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ROLL NUMBER

DESCRIPTION

1/160

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Dennis H. Hall
Operator's Signature

10/2/03
Date

2003 HOUSE HUMAN SERVICES

HB 1160

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Deanna Holladay
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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1160

House Human Services Committee

☐ Conference Committee

Hearing Date January 15, 2003

Tape Number	Side A	Side B	Meter #
1	x		0.4 - 17.2
Committee Clerk Signature <i>Sharon Penfau</i>			

Minutes:

Kenan Bullinger, Dir. of Food & Lodging of ND Dept. of Health appeared in support of the bill with written testimony.

Questions by the committee in reference to the proposed \$75.00 license fee, how many inspections for that fee, if larger facilities are charged a larger fee, and lodging vs. restaurant.

Nancy Andrews, Administrator of record for an assisted living facility in Grand Forks, called Wheatland Terrace appeared in support with written testimony.

Penni Weston, Administrator of Edgewood Vista of Bismarck appeared in support with written testimony.

Questions by the committee in reference to the insurance companies on board were going to have long term care insurance policies available, what is covered under the long term care insurance & if there were any guarantees.

No opposition appeared

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Dannan Baller
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10/2/03
Date

Page 2
House Human Services Committee
Bill/Resolution Number HB 1160
Hearing Date January 15, 2003

Vance Magnuson of the Insurance Dept. appeared to answer questions from the committee on
long term care policies.

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Deanna G. Ballantyne
Operator's Signature

1/21/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1160

House Human Services Committee

☐ Conference Committee

Hearing Date January 20, 2003

Tape Number	Side A	Side B	Meter #
2		x	34.9 - 43.9
Committee Clerk Signature <i>Sharon Ruffin</i>			

Rep. Price had concerns with 2 annual fees and does not want to go down the survey process for assisted living because it is a totally different type of establishment. That is the main reason we are staying with the Dept. of Human Services for the licensures to avoid all of that.

Shelly Peterson, ND Long Term Care Assoc. appeared to explain the \$75.00 fee which is simply paper compliance. Application must be completed with information on what your food and lodging is. The most intense will be the Dept. of Health where the Food and Lodging Division will come out and look at the issues with sanitation within the kitchen and life safety issues, to assure that it is a safe and sanitary facility.

Rep. Uglem wanted clarification of this basically clarifying the definition, gives the license to make it easier to collect from insurance companies. Also takes it out of the title of boarding house, makes its own section and defines assisted living and it allows for licensure.

Rep. Porter moved a DP, second by Rep. Potter. 13 - 0 - 0. Rep. Pollert to carry the bill.

Hearing Closed.

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Donna Hollenbeck
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10/2/03
Date

FISCAL NOTE
Requested by Legislative Council
01/03/2003

Bill/Resolution No.: HB 1160

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			\$420		\$420	
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 legislation replaces the old boardinghouse definition with a more current assisted living definition similar to the definition the Department of Human Services uses when registering these facilities. Our department is responsible for licensing and inspecting these facilities. In the current biennium, these facilities are licensed as boardinghouses and pay a license fee similar to restaurants based on seating capacity. This legislation creates a new license category for assisted living facilities and sets that fee at \$75 which will generate slightly more revenue than the current fees paid by facilities. All other changes to this bill are housekeeping in nature and simply replace the term "boardinghouse" with a more appropriate term – "assisted living facility".

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 slight increase in revenue represents the increase that will be collected by establishing the fee at \$75 for each facility as opposed to the current fee structure based on capacity. These funds will be deposited into the general fund.

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*

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Operator's Signature

Date

budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Kathy J. Albin	Agency:	Health
Phone Number:	328.4542	Date Prepared:	01/08/2003

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10/2/03
Date

Date: 1.20.03
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1160

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP

Motion Made By Rep. Porter 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	✓		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) 13 No 0

Absent 0

Floor Assignment Rep. Pollert

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

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Dan Hall
Operator's Signature

1/2/03
Date

REPORT OF STANDING COMMITTEE (410)
January 20, 2003 4:06 p.m.

