



HUMAN SERVICES COMMITTEE

Tuesday, August 3, 2021
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Judy Lee, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Judy Lee, Howard C. Anderson, Jr., JoNell A. Bakke, Jason G. Heitkamp, Kathy Hogan, David Hogue; Representatives Clayton Fegley, Alisa Mitskog*, Karen M. Rohr, Matthew Ruby, Mark Sanford, Mary Schneider, Randy A. Schobinger, Michele Strinden, Greg Westlind

Members absent: Representatives Gretchen Dobervich, Dwight Kiefert, Kathy Skroch

Others present: See [Appendix A](#)

**Attended remotely*

At the request of Chairman Lee, Mr. Brady A. Larson, Assistant Legislative Budget Analyst and Auditor, Legislative Council, presented a memorandum entitled [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#).

STUDY OF DEPARTMENT OF HUMAN SERVICES AND HUMAN SERVICE ZONE EMPLOYEE COMPENSATION

At the request of Chairman Lee, Mr. Larson presented a memorandum entitled [Study of Department of Human Services and Human Service Zone Employee Compensation - Background Memorandum](#).

Ms. Sara Stolt, Chief Operating Officer, Department of Human Services, presented information ([Appendix B](#)) regarding human service zones. She noted:

- Senate Bill No. 2124 (2019) established a new social and human service delivery system.
- A total of 19 human service zones were formed and became effective January 1, 2020.
- A total of 140 full-time equivalent (FTE) positions were transferred from county employment to state employment during the 2019-21 biennium and an additional 16 county FTE positions are authorized to be transferred to state employment during the 2021-23 biennium.

Mr. Terry Traynor, Executive Director, North Dakota Association of Counties, provided comments ([Appendix C](#)) regarding human service zone employee compensation and benefits.

Ms. Kim Jacobson, Director, Agassiz Valley Human Service Zone, provided comments ([Appendix D](#)) regarding human service zone employee compensation and benefits.

STUDY OF DEVELOPMENTAL DISABILITIES SERVICES AND AUTISM SPECTRUM DISORDER PROGRAMS

At the request of Chairman Lee, Mr. Larson presented a memorandum entitled [Study of Developmental Disabilities Services and Autism Spectrum Disorder Programs - Background Memorandum](#).

It was moved by Representative Ruby, seconded by Senator Heitkamp, and carried on a roll call vote that the committee seek approval from the Chairman of the Legislative Management to hire a consultant to assist in the study of developmental disabilities services and autism spectrum disorder programs and the Legislative Council staff prepare and distribute a request for proposal if approval is received. Senators Lee, Anderson, Bakke, Heitkamp, Hogan, and Hogue and Representatives Fegley, Mitskog, Rohr, Ruby, Sanford, Schneider, Schobinger, Strinden, and Westlind voted "aye." No negative votes were cast.

Ms. Tina Bay, Director, Developmental Disabilities Division, Department of Human Services, presented information ([Appendix E](#)) regarding developmental disabilities services. She noted:

- To receive services, an individual must qualify for developmental disabilities program management.
- The majority of individuals receiving case management services are under the age of 21.
- Services provided by the Department of Human Services (DHS) include family supports, case management, early intervention, and day and residential support.

Ms. Krista Fremming, Assistant Director, Medical Services Division, Department of Human Services, presented information ([Appendix F](#)) regarding autism services and presented reports pursuant to North Dakota Century Code Sections 50-06-32 and 50-06-32.1 regarding the autism spectrum disorder pilot project and autism spectrum disorder plan. She reviewed the information in the schedule below regarding the Medicaid autism waiver program.

Medicaid Autism Waiver Program	
Services provided	Service management, assistive technology, and respite care
Eligible ages	Birth through age 13 (will increase to age 15 on November 1, 2021)
Available slots	96 (will increase to 150 slots on November 1, 2021)
Average annual cost per child	\$14,688
Program funding source	Combination of state and federal funds based on the state's federal medical assistance percentage
Program funding (waiver year 2022)	\$805,185
Waiting list	81 children (as of July 22, 2021)

Ms. Fremming reviewed the information below regarding the state autism voucher program.

State Autism Voucher Program	
Services provided	Assistive technology, training, and other approved support services
Eligible ages	Ages 3 through 17
Average annual cost per child	\$2,930
Program funding source	State general fund
Program funding (state fiscal year 2022)	\$150,000
Number of children enrolled (state fiscal year 2021)	48 children

Ms. Fremming noted the following regarding the Autism Spectrum Disorder Task Force:

- The task force meets on a quarterly basis to examine various topics.
- In 2020, the task force reorganized its work groups into an education and training group and a communication and public awareness group.
- DHS is recommending Section 50-06-32 be amended to remove the requirement of the DHS Executive Director or designee serve as chairman of the task force.
- DHS is recommending the facilitation and administration of the task force be contracted to a third party outside DHS.

