beds you would receive up to \$12,000 and under 8 beds a facility could buy around \$8,000 or below. Price will go down considerably.

David Zentner, Director, Medical Services for Dept. of Human Services: appeared in support of HB 1400 and provided written testimony. **(SEE ATTACHED TESTIMONY).**

Representative Amerman: If facility sells the bed can they later on down the road buy another bed back for the one they sold?

Shelly Peterson: no they cannot, they would have to go to that facility and say, can you please sell me our bed back? They can go to another facility and see if they will sell you a bed.

Representative Devlin: will department serve as a clearing house for Beds?

David Zentner: probably not.

Doreen Bartz, Health Department: appeared in favor of HB 1400.

Tom Disselhorst, Attorney for the Three Affiliated Tribes: appeared for and presented written testimony for Tex Hall. **(SEE ATTACHED TESTIMONY).**

Hearing was closed.

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Doreen Bartz
Operator's Signature

10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1400

House Human Services Committee

☐ Conference Committee

Hearing Date February 3, 2003

Tape Number	Side A	Side B	Meter #
2	x		0.7 - 14.1
Committee Clerk Signature <i>Sharon Peterson</i>			

Minutes: Shelly Peterson was asked to address the committee and give explanation of the sale of beds. We send out information to everyone that someone has a bed for sale and if interested to contact them directly. We don't get involved in the actual contract. Doesn't feel we should put that in that in as a statute. We will continue to send out information regarding sale of beds and information as we have always done. She recommends that the committee not accept the second part of the amendment.

Rep. Price and Shelly Peterson noted that the basic problem with the Tribes was that they just weren't ready and were not able to come through with the money. The tribes also indicated that 24 months was a problem.

Shelly Peterson addressed the issue of raising the years to 2007. Right now under the law, once a bed is sold to another entity, it has 24 months to be put into service. Because you have renovation or in the Tribes case, you'd have to build a facility. Changing it to 2007, would take it out of the 4 year, this would allow rather than a 24 month period to put a bed into a service

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Page 2
House Human Services Committee
Bill/Resolution Number HB 1400
Hearing Date February 3, 2003

after you've purchased it, would give you 48 months, which give you more than adequate time for renovation or construction or if you were in the process of trying to accumulate a number of beds and didn't want to start until you had a certain _____.

Rep. Amerman: There isn't anything that says you have to get rid of unused beds, is there? No

Rep. Devlin moves amendment to make the date change from 2005 to 2007 and take out both paragraphs, second by Rep. Kreidt.

Rep. Niemeier asked about who the other interested entity would be? Answer: whoever is interested, a consulting firm could come in and would charge for their services, that would make the beds even higher.

Rep. Devlin feels that the Tribes real concerns were being addressed, one was the date change to 48 months and the other thing that the bill originally did was that before you could sell a bed, you had to give up another one. The Tribes really didn't like that at all and though it would make beds more difficult to get and more expensive. So we are giving them that.

Rep. Kreidt noted that the Tribes did hire someone to come in and negotiate for them in getting beds.

Motion passed on Amendment.

Rep. Kreidt moved a DO PASS as AMENDED, second by Rep. Potter. 12 - 0 - 1.

Rep. Kreidt will carry the bill.

FISCAL NOTE
Requested by Legislative Council
03/06/2003

Amendment to: HB 1400

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						
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 would continue the moratorium on basic care bed capacity and long-term care bed capacity. It would also allow long-term care facilities and basic care facilities to bank beds up to 48 months from date of transfer. For each bed transferred, one must be reduced. Additionally, transfers between basic care capacity and long-term care capacity may occur not more than once in a twelve-month period. No fiscal impact is contemplated with this bill.

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:	Debra A. McDermott	Agency:	Human Services
Phone Number:	328-3695	Date Prepared:	03/07/2003

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Debra A. McDermott
Operator's Signature

10/3/03
Date

FISCAL NOTE
Requested by Legislative Council
01/21/2003

Bill/Resolution No.: HB 1400

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						
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 would continue the moratorium on basic care bed capacity and long-term care bed capacity. It would also allow long-term care facilities and basic care facilities to bank beds up to 24 months from date of transfer. For each bed transferred, one must be reduced. Additionally, transfers between basic care capacity and long-term care capacity may occur not more than once in a twelve-month period. No fiscal impact is contemplated with this bill.