Module No: HR-10-0794
Carrier: Pollert
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1160: Human Services Committee (Rep. Price, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1160 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-10-0794

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1/21/03
Date

2003 SENATE HUMAN SERVICES

HB 1160

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Deanna G. Galt
Operator's Signature

10/2/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1160

Senate Human Services Committee

☐ Conference Committee

Hearing Date March 4, 2003

Tape Number	Side A	Side B	Meter #
1	X		0 - 1250
Committee Clerk Signature <i>Donna Kramer, Clerk</i>			

Minutes:

SENATOR RICHARD BROWN opened the public hearing for SB 1160 relating to assisted living facilities and lodging establishments.

Roll call was read. SENATOR JUDY LEE and SENATOR ERBELE were temporarily absent in other hearings.

KENAN BULLINGER, Director of the Division of Food and Lodging of the North Dakota Department of Health, testified in support of HB 1160. He answered question regarding license fee change to \$75 per year. He responded question to difference between what inspections the Dept of Health do (in different areas) and what inspections the Department of Human Services do. Also, discussing the changing of the terminology of "boardinghouse" with the term "assisted living facility" and licensing. (Written testimony) (Meter # 100 - 590)

SENATOR BROWN acknowledged the students in the hearing room from St. Mary's High School.

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Donna Kramer
Operator's Signature

10/2/03
Date

Page 2

Senate Human Services Committee

Bill/Resolution Number HB 1160

Hearing Date March 4, 2003

NANCY ANDREWS, Administrator of Record for the an assisted living facility in Grand Forks, testified in support of the bill. (Written testimony) (Meter # 663 - 913)

PENNI WESTON, Administrator of Edgewood Vista in Bismarck, testified in support of the bill.

(Written testimony) (Meter #930 - 1115)

SENATOR BROWN closed the public hearing for HB 1160. (Meter # 1138)

Committee discussion was opened.

SENATOR POLOVITZ made a motion to DO PASS.

SENATOR FAIRFIELD seconded the motion.

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

Carrier will be SENATOR FAIRFIELD. (Meter # 1250)

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Operator's Signature

10/2/03
Date

Date: 03-04-03
Roll Call Vote #: ①

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1160

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. Fairfield

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 Sen. Fairfield

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

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Dan H. Hall
Operator's Signature

10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
March 4, 2003 1:45 p.m.

Module No: SR-38-3860
Carrier: Fairfield
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1160: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1160 was placed on the
Fourteenth order on the calendar.

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Deanna Bell
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10/2/03
Date

2003 TESTIMONY

HB 1160

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Donna Hall
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10/2/03
Date

Testimony

House Bill 1160

House Human Services Committee

January 15, 2003

8:00 a.m.

North Dakota Department of Health

Madam Chair and members of the House Human Services Committee, I am Kenan Bullinger, director of the Division of Food and Lodging of the North Dakota Department of Health. The Division of Food and Lodging is primarily responsible for the licensing and inspection of various food and lodging establishments in North Dakota. I am here to testify in support of House Bill 1160.

The bill before you makes some important changes to Chapter 23-09 of the Century Code by bringing some new and more appropriate terminology to assisted living facilities licensed and inspected by the Department. During the last legislative session, the Department of Health was given the authority to license and inspect assisted living facilities. That authority was granted under Chapter 23-09 of the Century Code. It was felt that assisted living facilities met the definition of "boardinghouses," since they are facilities that provide lodging and meal accommodations to long-term boarders. In addition, our agency has the trained inspection staff to provide the annual inspections of those facilities.

Since the last legislative session, the Department of Health has continued to meet and serve on an Assisted Living Workgroup headed by the Department of Human Services. This workgroup is comprised of several industry representatives and various state agencies involved with assisted living facilities. One of the recommendations that came out of this workgroup since the last legislative session was to replace the term "boardinghouse" with the term "assisted living facility." The bill before you makes that change throughout Chapter 23-09 of the Century Code. In addition, a separate license category and fee were established for such facilities. The license fee is proposed at \$75 per year. We feel the proposed fee is justified since considerable time is spent during each visit conducting an inspection of the food service preparation area and ensuring that fire life safety provisions are maintained in the tenant living areas.

