

Testimony
Department of Human Services
Long-Term Care Committee
Representative Gary Kreidt, Chairman
March 10, 2010

Chairman Kreidt, members of the Long-Term Care Committee, I am LeeAnn Thiel, Administrator of Medicaid Payment and Reimbursement Services of the Medical Services Division for the Department of Human Services. I am here today to provide information regarding the assisted living license issued by the Department.

An assisted living facility must apply for a license annually. A notice and application is sent out in October to currently licensed facilities notifying them of the requirement to apply for a license for the next calendar year. Attached to my testimony is a copy of the license application.

There are six items of information that need to be submitted along with the assisted living license application:

1. \$75.00
2. Copy of the license issued by the Food and Lodging Division of the ND Department of Health or Local Health Unit
3. Blank copy of the written agreement with the tenant that includes the rates for rent and services, payment terms, refund policies, rate changes, tenancy criteria and living unit inspections
4. Copy of the written notice provided to tenants that explains how they may report a complaint regarding the assisted living facility
5. Copy of the facility's brochure
6. Copy of the resident handbook

Other information may be requested in order to ensure that the facility meets all applicable federal, state, and local laws. The licensure process is an administrative review of documentation submitted by the facility; no on site visit is conducted.

The Department may deny or revoke an assisted living facility's license if:

1. The application for a license or renewal of a license or supporting documents contain fraudulent or untrue representations or if the license was otherwise issued based upon bribery or fraudulent or untrue representations.
2. The assisted living facility is in violation of or is unwilling or unable to conform to the requirements of N.D.A.C. 75-03-34 (Licensing of Assisted Living Facilities).
3. The assisted living facility, or the premises proposed for the assisted living facility, is not or will not be maintained according to N.D.A.C. 75-03-34.
4. The assisted living facility is denied any license necessary under federal, state, or local law or such license has been revoked.
5. The assisted living facility refuses to allow the Department access to any material or information necessary to determine compliance with licensing requirements.
6. The assisted living facility demonstrates a pattern of failing to abide by the terms of its contract with tenants.

The Department has the authority to assess a fine against any individual, institution, organization, limited liability company or public or private corporation that provides assisted living services or uses the term assisted living in its marketing but does not have a license issued by the

Department. The fine may be up to \$50 per day beginning 60 days after written notification by the Department of noncompliance.

With regard to statutory changes, I would like to refer to Carol Olson's testimony in front of this committee on October 29, 2009 in which she stated "the Department would ask you to revisit the responsibility for assisted living being placed in the Department of Human Services."

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