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 Welsz	Agency:	Human Services
Phone Number:	328-2397	Date Prepared:	01/23/2003

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10/3/03
Date

30654.0101
Title.

Prepared by the Legislative Council staff for
Representative Boucher
February 3, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1400

Page 1, line 3, after the first comma Insert "a program for the sale and exchange of beds,"

Page 1, line 18, replace "2005" with "2007"

Page 1, line 23, replace "2005" with "2007"

Page 2 line 2, replace "2005" with "2007"

Page 2, after line 16, insert:

"5. The department shall contract with the North Dakota long term care association, or other interested entity, to develop and coordinate a program for the sale or exchange of basic care beds. Under the program, any facility interested in divesting, selling, or exchanging beds may notify the entity under contract with the department. Any facility interested in acquiring beds may notify the entity under contract with the department as to the number of beds the facility is interested in acquiring and the timeframe within which the facility intends to develop its project. The entity under contract with the department shall assist in the negotiation between the interested facilities and provide the necessary assistance to complete the transaction."

Page 2 line 28, replace "2005" with "2007"

Page 3 line 2, replace "2005" with "2007"

Page 3 line 6, replace "2005" with "2007"

Page 3, after line 20, insert:

"5. The department shall contract with the North Dakota long term care association, or other interested entity, to develop and coordinate a program for the sale or exchange of long-term care beds. Under the program, any facility interested in divesting, selling, or exchanging beds may notify the entity under contract with the department. Any facility interested in acquiring beds may notify the entity under contract with the department as to the number of beds the facility is interested in acquiring and the timeframe within which the facility intends to develop its project. The entity under contract with the department shall assist in the negotiation between the interested facilities and provide the necessary assistance to complete the transaction."

Renumber accordingly

30654.0102
Title.0200

Adopted by House Human Services
Committee

February 3, 2003

VR
2/3/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1400 HUM SER 2-04-03

Page 1, line 18, replace "2005" with "2007"

Page 1, line 23, replace "2005" with "2007"

HOUSE AMENDMENTS TO HB 1400 HUM SER 2-04-03
Page 2, line 2, replace "2005" with "2007"

Page 2, line 28, replace "2005" with "2007"

HOUSE AMENDMENTS TO HB 1400 HUM SER 2-04-03
Page 3, line 2, replace "2005" with "2007"

Page 3, line 6, replace "2005" with "2007"

Renumber accordingly

Page No. 1

30654.0102

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Operator's Signature

Deanna Hallworth

10/3/03
Date

Feb 3
Date: ~~January~~ __, 2003
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1400

House _____ HUMAN SERVICES _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Rep. Kreidt Seconded By Rep. Potter

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair	✓		Rep. Sally Sandvig	✓	
Rep. Bill Devlin, Vice-Chair	✓		Rep. Bill Amerman	✓	
Rep. Robin Weisz <i>A</i>			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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Dennis Hall
Operator's Signature

10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
February 4, 2003 10:41 a.m.

Module No: HR-21-1592
Carrier: Kreidt
Insert LC: 30654.0102 Title: .0200

REPORT OF STANDING COMMITTEE

HB 1400: 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 1400 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "2005" with "2007"

Page 1, line 23, replace "2005" with "2007"

Page 2, line 2, replace "2005" with "2007"

Page 2, line 28, replace "2005" with "2007"

Page 3, line 2, replace "2005" with "2007"

Page 3, line 6, replace "2005" with "2007"

Renumber accordingly

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10/3/03
Date

2003 SENATE HUMAN SERVICES

HB 1400

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10/3/03
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1400

Senate Human Services Committee

☐ Conference Committee

Hearing Date March 5, 2003

Tape Number	Side A	Side B	Meter #
1	X		160 - 2294
Committee Clerk Signature <i>Donna Kramer, Clerk</i>			

Minutes:

SENATOR LEE opened the public hearing for HB 1400 relating to a moratorium on expansion of the licensed basic care and long-term bed capacity, the conversion of beds, and the transfer of existing basic care beds from one municipality to another municipality or to a tribal reservation.

Roll call was read.

