

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1147

2005 HOUSE HUMAN SERVICES

HB 1147

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1147

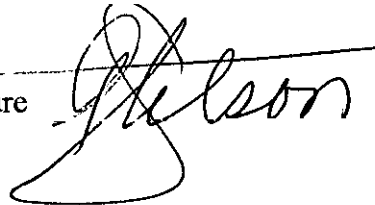
House Human Services Committee

☐ Conference Committee

Hearing Date 01/10/05

Tape Number	Side A	Side B	Meter #
#2	x		26-1147

Committee Clerk Signature



Minutes:

Chairman Price Opened hearing on **HB 1147**. All committee members were present.

Dave Skalsky, Program Administrator with Medical Services Div. Dept. Human Services:

(See attached testimony)

Tape was faulty - Testimony from notes:

Rep. Kreidt: If you have a single unit, what happens if there is 5 rooms, kitchen area, bath etc.?

D. Skalsky: Possible change in terminology. Indicate each would have to have separate rooms.

We discussed that if it was private pay, and no kitchen, concern about affordability. No regulations for kitchen.

Rep. Kreidt: How do you handle inspections, do you do them?

D. Skalsky: Two depts. oversees, fire and local health dept. They are also asked for copy of licenses.

Rep. Potter: What about a Congregate Living facility?

D. Skalsky: That is housing without services.

Rep. Kaldor: Does a living unit specify 2 people?

D. Skalsky: Yes, but could be a 2 or 3 bedroom, is could also have to people in one bed. We don't want to violate any laws.

Shelly Peterson, President of the ND Long Term Care Assoc.

(see attached testimony)

Rep. Kaldor: Would you clarify the old definition of an entity, foster home, assisted living facility?

S. Peterson: The Dept. wants to keep a home environment, this can reach 4 people. Once it gets to 5 persons, it falls under the definition of an assisted care facility.

Rep. Uglem: What happens with remodeling?

S. Peterson: Under Sec. 4: Prior to the Legislature, if resident doesn't have a private bathroom, it is grandfathered in. The desire of assisted living is the space, private bedroom/bath.

Chairman Price: Melissa, do you agree?

Melissa Hover: Yes, we have no problems, and support a do pass.

Chairman Price: Anyone else in favor/opposition? Hearing closed.

Chairman Price opened discussion:

Rep. Potter: I am not pleased with Section 2.

Rep. Devlin: I don't enjoy 100 word sentences. I move a **Do Pass**.

Rep. Kaldor: Second.

Vote: 12-0-0. Carrier: Rep. Uglem

FISCAL NOTE
Requested by Legislative Council
01/03/2005

Bill/Resolution No.: HB 1147

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.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill would create and enact new sections of the NDCC relating to assisted living facilities. There is no fiscal impact of 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 M. Weisz
Phone Number: 328-2397

Agency: DHS
Date Prepared: 01/07/2005

Date: 1/10/05

Roll Call Vote #: /

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1147

House

Human Services

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass*

Motion Made By *Rep Devlin*

Seconded By *Rep Kaldor*

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S. Price	/		Rep.L. Kaldor	/	
V Chrm. G. Kreidt	/		Rep.L. Potter	/	
Rep. V. Pietsch	/		Rep.S. Sandvig	/	
Rep.J.O. Nelson	/				
Rep.W.R. Devlin	/				
Rep.T. Porter	/				
Rep.G. Uglem	/				
Rep C. Damschen	/				
Rep.R. Weisz	/				

Total *(yes) 12*

No *0*

Absent *0*

Floor Assignment *Rep Uglem*

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

REPORT OF STANDING COMMITTEE (410)
January 10, 2005 3:17 p.m.

Module No: HR-05-0240
Carrier: Uglem
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1147: Human Services Committee (Rep. Price, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1147 was placed on the
Eleventh order on the calendar.

2005 SENATE HUMAN SERVICES

HB 1147

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1147

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 14, 2005

Tape Number	Side A	Side B	Meter #
1		x	945-1735
2	x		600-1835

Committee Clerk Signature



Minutes:

Chairman Lee opened the hearing on HB 1147. All members were present.

Testimony in favor of HB 1147

David Skalsky, Program Administrator with the Medical Services Division of the Department of Human Services. See written testimony (Attachment 1)

After his testimony, Mr. Skalsky explained the different levels of care per the request of Senator Dever. (tape 1 side b meter 1215-1400)

Susan Keeney, on behalf of Shelly Peterson, President of the North Dakota Long Term Care Association See written testimony (Attachment 2)

There was no further testimony on HB 1147.

Chairman Lee closed the public hearing on HB 1147

Senator Lyson moved DO PASS on HB 1147, seconded by Senator Brown.

Vote: 5 yeas, 0 nays, 0 absent Carrier: Senator Dever

Page 2

Senate Human Services Committee

Bill/Resolution Number HB 1147

Hearing Date February 14, 2005

Shelly Peterson returned to the committee to go over the NDLTCA Assisted Living Survey that is attached to Attachment 2.

Date: 2-14-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1147

Senate Human Services

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Sen Lyson

Seconded By

Sen. Brown

Senators	Yes	No
Sen. Judy Lee - Chairman	✓	
Sen. Dick Dever - Vice Chairman	✓	
Sen. Richard Brown	✓	
Sen. Stanley Lyson	✓	

Senators	Yes	No
Sen. John Warner	✓	

Total (Yes)

5

No

0

Absent

0

Floor Assignment

Sen Dever

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

REPORT OF STANDING COMMITTEE (410)
February 14, 2005 12:52 p.m.

Module No: SR-28-2770
Carrier: Dever
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1147: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1147 was placed on the
Fourteenth order on the calendar.

2005 TESTIMONY

HB 1147

TESTIMONY BEFORE THE HOUSE HUMAN SERVICES COMMITTEE

REGARDING HOUSE BILL 1147

JANUARY 10, 2005

Chairman Price, members of the committee, I am David Skalsky, a Program Administrator with the Medical Services Division of the Department of Human Services. I appear before you today, on behalf of the Department, to provide information and support this bill.