Ms. Leslie Bakken Oliver, Counsel, Governor's office, presented information ([Appendix G](#)) regarding the Olmstead Commission. She noted:

- The *Olmstead v. L.C.* decision is a 1999 decision by the United States Supreme Court regarding services for individuals with disabilities.
- Community-based services must be provided when community placement is appropriate, the transfer to a less restrictive setting is not opposed by the individual being served, and the placement can be reasonably accommodated.

Mr. Daniel Gulya, Attorney, Protection and Advocacy Project, responded to committee questions regarding the Olmstead Commission.

Ms. Mandy Dendy, Legal Assistant, Protection and Advocacy Project, provided comments ([Appendix H](#)) regarding the study of developmental disabilities services and autism spectrum disorder programs.

Chairman Lee noted several individuals submitted comments ([Appendix I](#)) regarding the study of developmental disabilities services and autism spectrum disorder programs.

STUDY OF EMPLOYMENT RESTRICTIONS IN PUBLIC ASSISTANCE PROGRAMS

At the request of Chairman Lee, Mr. Larson presented a memorandum entitled [Study of Employment Restrictions in Public Assistance Programs - Background Memorandum](#).

Ms. Michelle Gee, Director, Economic Assistance Division, Department of Human Services, presented information ([Appendix J](#)) regarding public assistance programs. She noted:

- The child care assistance program assists in the payment of child care costs of working families whose income is less than 60 percent of the state median income.
- The low-income home energy assistance program assists families whose income is less than 60 percent of the state median income with home heating costs.
- The supplemental nutrition assistance program provides food benefits for families whose income is less than 60 percent of the state median income.
- The temporary assistance for needy families program provides financial assistance to low-income families to achieve economic self-sufficiency.

In response to committee member questions, Ms. Gee noted the copay amounts for the child care assistance program and the low-income home energy assistance program are adjustable.

In response to a question from a committee member, Ms. Gee indicated she will provide the committee with information regarding the average length of time a family receives benefits through the temporary assistance for needy families program.

OTHER COMMITTEE DUTIES

At the request of Chairman Lee, Mr. Larson presented a memorandum entitled [Other Duties of the Human Services Committee - Background Memorandum](#).

Mr. Christopher D. Jones, Executive Director, Department of Human Services, and Dr. Nizar Wehbi, State Health Officer, State Department of Health, provided an update ([Appendix K](#)) regarding the merger of the State Department of Health into DHS. They noted:

- Consulting services are being obtained to assist in the merger.
- Various strategies are being used to engage employees in the merger process.

Ms. Stolt presented information ([Appendix L](#)) regarding refugee resettlement services in the state. She noted DHS is issuing requests for proposals to provide for direct refugee assistance programs to be administered by a nonstate entity.

Ms. Jessica Thomasson, Executive Policy Director, Department of Human Services, presented information ([Appendix M](#)) regarding early childhood programs. She noted:

- A new early childhood division is being established within DHS.
- A new best in class grant program is being established and grant recipients will be announced in August 2021.

Ms. Jodi Hulm, Program Administrator, Department of Human Services, presented information ([Appendix N](#)) regarding the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) program. She noted:

- The program, also known as Health Tracks, provides preventative, dental, mental health, developmental, and specialty services to Medicaid beneficiaries under the age of 21.
- A total of 40,455 children were enrolled in the program in March 2020.

Ms. Dendy provided comments ([Appendix O](#)) regarding the EPSDT program.

Ms. Bay presented information ([Appendix P](#)) regarding the developmental disabilities payment system. She noted:

- Before April 2018, a retrospective payment system was utilized for developmental disability provider payments.

- The current system provides a standard rate statewide and the level of staffing is based on the needs of individuals utilizing services.
- The developmental disabilities payment steering committee will continue to review the payment system.

Ms. Kirsten Dvorak, Executive Director, The Arc of North Dakota, provided comments. She noted a lack of available workforce is affecting services being provided by community providers to individuals with a developmental disability.

COMMITTEE DISCUSSION

Committee members suggested the committee receive information regarding the following items at future meetings:

- The current salaries, classifications, and benefits of human service zone employees and the estimated costs to equalize salary and benefit levels of employees.
- Information regarding salary levels of former county social service directors who are now serving in different roles in human service zones.
- Information regarding the salary and benefit adjustments provided to county human service zone employees who transitioned from county to state employment.
- Information regarding children referred for services through the EPSDT program but who do not receive treatment.

No further business appearing, Chairman Lee adjourned the meeting at 4:05 p.m.

Brady A. Larson
Assistant Legislative Budget Analyst and Auditor

ATTACH:16