

2023 HOUSE HUMAN SERVICES

HB 1389

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1389
1/31/2023

Relating to the provision of basic and long-term care to service members and veterans.

Chairman Weisz called the meeting to order at 10:37 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich.

Discussion Topics:

- Eligibility for admission at the North Dakota Veterans Home
- Care for injuries which occurred while serving

Rep. Hanson introduced HB 1389 with supportive testimony (#17813).

Lonnie Wangen, Commissioner of North Dakota Veterans Affairs, offered testimony in support of bill (#17855).

Major Jay Sheldon, Strategy and Policy Officer for the North Dakota National Guard, testimony in support of bill (#18074).

Susie Schlecht, Admissions for North Dakota Veterans Affairs, offered testimony in support of bill, #18167.

Mark Johnson, Administrator at North Dakota Veterans Home, answered questions for the committee regarding HB 1389.

Chairman Weisz adjourned the meeting at 10:57 AM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1389
2/1/2023

Relating to the provision of basic and long-term care to service members and veterans.

Chairman Weisz called the meeting to order at 2:58 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich.

Discussion Topics:

- Committee work

Chairman Weisz called for a discussion on HB 1389.

Rep. Dobervich moved a do pass on HB 1389.

Seconded by Rep. Rohr.

Committee discussion

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	AB
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 13-0-1.

Carried by Rep. Kiefert.

Chairman Weisz adjourned the meeting at 3:02 PM.

Phillip Jacobs, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1389: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1389 was placed on the Eleventh order on the calendar.

2023 SENATE AGRICULTURE AND VETERANS AFFAIRS

HB 1389

2023 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1389
3/10/2023

A bill relating to the provision of basic and long-term care to service members and veterans.

9:15 AM Chairman Luick opened the meeting on HB 1389. Members present: Chairman Luick, Vice Chairman Myrdal, Senator Lemm, Senator Hogan, Senator Weston, Senator Weber.

Discussion Topics:

- Eligibility
- Federal definition of Veteran
- Change from “North Dakota” to “United States”
- National Guard members
- Veterans home occupancy

9:15 AM Karla Rose Hanson, Representative District 44, Lisbon, introduced HB 1389 and testified in favor. # 22405

9:20 AM Lonnie Wangen, Commissioner, North Dakota Department of Veterans Affairs, testified in favor of HB 1389. #22196

9:23 AM Susie Schlecht, Marketing/Admissions Coordinator North Dakota Veterans Home, testified in favor of HB1389. #23450

9:29 AM Major Jay Sheldon, North Dakota National Guard, testified in favor. #23030

9:32 AM Chairman Luick closed the hearing on HB 1389.

9:32 AM Senator Myrdal moved DO PASS on HB 1389. Senator Lemm seconded the motion. Roll call vote:

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	Y
Senator Randy D. Lemm	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Vote: 6-0-0 Motion DO PASS.

Senator Myrdal will carry the bill.

Chairman Luick closed the meeting.

Brenda Cook, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1389: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1389 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1389

Testimony for HB 1389 Expanding Veterans Home Eligibility

**from Rep. Karla Rose Hanson
for the House Human Services Committee on 1/31/23**

Chairman Weisz and members of the Committee,

My name is Karla Rose Hanson, and I represent District 44. Today, I'm introducing HB 1389. This bill would expand who is eligible for admission at the North Dakota Veterans Home.

As background, the ND Veterans Home in Lisbon has cared for America's heroes and their spouses since 1893. Today it provides skilled care and basic care.

According to the Veterans Home, its 98 basic care beds are about 70% filled and its 52 skilled care beds are about 90% filled. However, the long-term projection is a decline of 10-20%. This bill would slightly enlarge the pool of eligible residents to partially offset that loss, while still limiting it to individuals whose long-term care costs are covered by federal funding.

The bill does the following:

- It would slightly expand ND's definition of who is eligible to live at the Veterans Home. This includes a narrow set of National Guard members who meet certain criteria – while still limiting it to individuals whose stay would be covered by the federal per diem.
- It changes “honorably discharged” to “discharged or released under other than dishonorable conditions.” This mirrors the language used in 37-01-40 where we define “veteran.” The NDNG believes this is an important change, citing the scenario of a person who sustained injuries during training and was discharged for the injury; in this situation, the categorization of the discharge would commonly be something other than honorable. And individuals in this group could later be eligible to enroll with and receive care from the VA for on-going issues or issues that arise later in life connected to the injury that occurred while they were in the National Guard.
- It changes “North Dakota” to “United States” when referring to the National Guard – to allow for the situation when a ND resident served in the National Guard of a neighboring state – like a Fargo resident serving in the Minnesota National Guard.
- The bill also updates language such as changing “soldiers” to “service members” and it adds “reserve” - which is often left out.