REPRESENTATIVE DEVLIN introduced HB 1400. (Written testimony) (Meter # 213 - 613)

REPRESENTATIVE BOUCHER testified in favor. He said the Turtle Mountain area is in the process of putting up a long-term care facility. Provided proposed amendments to the Engrossed House Bill 1400. (Meter # 629 - 976)

ARNOLD THOMAS, President of ND Healthcare Assoc., spoke in place for Shelly Peterson of the Long-Term Care Association, who was in Washington, DC. (Written testimony) (Meter # 994 - 1450)

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Donna Kramer
Operator's Signature

10/3/03
Date

Page 2
Senate Human Services Committee
Bill/Resolution Number HB 1400
Hearing Date March 5, 2003

DAVID ZENTNER, Director of Human Services Medical Services, testified in support of the bill. (Written testimony) (Meter # 1453 - 1733)

SENATOR POLOVITZ: Cap on the amount of beds? Discussion with Mr. Zentner regarding Human Services being authorized to buy back beds ... buy out was to reduce the number of beds, the recognition that there were too many beds at that time ... now, conserve beds that they have. Questions on beds being transferred? Beds were sold ... all beds are gone, and discussion on the continuation of the moratorium. (Meter # 1746 - 2105)

SENATOR LEE closed the public hearing at this time. (Meter # 2132)

SENATOR BROWN made a motion to DO PASS on the Amendments.

SENATOR POLOVITZ seconded the motion.

Roll call was read. 5 yeas 0 nays and 1 absent - SENATOR FAIRFIELD.

SENATOR BROWN made a motion to DO PASS AS AMENDED.

SENATOR POLOVITZ seconded the motion.

Roll call was read. 5 yeas 0 nays and 1 absent - SENATOR FAIRFIELD

SENATOR LEE will be the carrier. (Meter # 2294)

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Deanna Hall Smith
Operator's Signature

10/3/03
Date

30654.0201
Title.0300

Prepared by the Legislative Council staff for
Representative Boucher
February 11, 2003

[Handwritten signature]
3.5.3

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1400

Page 1, line 24, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Page 2, line 5, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Page 3, line 3, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Page 3, line 9, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Renumber accordingly

Page No. 1

30654.0201

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[Handwritten signature]
Operator's Signature

10/3/03
Date

Date: 03-05-03
Roll Call Vote #: (1)

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30654 0201

Action Taken Do Pass on Amendments

Motion Made By Sen. Brown Seconded By Sen. Polovitz

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) 5 No 0

Absent 1

Floor Assignment _____

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

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Deanna Hall
Operator's Signature

10/3/03
Date

Date: 03-05-03
Roll Call Vote #: 9

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1400

Senate	Human Services	Committee
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☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass as amended

Motion Made By

Sen. Brown Seconded By Sen. Polivitz

[illegible]

Total (Yes) 5 No 0

Absent 1

Floor Assignment

Sen. Lee

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

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10/3/03
Date

REPORT OF STANDING COMMITTEE (410)
March 5, 2003 4:04 p.m.

Module No: SR-39-4035
Carrier: J. Lee
Insert LC: 30654.0201 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1400, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1400 was placed on the Sixth order on the calendar.

Page 1, line 24, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Page 2, line 5, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Page 3, line 3, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Page 3, line 9, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Renumber accordingly

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10/3/03
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2003 TESTIMONY

HB 1400

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10/3/03
Date

HB1400

Good morning Chairman Price and members of the House Human Services Committee. It is a pleasure to appear before you again this morning. For the record, I am Rep. Bill Devlin, District 23 from Finley.

For the past several years we've had a restriction on adding new nursing facility or basic care beds in North Dakota. We wanted to bring some balance into how we've provided services to elderly and disabled persons in North Dakota. This bill extends that moratorium for another two years.

It will also make a major change in the requirement which allows a facility to give up a bed to another facility. In the past the facility had to give up an additional bed to transfer one to another facility. The change proposed would make it a one for one transfer.

Those of you that have served on this committee before know that we don't have too many nursing home beds in the state but instead don't have them located where they are most needed. We need to be more flexible in allowing a nursing home in a town with a growing need to be able to purchase or transfer a bed from another facility where the need is declining without making the penalty too severe. I believe a one for one transfer will more adequately meet your the state's needs for the next biennium.

I am committed to provide a full continuum of care, so we can care for individuals in the most appropriate setting.

In the past two bienniums and today we have substantially increased funding for in-home services:

Increases in funding SPED and Expanded SPED

1999-2001	-	25.5% increase
2001-2003	-	12.2% increase
2003-2005	-	41 % increase proposed in SB 2012

As a side note, IGT dollars were utilized to provide these significant (proposed) increases.

Since the moratorium and bed buy out program we've reduced over 500 nursing facility beds. Some communities such as Fargo and Bismarck suggest they need more nursing facility beds to care for their older population. The Turtle Mountain Band of Chippewa Tribe in Belcourt has

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10/3/03
Date

indicated they want a nursing home. I continue to believe we should not add more institutional capacity to North Dakota, however we may need to redistribute the beds we have and help with moving beds around in North Dakota. HB 1400 would help accomplish that objective.

