

**TESTIMONY**  
**Senate Bill 2161 – DD Loan Fund**  
**Senate Human Services**  
**Senator Judy Lee, Chairman**  
**January 24, 2011**

Chairman Lee, members of the Senate Human Services Committee, I am Barbara Murry, Executive Director of the North Dakota Association of Community Providers. I am here today to offer neutral testimony on Senate Bill 2261, the moratorium on ICF-MR beds.

The DD industry, and NDACP just became aware this bill had been introduced approximately 12 working hours ago. We have had preliminary discussion on the impact to the industry and to the people we support. However, this is too short a time to develop a position on this bill, with state-wide input of our members.

The following questions, concerns, and thoughts have been expressed by NDACP member organizations.

1. ICF's-MR facilities are an important option for providing services in the community. They are one of many tools that providers need to offer.
2. This will have a negative impact on further deinstitutionalization, and the efforts to downsize the institution to 67 people by 2013.
3. New construction cost makes it prohibitive to build new MSLA or TCLF group homes. Therefore, limiting ICF's-MR has the effect of prohibiting the building of all new group homes.
4. Why more laws? Without this law, no ICF-MR has been built without the consent of DHS. Another provider stated that they had recently

been denied in their request to build a new ICF-MR. They questioned why the law was needed if they had legally been denied.

5. This may create an incentive for for-profit and non-profit providers to sell their “beds” by creating a market due to the moratorium.
6. DHS can already regulate this through their use of the purchase of service agreement.
7. The people served in the community are aging. DD does not want to increase ISAL hours. The services in a four bed ICF-MR could be individualized, while still having the ability to meet increasing needs.

In summary, NDACP hasn't had the time to weigh the advantages against the disadvantages of this bill. The introduction of the bill without any input from community providers does not serve the state of North Dakota well in planning for the needs of its citizens with intellectual disabilities. This concludes my testimony. I would be happy to answer any questions.