

Testimony
Senate Bill 2261– Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 24, 2011

Chairman Lee, members of the Senate Human Services Committee, I am Tina Bay, Director of the Developmental Disabilities Division within the Department of Human Services. I am here today on behalf of the Department to provide background information and to support Senate Bill 2261. This bill will provide an act to enact a new section to chapter 25-16 of the North Dakota Century Code, relating to a moratorium on granting licenses to new intermediate care facilities for the mentally retarded (ICF/MR).

Current regulations only allow the Department to deny a license to an applicant upon a finding of noncompliance with the licensing rules of the Department. In addition current rules indicate that licensing a facility does not create an obligation for the state to purchase services from the licensed facility.

IFC/MRs are institutional levels of care and are viewed as restrictive settings regardless of location and size according to the Centers for Medicare and Medicaid Services (CMS). Olmstead, Money Follows the Person, Aging & Disability Resource Center (ADRC) and recent Department of Justice efforts all enforce least restrictive settings and consumer choice.

This suggested new section to chapter 25-16 will still allow for new ICF/MRs if the Department determines it to be necessary however it will be in a more controlled manner than current regulation allows. This concludes my testimony. I would be happy to answer any questions you may have.