



**HUMAN SERVICES COMMITTEE**

Tuesday, August 9, 2022  
 Room 327B, 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, Kathy Hogan; Representatives Gretchen Dobervich, Clayton Fegley, Dwight Kiefert, Alisa Mitskog\*, Matthew Ruby, Mark Sanford, Mary Schneider, Randy A. Schobinger, Kathy Skroch, Greg Westlind

**Members absent:** Senators Jason G. Heitkamp, David Hogue; Representatives Karen M. Rohr, Michelle Strinden

**Others present:** Senator Joan Heckaman, New Rockford, member of the Legislative Management  
 See [Appendix A](#) for additional persons present.

*\*Attended remotely*

**It was moved by Representative Ruby, seconded by Senator Hogan, and carried on a voice vote that the minutes of the June 30, 2022, meeting be approved as distributed.**

**STUDY OF DEVELOPMENTAL DISABILITIES SERVICES AND AUTISM PROGRAMS**

**Department of Human Services Response to Study Recommendations**

Ms. Caprice Knapp, Medicaid Director, Department of Human Services, provided information ([Appendix B](#)) regarding the department's response to the results of the study conducted by Alvarez & Marsal Holdings, LLC, of the state's developmental disabilities system and autism spectrum disorder (ASD) programs. She noted the following responses:

<b>Recommendation</b>	<b>Department of Human Services Response Summary</b>
Modernize the home- and community-based services Medicaid waiver.	The department supports the concept of modernizing the home- and community-based Medicaid waiver. However, making changes to the waiver would be a multiyear project requiring funding and full-time equivalent positions.
Examine caseload ratios for home- and community-based services case managers to determine if staff levels are sufficient and utilize family navigators rather than case managers if available.	The department agrees in concept with using family navigators. However, there are factors to consider, such as federal approvals, when using nonstate employees for case management services.
Provide integrated support from all available waivers to provide support to individuals through their lifespan.	The department agrees that integrated support should be provided but adequate resources will be needed to plan and implement necessary changes.
Build on the strengths of the current ASD voucher program to increase access to the program.	The department notes most children utilizing the voucher program qualify for the Medicaid ASD waiver. The department recommends serving children under the ASD waiver program and discontinuing the ASD voucher program.
Create a cross-disability advisory committee and have the ASD Task Force provide input to the committee.	The department supports creating a cross-disability advisory committee but recommends a neutral party provide services and support to the committee.
Develop a project management office for project reporting, guidance, and risk management.	The department agrees that ongoing project management resources are necessary to support system transformation and the department is developing project management resources in the executive office.
Develop a referral folder to share with pediatricians, schools, and others to help individuals navigate available services and partner with parent-to-parent groups to make the information known.	The department agrees that developing a referral folder and partnering with outside groups would bring more awareness to available services. However, resources and staff would need to be made available to make the changes.

Recommendation	Department of Human Services Response Summary
Contract with providers and pay for intake and eligibility assessments.	The department agrees paying assessment costs would benefit families but funding would be needed.
Centralize eligibility determination for developmental disability administration.	The department agrees having centralized eligibility determinations would be beneficial and the department plans to proceed with these changes.
Align eligibility and level of care by adopting a single eligibility tool for waiver eligibility and to determine level of care for adults.	The department notes if changes are made a plan will be needed to ensure individuals do not lose minimal supports provided through case management.
Use remote supports and assistive technology to assist individuals with a disability.	The department agrees utilizing technology is an essential component of North Dakota's workforce strategy for long-term services and supports for individuals with developmental disabilities but adequate resources are needed for all areas of care.

**Autism Spectrum Disorder Voucher Program and Autism Spectrum Disorder Task Force**

Ms. Krista Fremming, Assistant Director, Medical Services Division, Department of Human Services, presented information ([Appendix C](#)) regarding autism services and presented reports pursuant to North Dakota Century Code Sections 50-06-32 and 50-06-32.1 regarding the ASD voucher program and ASD Task Force. She noted the following regarding the autism spectrum disorder voucher program:

Services provided	Assistive technology, training, and other approved support services
Eligible ages	Ages 3 through 17
Financial eligibility	Household income below 200 percent of federal poverty level
Maximum funding per child	\$7,500
Average annual cost per child (state fiscal year 2022)	\$2,424
Program funding source	State general fund
Program funding (state fiscal year 2022)	\$150,000
Number of children enrolled (state fiscal year 2022)	52 children

Ms. Fremming noted the ASD Task Force meets on a quarterly basis to review topics such as early intervention services, family support services, transition services, available federal resources, and the cost of providing services.

**Comments By Interested Persons**

Ms. Roxane Romanick, Executive Director, Designer Genes of North Dakota, provided comments ([Appendix D](#)) regarding the study of developmental disabilities services and ASD programs.

Ms. Kirsten Dvorak, Executive Director, The ARC of North Dakota, provided comments ([Appendix E](#)) regarding the study of developmental disabilities services and ASD programs.

Ms. Angela Dinius, Executive Director, North Dakota Association of Community Providers, provided comments ([Appendix F](#)) regarding the study of developmental disabilities services and ASD programs.