The bill has the support of:

- The ND Veterans Home
- The ND Dept of Veterans Affairs
- The ND National Guard
- ND Veterans Legislative Council

Neither the Veterans Home nor the ND National Guard anticipate a large number of individuals being impacted by the changes in this bill. The Veterans Home does not believe that the changes will lead to a demand that exceeds their capacity.

In conclusion, HB 1389 would enable a few more people who have served their country to get the long-term care they need and fill a few of the home's empty beds going forward, without a cost to the state. I urge a do-pass recommendation and I'll stand for any questions. Thank you.

HB 1389

North Dakota Department of Veterans Affairs
Lonnie Wangen-Commissioner

1/31/2023

**House Human Services Committee
68th Legislative Session
Representative Weisz -Chair**

Chairman Weisz and House Human Services Committee,

Please accept this testimony in support of HB 1389.

Intent of this bill...

Expand eligibility for residence at ND Veterans Home.

Need for bill...

- Character of Service discharge
 - Armed forces (DOD) authorize 6 main Characters of Service
 - 1: Honorable 2: Under Honorable (General) 3: Under Other than Honorable Conditions (Administrative, Medical) 4: Bad Conduct 5: Dishonorable 6: Uncharacterized
 - NDCC 37-01-40 characterizes veterans as those discharged under other than “dishonorable” conditions.
- Do not meet Federal definition of Veteran but are eligible for VA Health Care
 - Active component Armed Service members injured or disabled prior to 180 days of service
 - National Guard or Reserve injured under title 32 or Inactive Duty Training

Outcome of Bill

- Make the above former service members eligible to apply for residency at the ND Veterans Home.
- Increase Veterans home occupancy

This bill may not affect many but for those that it does affect it will be of great significance to their lives.

Thank you for your consideration.

Lonnie Wangen Commissioner-NDDVA

TESTIMONY OF
MAJOR JAY SHELDON
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
HOUSE HUMAN SERVICES
31 JANUARY 2023
HOUSE BILL 1389

Good morning, Chairman Weisz, members of the committee, I am Jay Sheldon, Strategy and Policy Officer for the North Dakota National Guard (NDNG). I am here today to testify in support of House Bill 1389.

The North Dakota National Guard supports the expansion of the North Dakota Veterans Home that would allow certain former members of the North Dakota National Guard to become residents at the Veterans Home.

As the bill reads, changing honorably to all other than dishonorably is important. We found most that would be eligible under the requested changes sustained injuries during initial entry training (basic training or training for their military occupation) or while on a federal training status that didn't contribute to becoming a Veteran under the federal definition. If the individual was eventually discharged for the injury the categorization of the discharge is commonly something other than honorable, potentially even uncategorized.

Due to the unique circumstances that these individuals experienced and that once an individual is discharged from the National Guard, we are no longer able to track their care requirements. As we researched how many of our members or past members that this would impact, we found it difficult to determine exact figures but were able to identify approximate numbers.

We found that over the past 10 years there were approximately 10 members each year that met the criteria to potentially enroll in and receive care from the VA, in turn making them eligible for care at the Veterans Home if this bill becomes law. The difficult piece to quantify is how many of them did enroll and receive care from the VA and if they did, when.

Individuals in this group receive care for the injury prior to discharge and could later be eligible to enroll with and receive care from the VA for on-going issues or issues that arise later in life that are determined to be connected to the injury that occurred during military.

Due to the minimal number of members that could qualify and the desire of the Veterans Home to expand eligibility I ask for your support of HB 1389. I will stand by for any questions that you may have.

TESTIMONY ON HB 1389
HUMAN SERVICES COMMITTEE
TUESDAY, JANUARY 31, 2023

Chairman Weisz and members of the Human Services Committee, I am Susie Schlecht, the Admissions Coordinator at the North Dakota Veterans Home. I am here today to testify in favor of the proposed changes to Bill 1389.

In the role, I serve, it has been a privilege to share about the North Dakota Veterans Home with veterans across the state. On more than one occasion, I have visited with veterans who have shared that they are not eligible to reside at the North Dakota Veterans Home as they do not meet the definition of a veteran in 37-01-40. These veterans are enrolled in Veterans Affairs healthcare and have percentages of service-connected disability ratings through Veterans Affairs healthcare.

