

**Testimony**  
**Senate Bill 2077 – North Dakota Department of Human Services**  
**Senate Human Services Committee**  
**Senator Judy Lee, Chairman**  
**January 11, 2011**

Chairman Lee, members of the Senate Human Services Committee, I am Karen Tescher, Assistant Director of the Long-Term Care Continuum in the Medical Services Division of the Department of Human Services. I am here today on behalf of the Department to provide background information and to support Senate Bill 2077. This bill will create and enact a new chapter to Century Code, relating to expanded service payments for the elderly and disabled; and will amend and reenact sections relating to the requirements for basic care assistance eligibility, personal care services, and functional assessment criteria.

Basic care facilities may receive two payments for a public pay client; one for Medicaid Personal Care and one for Room and Board. To receive the Medicaid Personal Care part of the payment, a client must be functionally eligible for Personal Care and must be financially eligible to receive Medicaid. Medical Services is responsible for administering this aspect of the payment.

To receive room and board part of the payment of the Basic Care Assistance Program, the client must be receiving Medicaid and must meet functional requirements. The Economic Assistance Division is responsible for administering the Basic Care Assistance Program.

This bill proposes to require individuals applying for assistance under the Basic Care Assistance Program to apply for and, if eligible, to receive benefits under the Medicaid program. In addition, page 2 of the bill, line 1-7, b. proposes to require individuals to apply for and receive, if eligible, any Supplemental Security Income or Social Security Disability benefits to assist with the cost of room and board in a licensed basic care facility. The amendments also propose to remove language regarding stipulations before July 1, 1995 which are no longer applicable.

After filing the bill, we were contacted by the North Dakota Long Term Care Association. They were uncomfortable with some of the suggested changes and were concerned that by taking out the specific portion concerning supervision; it could possibly limit individuals from being functionally eligible for basic care. Though data from the Department did not reveal any cases that were currently receiving payment for just room and board, it is not the Department's intent to cause unnecessary concern with the basic care facilities. Therefore, we worked with the North Dakota Long Term Care Association to draft appropriate language for their forthcoming amendment to Senate Bill 2077.

The proposed bill also adds a new chapter to Title 50 of the Century Code relating to expanded service payments for the elderly and disabled or ExSPED. This chapter is being created to separate ExSPED from the provisions of the Century Code related to basic care. The service eligibility criteria are different from basic care and the separation of the two chapters will assist in administering these two programs. The new chapter more clearly defines the services available under ExSPED, the Department's powers and duties, the counties' powers and duties, and the applicant's or guardian's duty to establish eligibility.

The definitions have been changed throughout the bill to update the financial eligibility and functional assessment descriptions.

This concludes my testimony. I would be happy to answer any questions you may have.