The proposed changes to the North Dakota Century Code are the result of the efforts of the Assisted Living Work group, which consists of representatives from assisted living facilities, North Dakota Long Term Care Association, Home Care Association, State Insurance Commissioners Department, State Department of Health, and Department of Human Services.

In addition to other requirements stated in the law, the passage of this bill would require the building or structure, where the tenants reside, to contain at least five living units before the operating entity can be given a license to operate an assisted living facility. The bill also requires the living unit to contain a sleeping area, an entry door that can be locked, and a private bath with a toilet, bathtub or shower, and sink.

The bill also states that no more than two people may occupy one bedroom of an assisted living facility.

The purpose of these changes is to set a minimum standard for what must be contained in the living unit of an assisted living facility and to prevent entities from warehousing tenants. These changes will also help to insure that the Department will not have to license adult family foster care homes as assisted

living facilities, simply because the adult family foster care provider takes another person into their home. Currently adult family foster care is limited to 4 individuals.

The concept of adult family foster care is to provide a family environment in a person's home to individuals who need support services, whereas assisted living is a social model where individuals who live in the facility have access to services that are either provided or coordinated by the operating entity. The services are to help the client maintain independence and should be provided on an as needed basis.

The bill also makes changes to chapter 23-09 of the North Dakota Century Code. These changes were made to reflect changes made to chapter 50-32.

Other changes proposed in the bill would prevent a facility that is licensed to provide residential care to the developmentally disabled or to provide foster care for adults, from being licensed as an assisted living facility.

The Department supports this bill and recommends that you consider a do pass for this proposed legislation.

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

Testimony on HB 1147
House Human Services Committee
January 11, 2005

Chairman Price and members of the House Human Services Committee, thank you for the opportunity to testify on HB 1147. My name is Shelly Peterson, President of the North Dakota Long Term Care Association. I am here today to testify in support of HB 1147 and provide information on assisted living.

We support the Department's desire to better define assisted living facilities and living units through HB 1147.

What I would like to share with the committee is information from our newly published assisted living survey. This is the first time comprehensive data on assisted living has been gathered and summarized.

Survey Results

Thank you for the opportunity to testify in support of HB 1147 and provide information on assisted living in North Dakota. I would be happy to answer any questions you might have.

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



NDLTCA Assisted Living Survey

By:

ND Long Term Care Association
1900 North 11th Street
Bismarck, ND 58501
701-222-0660
www.ndltca.org

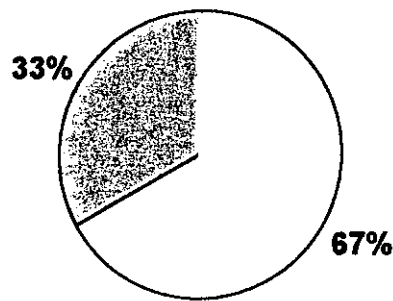
January 3, 2005



Profile of Assisted Living Survey Data

- Sample Size = 70% (32 facilities out of 46 licensed facilities)
- Location = 12 rural/20 urban
- Average number of units = 42
- Average occupancy = 92%
- Total number of units reported by 32 facilities = 1356 units

Facility Profit Status

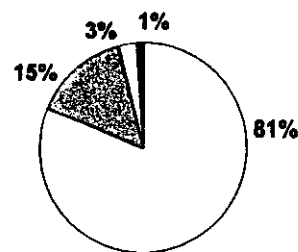


□ Non-Profit □ Profit

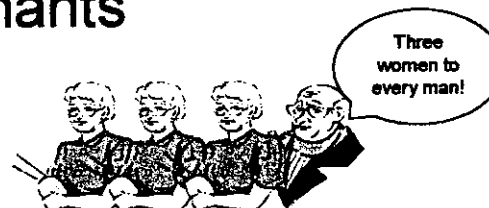
Data Collected -- Fall 2004

Tenants

Finances: How Tenants Pay



☐ Private Pay
☒ LTC Insurance
☐ Sec 8 Housing Asst
☐ Other

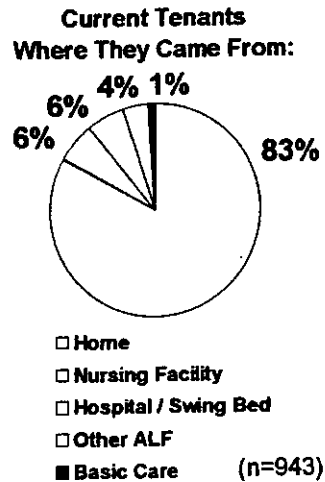
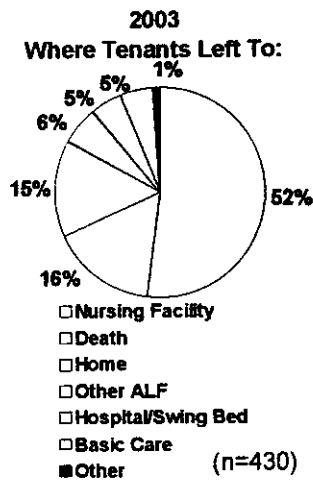


- Gender: 75% female and 25% male
- Average age: 85 years
- Average youngest tenant: 68
- Average oldest tenant: 96
- Range of tenant: 40 – 104

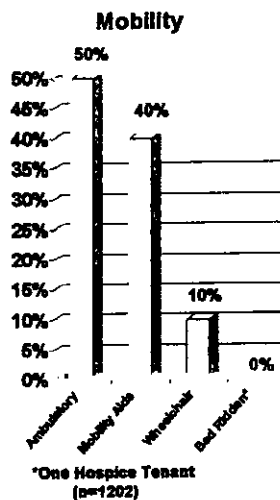
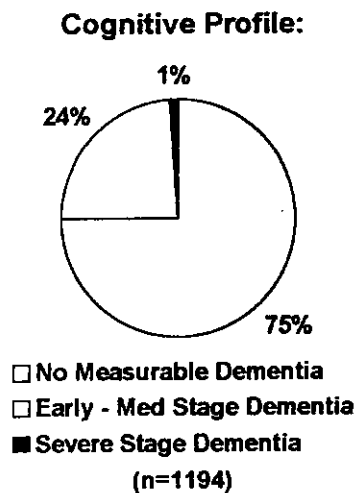
(n=1260)