In HB 1400:

1. A basic care or nursing facility could sell or transfer beds across the State and not lose a bed in the process, which is the current requirement. This will help redistribute beds, but only if a facility is willing to give up their beds to another community.
2. The provisions of a nursing facility converting a portion of their beds to basic care for a twelve-month period of time would still be allowed. I understand this has been only used by a few facilities.
3. The provision for reservations remain intact and if any nursing facility or basic care facility sell their beds to a reservation, again they would not need to give up another bed in the process.
4. HB 1400 proposes to remove the requirement that nursing facility beds converted to basic care be in the same wing, in a continuous row. I support removing this State requirement. I understand the Feds have a rule on this and we may still need to follow the rule. However, removing the language from our statute will give facilities flexibility should the Federal government ever change their position.
5. The exception process for adding basic care beds to under served areas would continue. My fellow colleagues I ask for your support on HB 1400. There are others here that will provide more information and I hope answer any questions that you might have. I too would be happy to answer any questions you may have now or later during committee deliberations.

William R. Devlin
State Representative, District 23

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10/3/03
Date

Testimony on HB 1400
House Human Services Committee
January 28, 2003

Chairman Price and members of the House Human Services Committee, thank you for the opportunity to testify on HB 1400. My name is Shelly Peterson, President of the North Dakota Long Term Care Association. We represent nursing facilities, basic care facilities and assisted living facilities in North Dakota.

HB 1400 accomplishes four objectives:

1. The moratorium on basic care beds and nursing facility beds would be extended to July 31, 2005.
2. Basic care and nursing facilities would be allowed to transfer or sell beds to another community and would not be required to give up another bed in the transfer / sale.
3. The transfer of basic care or nursing facility beds from one entity to a tribal reservation could also occur without the existing requirement of losing an additional bed in the transfer.
4. Currently a nursing facility may convert nursing facility beds to basic care beds on an annual basis. In making this conversion you must notify the Department of Health 90 days in advance of the transfer. There was an additional requirement that all the converted beds must be located in the same block of rooms within the facility. In HB 1400 we are deleting the requirement that all the converted basic care beds must be in the same block.

In the past 18 months we had one case where a couple was admitted to the nursing facility with different care needs. After numerous years of living together the couple wanted to continue to share a room in the long term care facility. The requirement of having the converted basic care beds in the same wing, in a continuous line made it difficult to accommodate the desire of the couple to live together.

The Health Department has indicated even if the law is amended they will not allow us to deviate from the continuous room requirement. A federal rule exists which makes this change almost impossible. Despite the federal rule we would still ask that you take this requirement out of state statute. We have been working with the federal

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Operator's Signature

10/3/03
Date

government for four years to allow nursing facilities to use feeding assistants and finally now in 2003 rules should be forthcoming. We will advocate with the federal government on the continuous bed issue. By removing the state requirement one obstacle would be removed.

The moratorium, bed buy-out program and requirement that one bed be eliminated when you want to transfer one has been effective in lowering North Dakota's bed capacity. A few years ago, we had 89 nursing facilities, today there are 84 nursing facilities. The highest nursing facility bed count we ever recorded was in 1996 at 7,146 nursing facility beds. Today we have 6,633 beds, a reduction of 513 beds. The last time we were this low was 1984. We feel we may have a sufficient number of nursing facility beds, however there may be a mal-distribution of beds. Bismarck and Fargo may need additional beds and some very rural areas may not be able to support their facility at their current capacity. We do not support increased capacity in North Dakota, not even for the cities. Allowing beds to be transferred, without losing one in the transfer, would allow the major cities or reservation and a rural facility to negotiate a re-distribution of current capacity.

