

**Testimony**  
**Senate Bill 2079 – Department of Human Services**  
**House Human Services Committee**  
**Representative Robin Weisz, Chairman**  
**March 2, 2011**

Chairman Weisz, members of the Human Services Committee, I am Jan Engan, Director of the Aging Services Division for the Department of Human Services. I am here today in support of Senate Bill 2079.

N.D.C.C. 50-11-01.4 states a person may not furnish foster care for adults for more than one adult, or for more than two adults who are related to each other, without first procuring a license to do so from the Department. When Section 50-11-01.4 was enacted, it was to establish a means by which a family member could provide care for another family member without requiring the caregiver family member to be licensed as an adult family foster care provider. While this section has allowed that, the Department has found that this section also provides a way around licensure for some people who really should not be caring for vulnerable adults. The proposed amendment is intended to close that loophole.

Currently, if an adult family foster care provider has their license denied or revoked they are no longer eligible to receive public-pay funds, such as Medicaid payments or state funds, to furnish foster care to any adult. This law, however, does not prohibit an adult family foster care provider who has their license denied or revoked from providing adult family foster care to an adult who is paying with "private" funds; i.e., who has the means to pay for his or her own care.

In the past two years, the Aging Services Division has learned of two incidences where adult family foster care providers who had their license denied or revoked continued to provide foster care for two individuals on

a private-pay basis. In both situations, there were serious health and safety violations, including exploitation of the individuals receiving care in each of the providers' homes.

Individuals who receive adult family foster care services typically are frail or otherwise vulnerable. By prohibiting the provision of adult family foster care by any person who has had their adult family foster care license denied or revoked, this law would protect those private-pay individuals from potential harm as it does individuals who are under a public-pay program.

I would be happy to address any questions that you may have.