I would like to share a specific example of a veteran interested in admission to the North Dakota Veterans Home who is not eligible:

Veteran A: Veteran A served in the Navy for five months and 27 days and had an honorable discharge. His length of service does not meet the requirements under 37-01-40. Veteran A has an 80% service-connected disability rating through the VA Medical Center. As he is enrolled in VA healthcare, the North Dakota Veterans Home would receive a per diem if he was eligible for admission to the North Dakota Veterans Home.

If the identified changes are made in lines 10-15 in Bill 1389 the North Dakota Veterans Home and veterans would both benefit. From a marketing viewpoint, we would be able to share with County Veteran Service Officers the update to the bill so they could share the information with veterans in their county who were previously ineligible for residency at the North Dakota Veterans Home.

The per diem that the North Dakota Veterans home receives for veterans enrolled in VA Healthcare helps to offset costs to our facility. Helping Veterans and being fiscally minded about our state's great resources will be met with the proposed changes. It is an honor to serve our heroes and the citizens who ensure they are well cared for. Thank you, Rep. Hanson, for supporting this bill change. Thank you, Chairman Weisz and committee members, for your time.

HB 1389

North Dakota Department of Veterans Affairs
Lonnie Wangen-Commissioner

3/10/2023

Senate Agriculture and Veterans Affairs Committee
68th Legislative Session
Senator Luick -Chair

Chairman Luick and Senate Agriculture and Veterans Affairs Committee,

Please accept this testimony in support of HB 1389.

Intent of this bill...

Expand eligibility for residence at ND Veterans Home.

Need for bill...

- Character of Service discharge
 - Armed forces (DOD) authorize 6 main Characters of Service
 - 1: Honorable 2: Under Honorable (General) 3: Under Other than Honorable Conditions (Administrative, Medical) 4: Bad Conduct 5: Dishonorable 6: Uncharacterized
 - NDCC 37-01-40 characterizes veterans as those discharged under other than “dishonorable” conditions.
- Do not meet Federal definition of Veteran but are eligible for VA Health Care
 - Active component Armed Service members injured or disabled prior to 180 days of service
 - National Guard or Reserve injured under title 32 or Inactive Duty Training

Outcome of Bill

- Make the above former service members eligible to apply for residency at the ND Veterans Home.
- Increase Veterans home occupancy

This bill may not affect many but for those that it does affect it will be of great significance to their lives.

Thank you for your consideration.

Lonnie Wangen Commissioner-NDDVA

Testimony for HB 1389
Expanding Veterans Home Eligibility
from Rep. Karla Rose Hanson
for the Senate Ag & Veterans Affairs Committee 3/10/23

Chairman Luick and members of the Committee,

My name is Karla Rose Hanson, and I represent District 44. Today, I'm introducing HB 1389. This bill would expand who is eligible for admission at the North Dakota Veterans Home.

As background, the ND Veterans Home in Lisbon has cared for America's heroes and their spouses since 1893. Today it provides skilled care and basic care.

According to the Veterans Home, its 98 basic care beds are about 70% filled and its 52 skilled care beds are about 90% filled. However, the long-term projection is a decline of 10-20%. This bill would slightly enlarge the pool of eligible residents to partially offset that loss, while still limiting it to individuals whose long-term care costs are covered by federal funding.

The bill does the following:

- It would slightly expand ND's definition of who is eligible to live at the Veterans Home. This includes a narrow set of National Guard members who meet certain criteria – while still limiting it to individuals whose stay would be covered by the federal per diem.
- It changes “honorably discharged” to “discharged or released under other than dishonorable conditions.” This mirrors the language used in 37-01-40 where we define “veteran.” The NDNG believes this is an important change, citing the scenario of a person who sustained injuries during training and was discharged for the injury; in this situation, the categorization of the discharge would commonly be something other than honorable. And individuals in this group could later be eligible to enroll with and receive care from the VA for on-going issues or issues that arise later in life connected to the injury that occurred while they were in the National Guard.
- It changes “North Dakota” to “United States” when referring to the National Guard – to allow for the situation when a ND resident served in the National Guard of a neighboring state – like a Fargo resident serving in the Minnesota National Guard.
- The bill also updates language such as changing “soldiers” to “service members” and it adds “reserve” - which is often left out.

The bill has the support of:

- The ND Veterans Home
- The ND Dept of Veterans Affairs
- The ND National Guard
- ND Veterans Legislative Council

The Veterans Home and the ND National Guard do not anticipate a large number of individuals being impacted by the changes in this bill. The Veterans Home does not believe that the changes will lead to a demand that exceeds their bed capacity or staffing capacity.