Ms. Mandy Dendy, Staff Attorney, Protection and Advocacy Project, provided comments ([Appendix G](#)) regarding the study of developmental disabilities services and ASD programs.

Testimony ([Appendix H](#)) received from Ms. Toby Lunstad regarding the study of developmental disabilities services and ASD programs was distributed to the committee.

**STUDY OF EMPLOYMENT RESTRICTIONS  
IN PUBLIC ASSISTANCE PROGRAMS**

Ms. Jessica Thomasson, Executive Policy Director, Department of Human Services, presented information ([Appendix I](#)) regarding benefit cliffs in public assistance programs. She noted:

- A benefit cliff occurs when an individual loses public assistance program benefits as a result of an increase in earnings.
- The state is using flexibilities in federal program guidelines to reduce the effect of the benefit cliff.
- The loss of child care assistance is the most difficult cliff to bridge.
- Food and health care eligibility cliffs rank high in family impact.

## OTHER COMMITTEE DUTIES

### Children's Cabinet

Senator Joan Heckaman, member, Children's Cabinet, provided an update ([Appendix J](#)) regarding the activities of the cabinet. She noted:

- The cabinet consists of 12 members as detailed in Senate Bill No. 2313 (2019) and has been meeting monthly.
- The cabinet has been reviewing the foster care system, mental health services, and the overrepresentation of Native American children in the welfare system.
- The membership of the cabinet and reporting requirements of the cabinet may need to be adjusted.

Ms. Kim Jacobson, member, Children's Cabinet, provided comments and responded to questions regarding the activities of the cabinet.

### Children's Health Insurance Program

Ms. Jodi Hulm, Director, Managed Care and Children's Services, Department of Human Services, presented information ([Appendix K](#)) regarding the children's health insurance program. She noted:

- From July 1, 2021, through April 30, 2022, a total of \$9.6 million, of which \$2.7 million is from the general fund, was spent on the children's health insurance program through a fee-for-service arrangement.
- A total of 3,226 children were enrolled in the program in April 2022.

### Guardianship Services

Ms. Margo Haut, Ms. Shannon Henrickson, and Ms. Donna Byzewski, Guardianship Association of North Dakota, presented information ([Appendix L](#)) regarding guardianship services. They noted:

- A guardianship is a court-appointed relationship between a competent adult and an adult who is deemed incapacitated by a court.
- A person may be deemed incapacitated by reason of mental illness, physical illness, disability, or chemical dependency.
- Guardians oversee the incapacitated person's financial, legal, health, and other matters.
- The payments made for guardianship services are not covering all costs associated with guardianship services.

Mr. Aaron Birst, Executive Director, North Dakota Association of Counties, provided comments regarding guardianship services. He noted the North Dakota Public Administrator Support Services program uses state and county funds to pay for guardianship costs for indigent individuals.

Mr. Terry Traynor responded to committee questions regarding guardianship services.

### Human Service Zones

Ms. Sara Stolt, Chief Operating Officer, Department of Human Services, presented an update ([Appendix M](#)) regarding issues affecting human service zones. She noted the department created a workgroup to review indirect cost reimbursement and is recommending the following:

- Update definitions to provide that costs entirely attributable to a human service zone will be reimbursed as a direct cost except for space and facility costs.
- Clarify that counties cannot directly bill human service zones or the department and reimbursement will be provided only through the the department's indirect cost plan.
- Establish timelines for counties to respond to requests for information in the development of the indirect cost plan.
- Have the indirect cost plan become effective August 1, 2023, and be included in county budgets for 2024.

### Background Checks

Ms. Stolt presented information ([Appendix N](#)) regarding background checks conducted by the Department of Human Services. She noted:

- The department's central background check unit is responsible for conducting fingerprint-based background checks for department employees, early childhood program employees, potential adoptive or foster parents, potential guardians, and for residential facility employees.
- On average, it takes approximately 3 days to conduct a background check.
- Delays may occur when it is necessary to obtain information from another state.

### COMMITTEE DISCUSSION

Senator Hogan suggested the committee consider the following bill drafts at the next committee meeting:

- A bill to authorize the Department of Human Services to implement the recommendations from the study of developmental disabilities services and ASD programs.
- A bill to adjust the membership of the Children's Cabinet to remove the Speaker of the House of Representatives and the President Pro Tempore of Senate from the cabinet, to provide for the staggering of terms of the legislative members by requiring membership from both odd and even districts, and to add representatives from human services and education entities.
- A bill to increase the eligibility level of the temporary assistance for needy families program to 50 percent of the federal poverty level.

Senator Anderson discussed the possibility of the committee reviewing a bill draft he had prepared regarding community health workers.

Representative Skroch suggested the committee consider a bill draft to increase the reimbursement rate provided for guardianships.

Senator Hogan suggested the committee either consider a bill draft or provide a formal recommendation to increase awareness regarding the need for guardianship services.

No further business appearing, Chairman Lee adjourned the meeting at 2:50 p.m.

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Brady A. Larson  
Assistant Legislative Budget Analyst and Auditor

ATTACH:14