Tenants

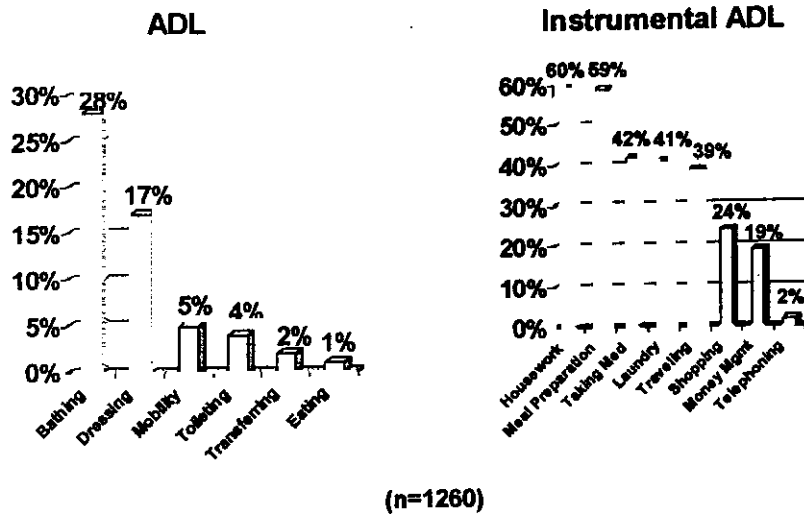
Twenty tenants (of 430) in a twelve month period of time left the assisted living facility because they depleted their income.



Tenants

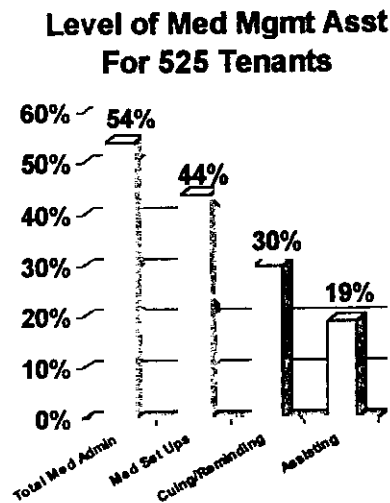


Tenants Accessing Services

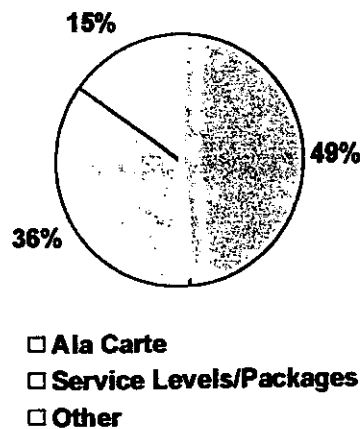


Tenants Accessing Medication Assistance

525 (42%) of 1260 Tenants require assistance with medication.

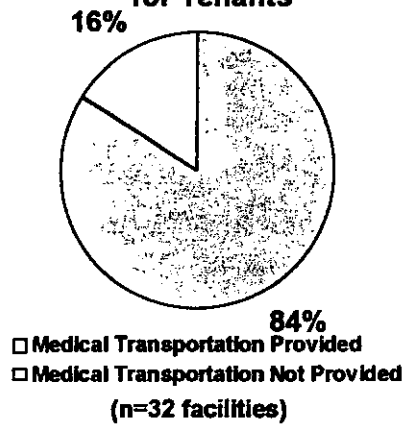


How Health & Personal Services are Charged

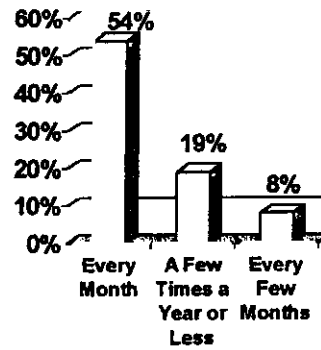


Transportation

Medical Transportation for Tenants

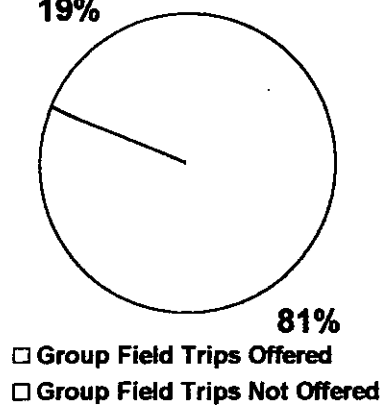


How Often Medical Transportation is Provided

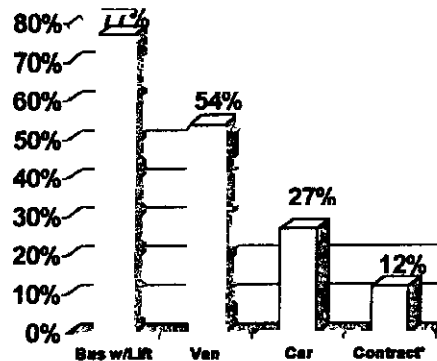


Transportation

Group Field Trips

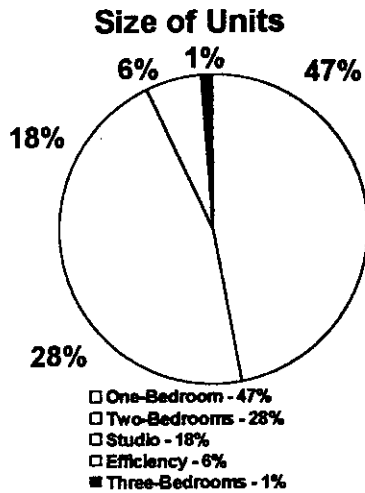


ALF Provides Transportation Through:



*Contract with Transportation provider

Assisted Living Units

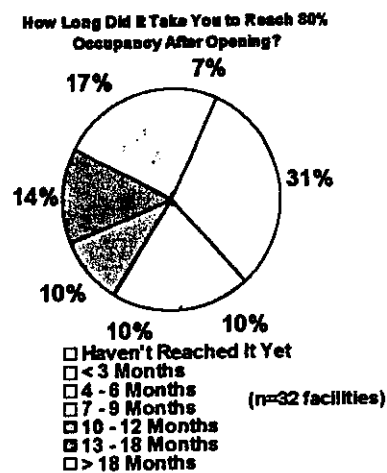
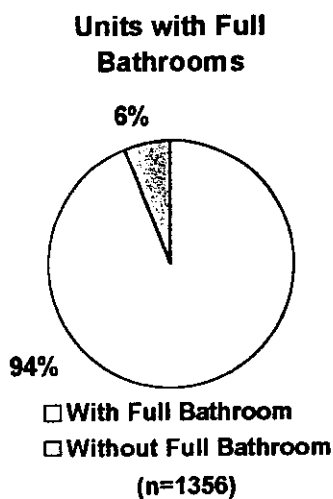


- Average cost of basic monthly rent = \$1,310
- Average cost of efficiency = \$1,386
- Average cost of one-bedroom unit = \$1,335
- Average cost of two-bedroom unit \$1,389
- Average cost of three-bedroom unit = \$2,669

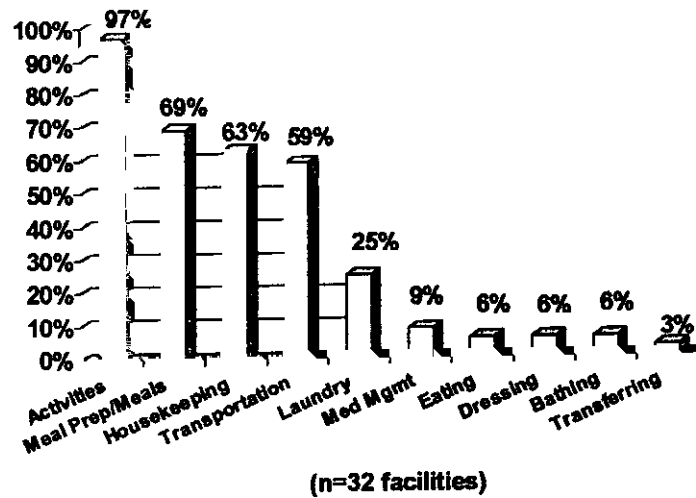
(n=1356)

Assisted Living Units

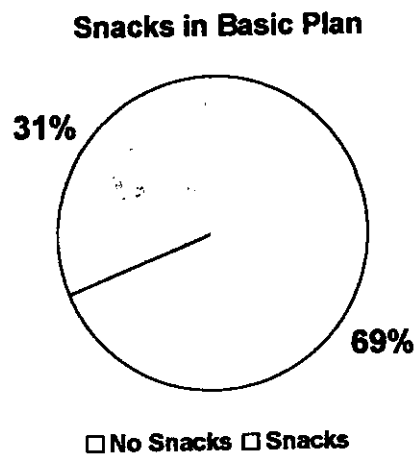
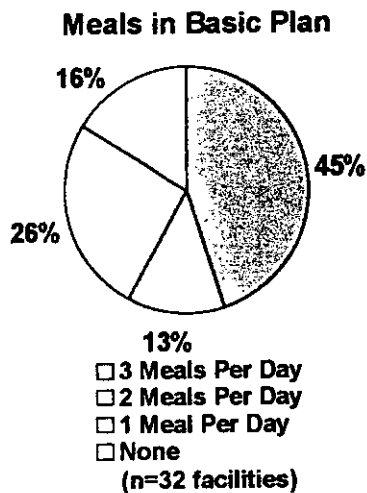
Range of Assisted Living Facilities Opening: 1970 to 2004
 Vast Majority of Assisted Living Facilities charge based on square footage of unit.



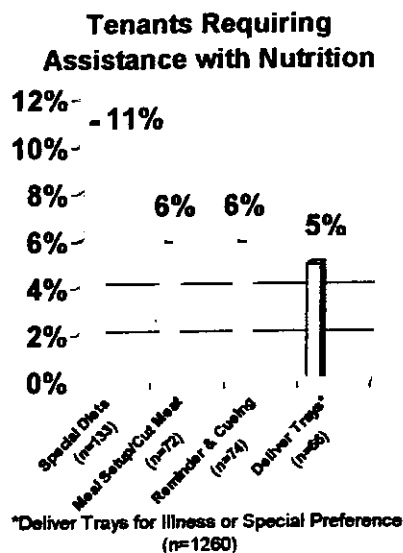
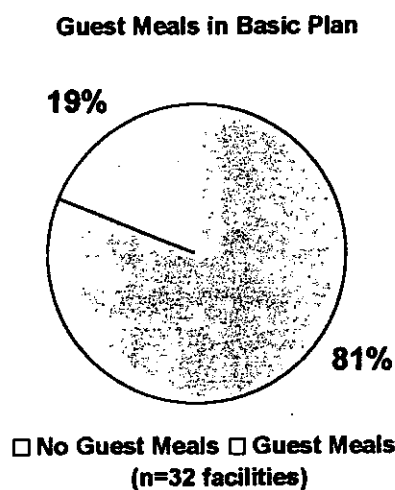
Services Included in Basic Rent



Nutrition Services Covered in Basic Plan



Nutrition Services Covered in Basic Plan



Level of Care Cost Structure (for services)

Average

- Lowest Level - \$565
- Next Level - \$849
- Next Level - \$1,077
- Next Level - \$1,405

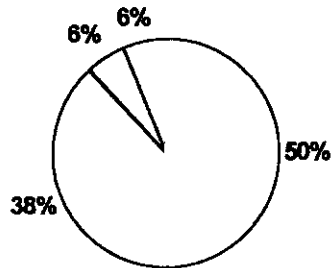
Average Cost that all
Tenants in Program are
paying for base rates:

Rent = \$1,310
Services = \$607

Range of Levels of Care for Services:

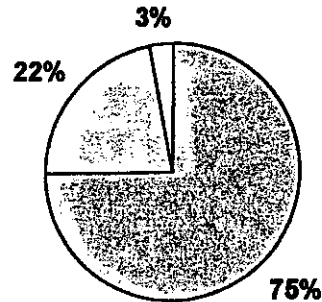
- Lowest Level - \$210 to \$1,800
- Next Level - \$420 to \$2,200
- Next Level - \$625 to \$2,500
- Next Level - \$910 to \$3,000

Property Taxes



- ☐ Pay Full Property Taxes
- ☐ Do Not Pay Property Taxes
- ☐ Negotiated Lower Property Taxes
- ☐ Pay a Fee in Lieu of Taxes

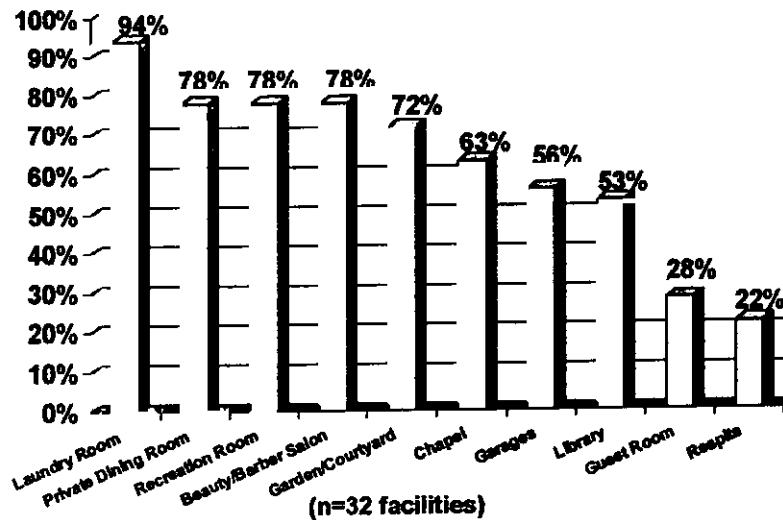
Sprinkling



- ☐ Fully Sprinklered
- ☐ No Automatic Sprinkler System
- ☐ Partially Sprinklered

(n=32 facilities)

Amenities of Assisted Living Facilities



Comparison Between Assisted Living and Basic Care

Features

Definition

Assisted Living

"Assisted Living Facility" means a building or structure containing a series of at least five living units operated as one entity to provide services for five or more individuals who are not related by blood, marriage, or guardianship to the owner or manager of the entity and which is kept, used, maintained, advertised, or held out to the public as a place that provides or coordinates individualized support services to accommodate the individual's needs and abilities to maintain as much independence as possible. An assisted living facility in this chapter includes a facility that is defined as an assisted living facility in any other part of the code. An assisted living facility does not include a facility that is a congregate housing facility, licensed as a basic care facility, or licensed under chapter 23-16 or 25-16 or section 50-11-01.4. (HB 1147)

Choose and pay for only those services needed or desired

Rent - \$1,310; Services - \$607 = Total of \$1917.00 monthly

92%

Rates

Average Rate

Average

Occupancy

Governance

Licensure

Public Assistance

Space

Accommodations

Complaint

Investigations

Rights of

Residents

Special Care Units

for Dementia

Ownership

Statewide

Availability

Basic Care

"Basic Care Facility" means a facility licensed by the department under North Dakota Century Code chapter 23-09.3 whose focus is to provide room and board and health, social, and personal care to assist the residents to attain or maintain their highest level of functioning, consistent with the resident assessment and care plan, to five or more residents not related by blood or marriage to the owner or manager. These services shall be provided on a twenty-four-hour basis within the facility, either directly or through contract, and shall include assistance with activities of daily living and instrumental activities of daily living; provision of leisure, recreational, and therapeutic activities; and supervision of nutritional needs and medication administration.