In conclusion, HB 1389 would enable a few more people who have served their country to get the long-term care they need and fill a few of the home's empty beds going forward, without a cost to the state. I urge a do-pass recommendation and I'll stand for any questions. Thank you.

TESTIMONY OF
MAJOR JAY SHELDON
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
SENATE AGRICULTURE & VETERANS AFFAIRS
10 MARCH 2023
HOUSE BILL 1389

Good morning, Chairman Luick, members of the committee, I am Jay Sheldon, Strategy and Policy Officer for the North Dakota National Guard (NDNG). I am here today to testify in support of House Bill 1389.

The North Dakota National Guard supports the expansion of the North Dakota Veterans Home that would allow certain former members of the North Dakota National Guard to become residents at the Veterans Home.

As the bill reads, changing honorably to all other than dishonorably is important. We found most that would be eligible under the requested changes sustained injuries during initial entry training (basic training or training for their military occupation) or while on a federal training status that didn't contribute to becoming a Veteran under the federal definition. If the individual was eventually discharged for the injury the categorization of the discharge is commonly something other than honorable, potentially even un-categorized.

Due to the unique circumstances that these individuals experienced and that once an individual is discharged from the National Guard, we are no longer able to track their care requirements. As we researched how many of our members or past members that this would impact, we found it difficult to determine exact figures but were able to identify approximate numbers.

We found that over the past 10 years there were approximately 10 members each year that met the criteria to potentially enroll in and receive care from the VA, in turn making them eligible for care at the Veterans Home if this bill becomes law. The difficult piece to quantify is how many of them did enroll and receive care from the VA and if they did, when.

Individuals in this group receive care for the injury prior to discharge and could later be eligible to enroll with and receive care from the VA for on-going issues or issues that arise later in life that are determined to be connected to the injury that occurred during military.

Due to the minimal number of members that could qualify and the desire of the Veterans Home to expand eligibility I ask for your support of HB 1389. I will stand by for any questions that you may have.

TESTIMONY ON HB 1389
Expanding North Dakota Veterans Home Eligibility

From Susie Schlecht, Marketing/Admissions Coordinator North Dakota Veterans Home
For the Senate Agriculture & Veterans Affairs Committee 3/10/2023

Chairman Luick and members of the Committee, I am Susie Schlecht, the Marketing/Admissions Coordinator at the North Dakota Veterans Home. I am here today to testify in favor of the proposed changes to House Bill 1389.

In the role, I serve, it has been a privilege to share about the North Dakota Veterans Home with veterans across the state. On more than one occasion, I have visited with veterans who have shared that they are not eligible to reside at the North Dakota Veterans Home as they do not meet the definition of a veteran in N.D.C.C. 37-01-40. These veterans are enrolled in Veterans Affairs healthcare and have percentages of service-connected disability ratings through Veterans Affairs.

I want to share a specific example of a veteran interested in admission to the North Dakota Veterans Home who is not eligible:

Veteran A: Veteran A served in the Navy for five months and 27 days and had an honorable discharge. His length of service needs to meet the requirements under N.D.C.C. 37-01-40. Veteran A has an 80% service-connected disability rating through Veterans Affairs. As he is enrolled in VA healthcare, the North Dakota Veterans Home would receive a per diem if he was eligible for admission to the North Dakota Veterans Home. Veteran A qualifies to reside at VA contract nursing homes, yet at this time, he would not be eligible for the North Dakota Veterans Home due to the current definition.

By expanding the Character of Service types as Commissioner Wangen testifies, we expect to see applicants who were not eligible under the current definition. If the identified changes are made in lines 10-15 in House Bill 1389, the North Dakota Veterans Home and veterans will benefit. From a marketing viewpoint, we plan to share with County Veteran Service Officers the update to the bill so they can share the information with veterans in their counties who were previously ineligible for residency at the North Dakota Veterans Home.

As mentioned, the potential applicants must be enrolled in Veterans Affairs healthcare before admission to the Veterans Home. The per diem that the North Dakota Veterans Home receives for veterans enrolled in VA healthcare helps to offset costs to our facility. Helping Veterans and being fiscally minded about our state's great resources will be met with the proposed changes.

The number of individuals impacted by this change may not be extensive; however, it will make a tremendous difference in the lives of those it does pertain to. It is an honor to serve our heroes and the citizens who ensure they are well cared for. Thank you, Rep. Hanson, for supporting this bill change. Thank you, Chairman Luick and committee members, for your time.