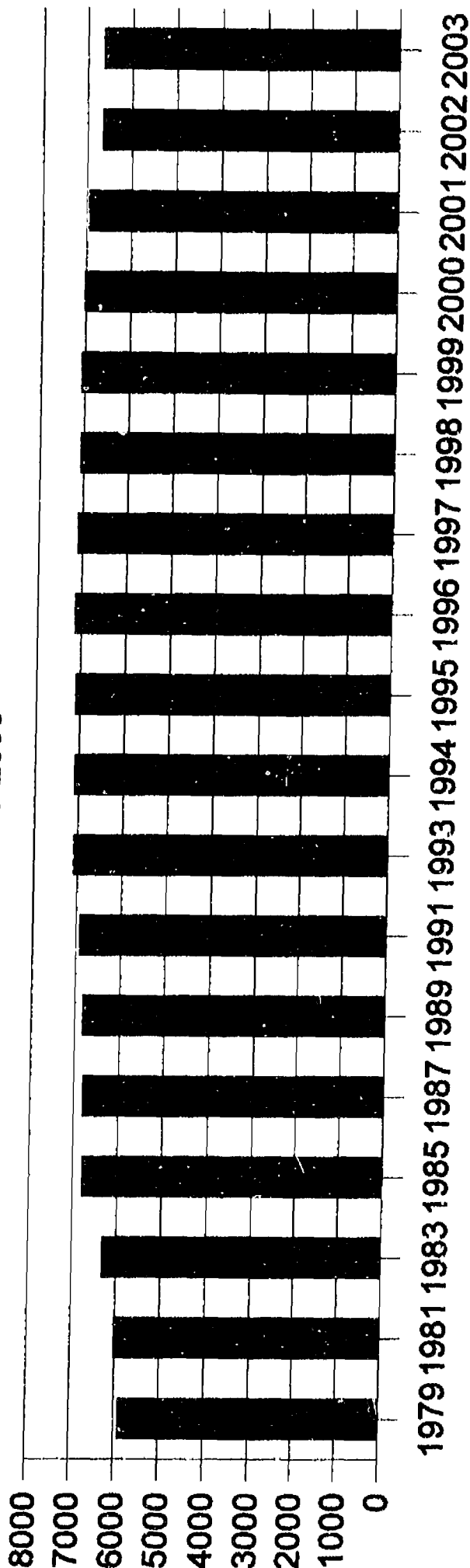
In 2001, you made an exception to the basic care moratorium. In your exception you allowed an applicant to prove to the Department of Health and Department of Human Services that a need for additional basic care bed capacity existed. If such a need existed and was proven, additional bed capacity was to be approved. HB 1400 does not change that exception process. It is our understanding that seven new facilities have been approved in the past 18 months (not all are operational and licensed yet). From the seven new basic care facilities, 126 beds will be added. The new facilities are located in Minot, Williston, Dickinson, Fargo, Bismarck (2) and Valley City.

Madame Chairman, this completes my testimony. I would be pleased to answer any questions you may have regarding my testimony.

Shelly Peterson, President
North Dakota Long Term Care Association
1900 North 11th Street
Bismarck, ND 58501
(701) 222-0660

Nursing Facility Beds in North Dakota

1979-2003



Number of NF Beds

Year	1979	1981	1983	1985	1987	1989	1991	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Beds	5912	6026	6314	6777	6797	6821	6926	7091	7096	7109	7146	7108	7081	7079	7025	6950	6652	6633

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10/3/03
Date

January 24, 2003

BED BUYOUT INCENTIVE PAYMENTS
Offers Approved As Of 10-10-2002

Round		Location	Facility	Beds	Per Bed Offer	Total Offer	Payments Authorized	Beds Delicensed
1	1	New Rockford	Lutheran Home of The Good Shepherd	2	\$8,000.00	\$16,000	\$16,000	2
1	2	Larimore	Larimore Good Samaritan Center	8	\$12,000.00	\$96,000	\$96,000	8
1	3	Bottineau	St Andrew's Health Center	32	\$15,000.00	\$480,000	\$480,000	32
1	4	Devils Lake	Devils Lake Good Samaritan Center	4	\$8,000.00	\$32,000	\$32,000	4
1	5	Westhope	Westhope Home	11	\$11,500.00	\$126,500	\$126,500	11
1	6	Oakes	Oakes Good Samaritan Center	8	\$12,000.00	\$96,000	\$96,000	8
1	7	Osnabrock	Osnabrock Good Samaritan Center	4	\$8,000.00	\$32,000	\$32,000	4
1	8	Northwood	Northwood Deconess Health Center	8	\$10,999.75	\$87,998	\$87,998	8
1	9	Dickinson	St. Benedict's Health Center	8	\$11,400.00	\$91,200	\$91,200	8
1	10	Harvey	St. Aloisius Medical Center	10	\$12,000.00	\$120,000	\$120,000	10
1	11	Ellendale	Prince of Peace Care Center	5	\$8,000.00	\$40,000	\$40,000	5
1	12	Lamoure	St Rose Care Center	10	\$11,400.00	\$114,000	\$114,000	10
1	13	Strasburg	Strasburg Nursing Home	8	\$12,000.00	\$96,000	\$96,000	8
1	14	Hatton	Tri-County Retirement & Nursing Home	2	\$7,500.00	\$15,000	\$15,000	2
1	15	Crosby	Crosby Good Samaritan Center	9	\$12,000.00	\$108,000	\$108,000	9
1	16	McVie	Nelson County Health System Care Center	6	\$8,000.00	\$48,000	\$48,000	6
1	17	Rugby	Heart of America Nursing Facility	23	\$12,000.00	\$276,000	\$276,000	23
1	18	Williston	Bethel Lutheran Home	3	\$8,000.00	\$24,000	\$24,000	3
1	19	Dunseith	Dunseith Community Nursing Home	4	\$8,000.00	\$32,000	\$32,000	4
1	20	Wahpeton	St. Catherine's Living Center	20	\$11,400.00	\$228,000	\$228,000	20
1	21	Garrison	Benedictine Living Center	8	\$11,400.00	\$91,200	\$91,200	8
1	22	Underwood	Prairieview Health Center Inc.	8	\$11,997.00	\$95,976	\$95,976	8
1	23	Arthur	Arthur Good Samaritan Center	17	\$12,000.00	\$204,000	\$204,000	17
1	24	Wishek	Wishek Home For The Aged	8	\$12,000.00	\$96,000	\$96,000	8
1	25	New Town	Good Samaritan Center	30	\$15,000.00	\$450,000	\$450,000	30
4	26	Kildeer	Hill Top Home of Comfort	9	\$12,000.00	\$108,000	\$108,000	9
5	27	Parshall	Rock View Good Samaritan Center	5	\$8,000.00	\$40,000	\$40,000	5
7	28	Lisbon	Lisbon Area Health Services Nursing Facility	8	\$12,000.00	\$96,000		
Total				278		\$3,339,874	\$3,243,874	270
Total Offers							\$3,339,874	278
Total Outstanding							\$96,000	8
Uncommitted Funds \$660,128								