All inclusive rate for residents regardless of services used

\$1731.90 monthly

83%

Governed by state regulation

Department of Health

Basic Care Assistance for low income elderly and disabled

Generally semi-private room with shared bath

Ombudsman

Bill of Rights in North Dakota Century Code

Available

70% Non-Profit

54 Licensed in North Dakota / 1587 Beds

**TESTIMONY BEFORE THE SENATE HUMAN SERVICES COMMITTEE
REGARDING HOUSE BILL 1147**

February 14, 2005

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

**Testimony on HB 1147
Senate Human Services Committee
February 14, 2005**

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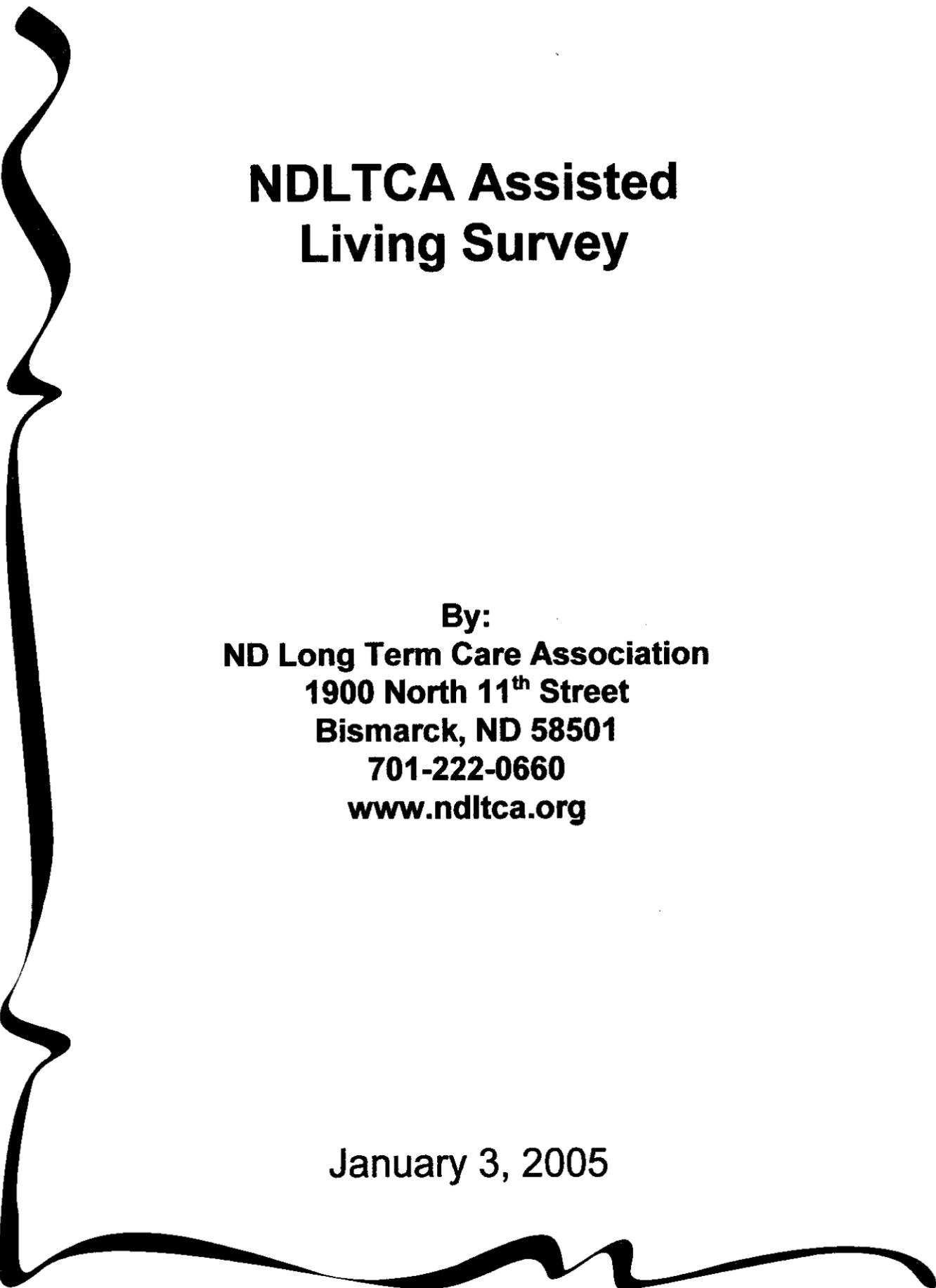
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Survey Results

Thank you for the opportunity to testify in support of HB 1147 and provide information on assisted living in North Dakota. I would be happy to answer any questions you might have.

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



**NDLTCA Assisted
Living Survey**

**By:
ND Long Term Care Association
1900 North 11th Street
Bismarck, ND 58501
701-222-0660
www.ndltca.org**

January 3, 2005

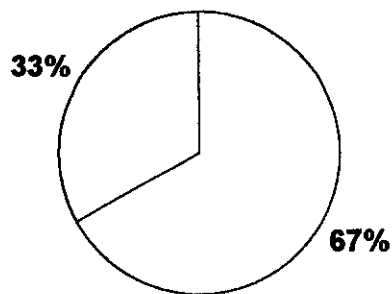
NDLTCA 2004 Assisted Living Survey



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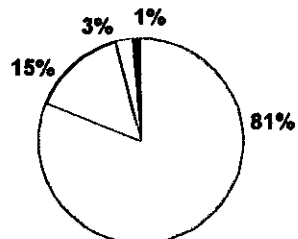


□ Non-Profit □ Profit

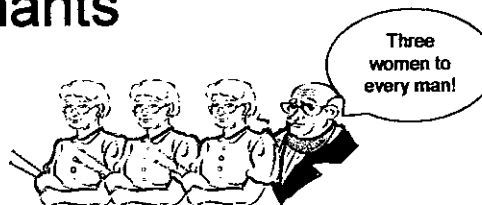
Data Collected – Fall 2004

Tenants

Finances: How Tenants Pay



- Private Pay
- LTC Insurance
- Sec 8 Housing Asst
- Other



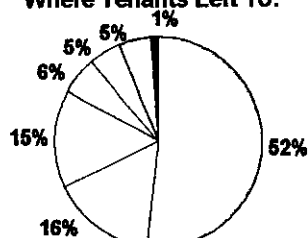
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- Average age: 85 years
- Average youngest tenant: 68
- Average oldest tenant: 96
- Range of tenant: 40 – 104

(n=1260)

Tenants

Twenty tenants (of 430) in a twelve month period of time left the assisted living facility because they depleted their income.

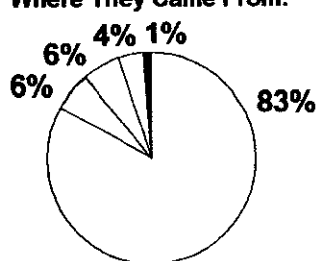
2003
Where Tenants Left To:



- Nursing Facility
- Death
- Home
- Other ALF
- Hospital/Swing Bed
- Basic Care
- Other

(n=430)

Current Tenants
Where They Came From:

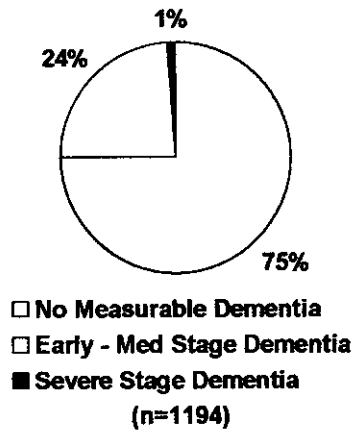


- Home
- Nursing Facility
- Hospital / Swing Bed
- Other ALF
- Basic Care

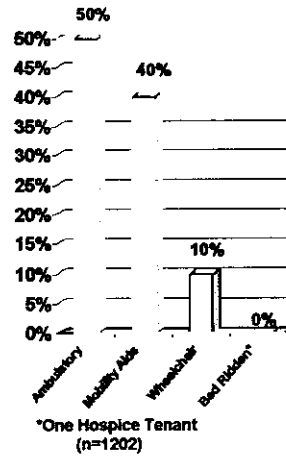
(n=943)

Tenants

Cognitive Profile:

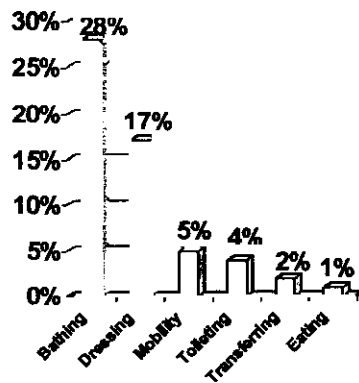


Mobility

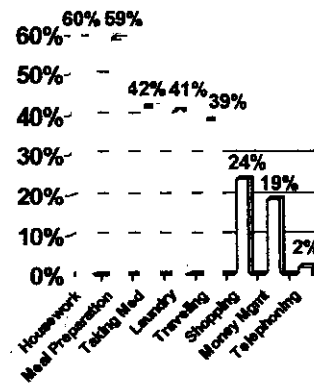


Tenants Accessing Services

ADL



Instrumental ADL

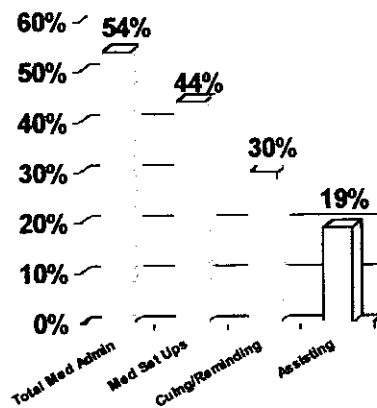


(n=1260)

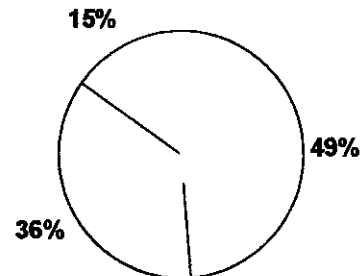
Tenants Accessing Medication Assistance

525 (42%) of 1260 Tenants require assistance with medication.

Level of Med Mgmt Asst For 525 Tenants



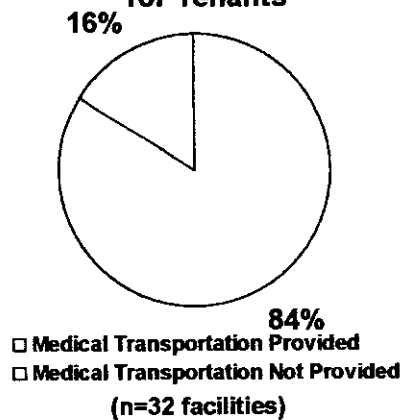
How Health & Personal Services are Charged



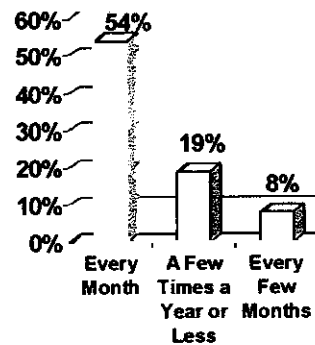
- ☐ Ala Carte
- ☐ Service Levels/Packages
- ☐ Other

Transportation

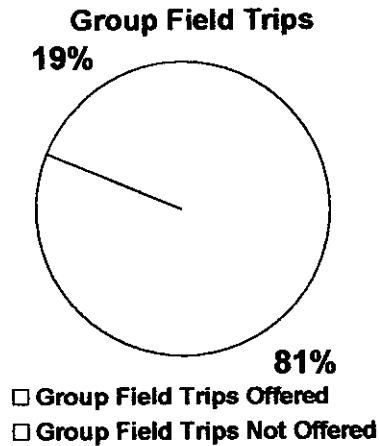
Medical Transportation for Tenants



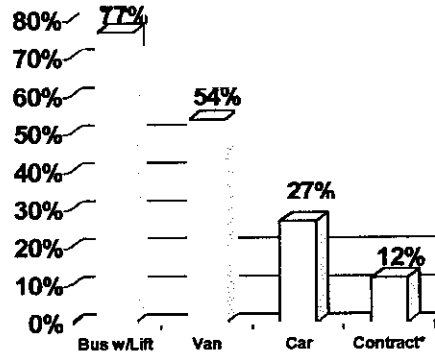
How Often Medical Transportation is Provided



Transportation

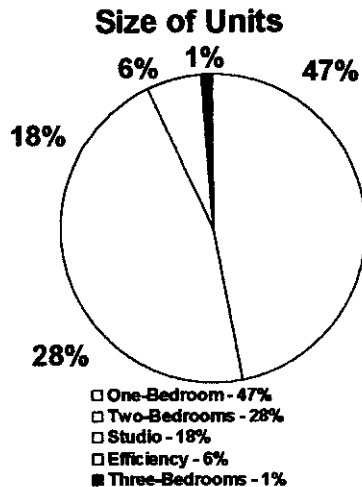


ALF Provides Transportation Through:



*Contract with Transportation provider

Assisted Living Units

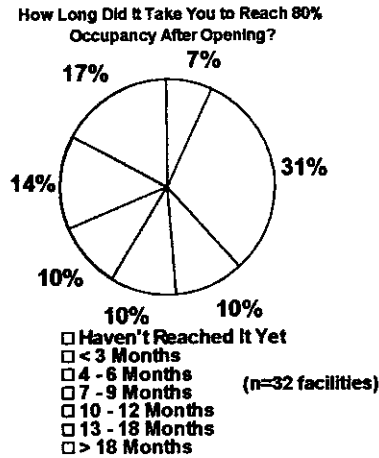
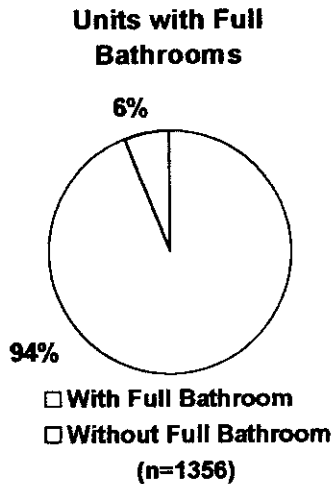


