

Testimony Relating to Resident Rights in Long Term Care
House Human Services Committee

March 11, 2025

Senate Bill 2070

Chairman Ruby and Members of the House Human Services Committee, my name is Kelly Gustavson, and I am the President of the Long-Term Care Social Workers of ND and the Social Services Manager for the Mountrail Bethel Home and Mountrail County Medical Center, in Stanley, ND. My position as the facility Social Worker allows me to work with not only residents and families in skilled nursing, but I also work with our residents and families in Basic Care, Assisted Living, and our Swing Bed at our Critical Access Hospital. Thank you for the opportunity to testify in support of the proposed changes to resident rights regulations as outlined in engrossed Senate Bill 2070.

Over the years, I've had the privilege of working closely with our local Ombudsman, first Deb Kraft and now Mary Benson. I've welcomed them into Resident Council meetings, shared their contact information with families and residents, and relied on their expertise to ensure everyone feels supported.

In some cases, residents voice concerns frequently, sometimes without realizing they've already done so. Other times, a complaint may be about one issue on the surface, but there's an underlying concern that needs to be uncovered in order to truly help. I continue to refer to and partner with the Ombudsman staff on a regular basis and have a strong, collaborative relationship.

I was also an active participant, in the meetings, with Karla Backman, ND Long Term Care Ombudsman, including the meeting when revisions were made. Many of the changes that were initially proposed by the Ombudsman aligned with elements already required in skilled nursing facilities and are logical in that context. However, these changes may not be appropriate for an assisted living setting or could be unsuitable for basic care and swing bed settings. This section of the North Dakota Century Code outlines the requirements for skilled nursing facilities, basic care, assisted living, and swing bed settings in relation to resident rights. Any changes need to make sense for each of these unique care environments, ensuring they are practical and appropriate for the people they serve. Here are a few examples:

Page 3 Lines 20 Community Access

Originally Karla Backman had proposed “the right to have full access to the community, unless otherwise indicated through the care planning process.” However, since assisted living operates under service agreements rather than care plans, this raised concerns about potential disruptions to their standard way of providing care. Providers specifically in rural areas were concerned about the language that Karla had chosen. They feared it could imply an obligation to provide access to nearby larger communities for events and appointments, which may not always be realistic due to limited resources or staff. Through collaboration, we reached a consensus on a more practical revision: “The right to participate in the community.”

Page 6 Beginning on Line 29 Transfer and Discharge

After the bill was introduced, we, along with other assisted living and basic care providers, had concerns about the transfer and discharge language Karla included. In a collaborative meeting, we talked through these concerns

and reached a consensus. While the language made sense for skilled nursing facilities, which are already required to follow these federal regulations, it didn't fit assisted living and in some cases, basic care. In many cases, assisted living residents manage their own transitions, choosing when to move in and when to leave. However, since assisted living must still abide by this section of the code, it was important to ensure the language was appropriate for their level of care, recognizing the independence of residents and the unique role of these providers.

Closing Comments:

Rights of all residents, no matter the setting are very important and something that all facilities have as a priority. A comment I say to all of the families, no matter what setting, is this "We know that you are trusting us with your most prized possession."

Those living in a Skilled Nursing Facility, Assisted Living, Basic Care, or as a patient in a Swing Bed, all have rights, and they need to be upheld by the facility they are residing in. The settings are all different, have different guidelines, regulations and rules. Updating this section of the code is complex, but I believe the engrossed SB 2070 is a thoughtful and well-balanced solution. It reflects strong collaboration between providers and the Ombudsman, upholding the rights of residents, tenant, and patients across all care settings.

Thank you for your time and I welcome any questions.

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