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10/3/03
Date

**TESTIMONY BEFORE THE HOUSE HUMAN SERVICES COMMITTEE
REGARDING HOUSE BILL 1400
JANUARY 28, 2003**

Chairman Price, members of the committee, I am David Zentner, Director of Medical Services for the Department of Human Services. I appear to provide information and support this bill.

This bill would continue the moratorium on the expansion of nursing facility and basic care assistance beds in North Dakota through the end of the next biennium. It has been a goal of the Department to reduce the number of nursing facility beds in North Dakota since the mid 1990's. Through the help of the Legislature and the cooperation of the North Dakota Long Term Care Association, we have seen a reduction in the number of nursing facility beds by 499 since 1997 including the complete closing of two facilities within the last two years.

While we have made strides to reduce the number of nursing facility beds, there continues to exist excess capacity in certain areas of the state. This bill would continue the moratorium on the construction of new nursing facility beds, but would eliminate the requirement that for every bed sold and transferred another bed would no longer be licensed. This change would more easily accommodate the movement of beds from areas where excess capacity exists to communities where due to changes in demographics additional bed capacity may be appropriate.

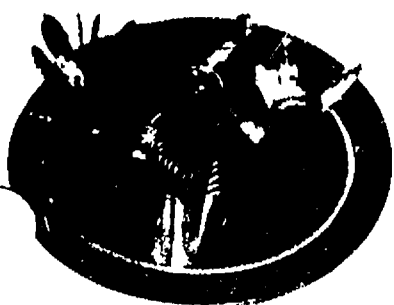
The Department supports the continuation of the moratorium on nursing facility and basic care beds in order to ensure that additional beds are not added to the system that would in turn increase the cost to the Medicaid Program.

I would be happy to respond to any questions you may have.

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David Zentner
Operator's Signature

10/3/03
Date



TRIBAL BUSINESS COUNCIL
(701) 627-4781
Fax (701) 627-3805

MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation
404 Frontage Road • New Town, North Dakota 58763-9402

**Human Services Committee
North Dakota House
58th Legislative Assembly**

**Testimony of Three Affiliated Tribes
Mandan, Hidatsa and Arikara Nation**

**Tex G. Hall
Chairman
HB 1400**

January 28, 2003

Dosha! (Hello) Good morning, Madam Chairman, members of the Committee. This testimony is being offered by Chairman Tex Hall of the Mandan, Hidatsa and Arikara Nation in support of HB 1400.

As you all know, in order for anyone to successfully operate a nursing home in North Dakota, it must be able to receive medicare payments for those residing there, to partially offset the cost of the home. As Tribes have discovered, that means the nursing home beds that are on reservations or operated by the Tribes are counted against the state maximum total of beds allowed for which Medicare payments may be received from the Federal government. Therefore, it is necessary for Tribes to either obtain a waiver of that requirement or to exchange beds with other nursing home facilities in order to have a nursing home on the reservation that would serve our members.