The Department of Health would appreciate your favorable response to House Bill 1160. I am happy to answer any questions the committee may have in relation to this bill.

Thank you.

**Testimony on HB 1160
House Human Services Committee
January 15, 2003**

Chairman Price and members of House Human Services, thank you for the opportunity to testify on HB 1160. My name is Nancy Andrews. I am the Administrator of record for an assisted living facility in Grand Forks called Wheatland Terrace. I am also responsible for the overall management of another assisted living facility called Tufte Manor.

I've worked in long term care for approximately 20 years and specifically in retirement/assisted living for 17 years. For the past two years I have served as Chair of the North Dakota Long Term Care Association's (NDLTCA) Assisted Living Committee. I am beginning my second term on the NCAL (National Center for Assisted Living) Board of Directors, which is an arm of the American Health Care Association. I am testifying today on behalf of the NDLTCA and the assisted living members we represent.

We support HB 1160 and ask for your support.

At the onset, the workgroup was in consensus that there were issues regarding licensing assisted living facilities as boarding houses, and that this needed to be reviewed. The language in 23-09 regarding boarding houses needed to be updated, as it no longer fits existing facilities.

As the committee proceeded there were several terminology changes that were recommended, and we are in full support of these changes. By specifically adding assisted living facilities to this chapter it has provided clarity in the operation of these facilities. We are also in support of the \$75.00 licensing fee.

I would like to take this opportunity to thank both Departments for their diligence in working with the providers as well as other interested parties on the committee. Their perseverance to develop a system that is proactive to the state as well as to those we serve is very much appreciated.

Thank you for the opportunity to present testimony on HB 1160. I would be happy to answer any questions you might have.

Nancy Andrews, Administrator, Wheatland Terrace, Grand Forks
Chair of the Assisting Living Committee, North Dakota Long Term Care Association
Board Member of the National Center for Assisted Living, American Health Care Association
Committee Member of the Affordability and Accessibility sub-committee for the Board of Directors/National Center for Assisted Living
4000 24th Ave S
Grand Forks, ND 58201
(701) 787-7566



3406 Dominion Street • Bismarck, ND 58503 • (701) 258-7489 • Fax (701) 258-7491

TESTIMONY ON HB 1160

Chairman Price and members of the House Human Services Committee. My name is Penni Weston and I am the Administrator of Edgewood Vista of Bismarck. Our facility has 58 assisted living apartments, 28 licensed basic care beds and a 14 bed Alzheimer's unit which was originally a pilot project and is now licensed as basic care.

I am here to offer testimony in support of HB 1160. While the original hope was that the boarding house license issued by the Health Department would solve the problems with long term care insurance companies that was not the case. There are several companies that did accept this license along with the registration of assisted living by the Department of Human Services; however, I have residents living in my facility who have tried without success to obtain consideration of their LTC policies using this rationale.

I believe that adding the terminology "assisted living" to the current statute will assist seniors in being able to at least be considered for benefits under their insurance policies. When I speak to claims analysts from insurance companies they find it unusual that North Dakota's assisted living does not have some type of license from the health department.

We have operated under the boarding house license for the past year and have found no problems in meeting these requirements for food and sanitation standards, fire safety standards and other health standards identified in this statute.

Thank you for your positive consideration of HB 1160 and I will answer any questions of the committee.

Assisted Living/Basic Care/Alzheimer's

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Penni Weston
Operator's Signature

10/2/03
Date



TESTIMONY ON HB 1160

3406 Dominion Street • Bismarck, ND 58503 • (701) 258-7489 • Fax (701) 258-7491

Chairperson Lee and members of the Senate Human Services Committee, my name is Penni Weston. I am the Administrator of Edgewood Vista in Bismarck which has 58 assisted living apartments, 28 basic care beds and a 4 bed Alzheimer's unit.