- Average cost of basic monthly rent = \$1,310
- Average cost of efficiency = \$1,386
- Average cost of one-bedroom unit = \$1,335
- Average cost of two-bedroom unit \$1,389
- Average cost of three-bedroom unit = \$2,669

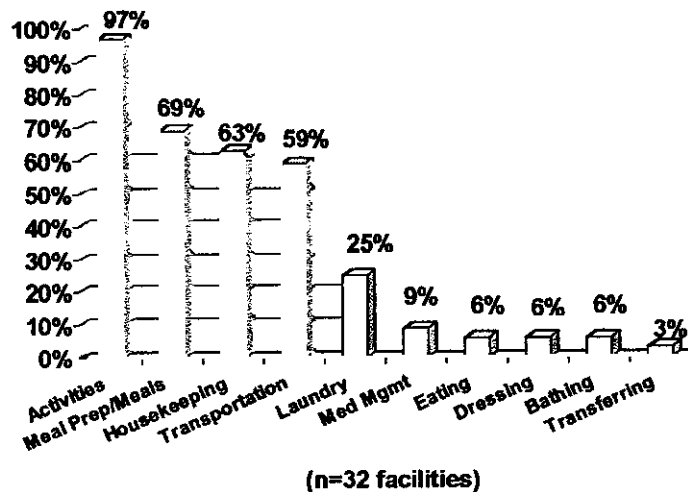
(n=1356)

Assisted Living Units

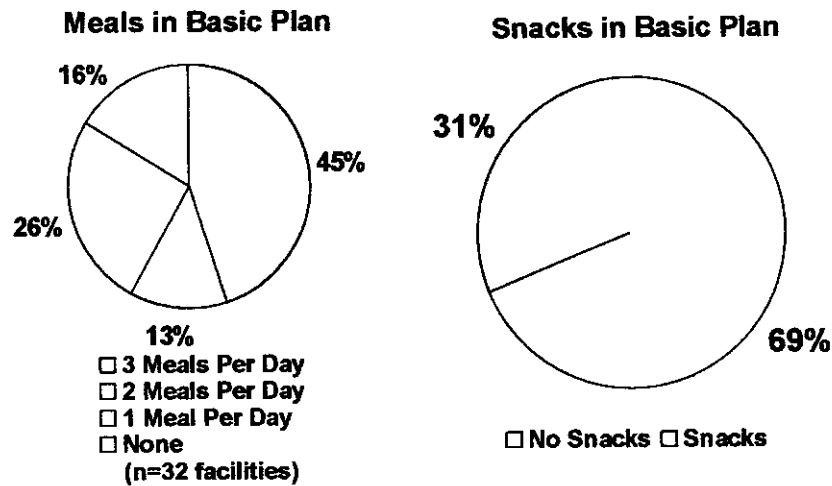
Range of Assisted Living Facilities Opening: 1970 to 2004
Vast Majority of Assisted Living Facilities charge based on square footage of unit.



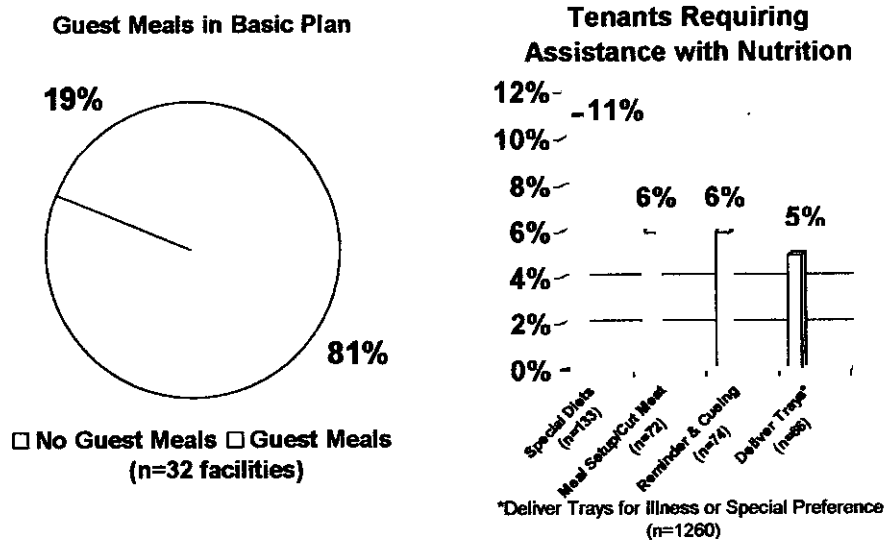
Services Included in Basic Rent



Nutrition Services Covered in Basic Plan



Nutrition Services Covered in Basic Plan



Level of Care Cost Structure (for services)

Average

- Lowest Level - \$565
- Next Level - \$849
- Next Level - \$1,077
- Next Level - \$1,405

Average Cost that all
Tenants in Program are
paying for base rates:

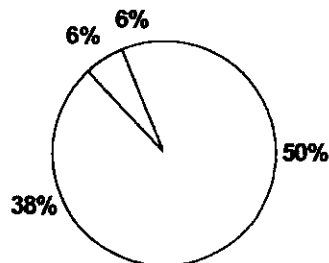
Rent = \$1,310

Services = \$607.

Range of Levels of Care for Services:

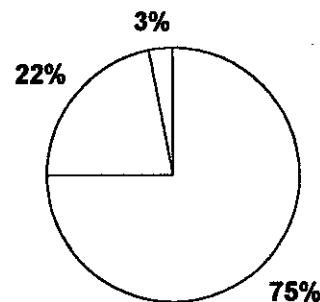
- Lowest Level - \$210
to \$1,800
- Next Level - \$420 to
\$2,200
- Next Level - \$625 to
\$2,500
- Next Level - \$910 to
\$3,000

Property Taxes



- ☐ Pay Full Property Taxes
- ☐ Do Not Pay Property Taxes
- ☐ Negotiated Lower Property Taxes
- ☐ Pay a Fee in Lieu of Taxes

Sprinkling



- ☐ Fully Sprinklered
- ☐ No Automatic Sprinkler System
- ☐ Partially Sprinklered

(n=32 facilities)

Amenities of Assisted Living Facilities