Elders are honored in our culture, and are not generally warehoused in nursing homes. But when the time comes for assisted care living, or even the more intensive care provided in a nursing home, Tribal elders must go off the reservation. That is unfortunate and hastens the end of life for many of our Tribal elders. Thus we are interested in improving our ability to have assisted care living facilities on the reservations.

This bill changes a provision in current law which was very detrimental to Tribes that wanted to place a nursing home on the reservation that was operated for the benefit of Tribal members. Current law, enacted in the last legislative session, permitted Tribes to purchase two beds for each bed they wanted to have on the reservation. That seems quite unfair, and frankly, I do not believe that provision of the law was used by any Tribe in North Dakota.

The current bill would change the requirement to a one-for-one bed purchase, which, while not a waiver of the moratorium that we are seeking, does make the exchange an even one. Therefore, we think the change is a reasonable one, and we support this bill's passage into law, and appreciate the sponsorship of legislators who have introduced this bill.

I urge a DO PASS recommendation for this bill from this Committee.

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Donna Hall Smith
Operator's Signature

10/3/03
Date

Testimony on HB 1400
Senate Human Services Committee
March 5, 2003

Chairman Lee and members of the Senate Human Services Committee, thank you for the opportunity to testify on HB 1400. This testimony is given on behalf of Shelly Peterson of the North Dakota Long Term Care Association. She is unable to be here today and has asked me to deliver this testimony on their Association's behalf. My name is Arnold (Chip) Thomas of the North Dakota Healthcare Association.

HB 1400 accomplishes four objectives:

1. The moratorium on basic care beds and nursing facility beds is extended to July 31, 2007. (Although we believe the House only intended to extend the moratorium 2 years, either is acceptable to us.)
2. Basic care and nursing facilities would be allowed to transfer or sell beds to another community and would not be required to give up another bed in the transfer / sale.
3. The transfer of basic care or nursing facility beds from one entity to a tribal reservation could also occur without the existing requirement of losing an additional bed in the transfer.
4. Currently a nursing facility may convert nursing facility beds to basic care beds on an annual basis. In making this conversion you must notify the Department of Health 90 days in advance of the transfer. There was an additional requirement that all the converted beds must be located in the same block of rooms within the facility. In HB 1400 we are deleting the requirement that all the converted basic care beds must be in the same block.

In the past 18 months we had one case where a couple was admitted to the nursing facility with different care needs. After numerous years of living together the couple wanted to continue to share a room in the long term care facility. The requirement of having the converted basic care beds in the same wing, in a continuous line made it difficult to accommodate the desire of the couple to live together.

The Health Department has indicated even if the law is amended they will not allow us to deviate from the continuous room requirement. A federal rule exists which

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makes this change almost impossible. Despite the federal rule we would still ask that you take this requirement out of state statute. We have been working with the federal government for four years to allow nursing facilities to use feeding assistants and finally now in 2003 rules should be forthcoming. We will advocate with the federal government on the continuous bed issue. By removing the state requirement one obstacle would be removed.

The moratorium, bed buy-out program and requirement that one bed be eliminated when you want to transfer one has been effective in lowering North Dakota's bed capacity. A few years ago, North Dakota had 89 nursing facilities, today there are 84 nursing facilities. The highest nursing facility bed count we ever recorded was in 1996 at 7,146 nursing facility beds. Today there are 6,633 beds, a reduction of 513 beds. The last time we were this low was 1984. We feel we may have a sufficient number of nursing facility beds, however there may be a mal-distribution of beds. Bismarck and Fargo may need additional beds and some very rural areas may not be able to support their facility at their current capacity. We do not support increased capacity in North Dakota, not even for the cities. Allowing beds to be transferred, without losing one in the transfer, would allow the major cities or reservation and a rural facility to negotiate a re-distribution of current capacity.

In 2001, you made an exception to the basic care moratorium. In your exception you allowed an applicant to prove to the Department of Health and Department of Human Services that a need for additional basic care bed capacity existed. If such a need existed and was proven, additional bed capacity was to be approved. HB 1400 does not change that exception process. It is our understanding that seven new facilities have been approved in the past 18 months (not all are operational and licensed yet). From the seven new basic care facilities, 126 beds will be added. The new facilities are located in Minot, Williston, Dickinson, Fargo, Bismarck (2) and Valley City.