I ask for your support for HB 1160 as it appears before you. During the last legislative session positive changes were made in relation to assisted living. The hope was that if assisted living facilities were licensed as boarding houses then Long Term Care insurance companies would recognize this option for consideration of benefits for those claimants who would meet the policy requirements. Even though this license addressed issues related to fire safety, food and sanitation safety as well as inspections for these processes, some companies would not consider facilities for benefit payments.

The use of the language of "boarding house" is an antiquated term and replacing it with "assisted living" reflects the current industry practice and standard, particularly in North Dakota. This bill continues to be important in that it allows for the inspection of food, sanitation and fire safety practices of the facility which many insurance companies require.

I also support the \$75 fee for licensing of assisted living under this section. This amount is reasonable and an anticipated business expense.

Thank you for your positive consideration of HB 1160 and I would be happy to answer any questions

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Penni Weston
Operator's Signature

10/2/03
Date

**Testimony on HB 1160
Senate Human Services Committee
March 4, 2003**

Chairman Lee and members of Senate Human Services, thank you for the opportunity to testify on HB 1160. My name is Nancy Andrews. I am the Administrator of record for an assisted living facility in Grand Forks called Wheatland Terrace. I am also responsible for the overall management of another assisted living facility called Tufte Manor.

I've worked in long term care for approximately 20 years and specifically in retirement/assisted living for 17 years. For the past two years I have served as Chair of the North Dakota Long Term Care Association's (NDLTCA) Assisted Living Committee. I am beginning my second term on the NCAL (National Center for Assisted Living) Board of Directors, which is an arm of the American Health Care Association. I am testifying today on behalf of the NDLTCA and the assisted living members we represent.

We support HB 1160 and ask for your support.

At the onset, the workgroup was in consensus that there were issues regarding licensing assisted living facilities as boarding houses, and that this needed to be reviewed. The language in 23-09 regarding boarding houses needed to be updated, as it no longer fits existing facilities.

As the committee proceeded there were several terminology changes that were recommended, and we are in full support of these changes. By specifically adding assisted living facilities to this chapter it has provided clarity in the operation of these facilities. We are also in support of the \$75.00 licensing fee.

I would like to take this opportunity to thank both Departments for their diligence in working with the providers as well as other interested parties on the committee. Their perseverance to develop a system that is proactive to the state as well as to those we serve is very much appreciated.

Thank you for the opportunity to present testimony on HB 1160. I would be happy to answer any questions you might have.

Nancy Andrews, Administrator, Wheatland Terrace
Chair of the Assisting Living Committee, North Dakota Long Term Care Association
Board Member of the National Center for Assisted Living, American Health Care Association
Committee Member of the Affordability and Accessibility sub-committee for the Board of Directors/National Center for Assisted Living
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Doreen Ballman
Operator's Signature

10/2/03
Date

Testimony
House Bill 1160
Senate Human Services Committee
March 4, 2003
9:00 a.m.
North Dakota Department of Health

Madam Chair and members of the Senate Human Services Committee, I am Kenan Bullinger, director of the Division of Food and Lodging of the North Dakota Department of Health. The Division of Food and Lodging is primarily responsible for the licensing and inspection of various food and lodging establishments in North Dakota. I am here to testify in support of House Bill 1160.

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Since the last legislative session, the Department of Health has continued to meet and serve on an assisted living workgroup headed by the Department of Human Services. This workgroup is composed of several industry representatives and various state agencies involved with assisted living facilities. One of the recommendations that came out of this workgroup since the last legislative session was to replace the term "boardinghouse" with the term "assisted living facility." The bill before you makes that change throughout Chapter 23-09 of the Century Code. In addition, a separate license category and fee were established for such facilities. The license fee is proposed at \$75 per year. We feel the proposed fee is justified since considerable time is spent during each visit conducting an inspection of the food service preparation area and ensuring that fire life safety provisions are maintained in the tenant living areas.

The Department of Health would appreciate your favorable response to House Bill 1160. I am happy to answer any questions the committee may have in relation to this bill.

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Kenan Bullinger
Operator's Signature

10/2/03
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