We also understand the Representative Boucher will be proposing an amendment regarding extending from 24 months to 48 months, the time allowed to put purchased beds into service. We are not opposed to that amendment.

Madame Chairman, this completes my testimony. On behalf of the North Dakota Long Term Care Association thank you for the opportunity to provide testimony.

North Dakota Long Term Care Association
1900 North 11th Street
Bismarck, ND 58501
(701) 222-0660

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10/3/03
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**TESTIMONY BEFORE THE SENATE HUMAN SERVICES COMMITTEE
REGARDING HOUSE BILL 1400
MARCH 5, 2003**

Chairman Lee, members of the committee, I am David Zentner, Director of Medical Services for the Department of Human Services. I appear to provide information and support this bill.


This bill would continue the moratorium on the expansion of nursing facility and basic care assistance beds in North Dakota through July 31, 2007. It has been a goal of the Department to reduce the number of nursing facility beds in North Dakota since the mid 1990's. Through the help of the Legislature and the cooperation of the North Dakota Long Term Care Association, we have seen a reduction in the number of nursing facility beds by 499 since 1997 including the complete closing of two facilities within the last two years.

While we have made strides to reduce the number of nursing facility beds, there continues to exist excess capacity in certain areas of the state. This bill would continue the moratorium on the construction of new nursing facility beds, but would eliminate the requirement that for every bed sold and transferred another bed would no longer be licensed. This change would more easily accommodate the movement of beds from areas where excess capacity exists to communities where due to changes in demographics additional bed capacity may be appropriate.

The Department supports the continuation of the moratorium on nursing facility and basic care beds in order to ensure that additional beds are not added to the system that would in turn increase the cost to the Medicaid Program.

I would be happy to respond to any questions you may have.

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10/3/03
Date

Good morning Chairman Lee and members of the Senate Human Services Committee. It is a pleasure to appear before you again this morning. For the record, I am Rep. Bill Devlin, District 23 from Finley.

For the past several years we've had a restriction on adding new nursing facility or basic care beds in North Dakota. We wanted to bring some balance into how we've provided services to elderly and disabled persons in North Dakota. This bill extends that moratorium for another two years.

It will also make a major change in the requirement which allows a facility to give up a bed to another facility. In the past the facility had to give up an additional bed to transfer one to another facility. The change proposed would make it a one for one transfer.

Those of you that have served on this committee before know that we don't have too many nursing home beds in the state but instead don't have them located where they are most needed. We need to be more flexible in allowing a nursing home in a town with a growing need to be able to purchase or transfer a bed from another facility where the need is declining without making the penalty too severe. I believe a one for one transfer will more adequately meet your the state's needs for the next biennium.

I am committed to provide a full continuum of care, so we can care for individuals in the most appropriate setting.

In the past two bienniums and today we have substantially increased funding for in-home services:

Increases in funding SPED and Expanded SPED

1999-2001	-	25.5% increase
2001-2003	-	12.2% increase
2003-2005	-	20 % increase proposed

As a side note, IGT dollars were utilized to provide these significant (proposed) increases.

Since the moratorium and bed buy out program we've reduced over 500 nursing facility beds. Some communities such as Fargo and Bismarck suggest they need more nursing facility beds to care for their older population. The Turtle Mountain Band of Chippewa Tribe in Belcourt has

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10/3/03
Date

indicated they want a nursing home. I continue to believe we should not add more institutional capacity to North Dakota, however we may need to redistribute the beds we have and help with moving beds around in North Dakota. HB 1400 would help accomplish that objective.

In HB 1400:

1. A basic care or nursing facility could sell or transfer beds across the State and not lose a bed in the process, which is the current requirement. This will help redistribute beds, but only if a facility is willing to give up their beds to another community.
2. The provisions of a nursing facility converting a portion of their beds to basic care for a twelve-month period of time would still be allowed. I understand this has been only used by a few facilities.
3. The provision for reservations remain intact and if any nursing facility or basic care facility sell their beds to a reservation, again they would not need to give up another bed in the process.
4. HB 1400 proposes to remove the requirement that nursing facility beds converted to basic care be in the same wing, in a continuous row. I support removing this State requirement. I understand the Feds have a rule on this and we may still need to follow the rule. However, removing the language from our statute will give facilities flexibility should the Federal government ever change their position.
5. The exception process for adding basic care beds to under served areas would continue. My fellow colleagues I ask for your support on HB 1400. There are others here that will provide more information and I hope answer any questions that you might have. I too would be happy to answer any questions you may have now or later during committee deliberations.

Bill
William R. Devlin
State Representative, District 23

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