

**2023 SENATE HUMAN SERVICES**

**SB 2052**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2052  
1/9/2023

Relating to the operation of the life skills and transition center and life skills and transition center's superintendent's employment, roles, and duties.
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11:11 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** are present

**Discussion Topics:**

- Release with discharge
- Assessment
- Cross system

11:12 AM **Heather Jenkins Superintendent Life Skill and Transition Center Department of Health and Human Services** testified in favor #12543, #12609

11:40 AM **Kristen Dvorak, Executive Director, The Arc of North Dakota** testified neutral

11:42 AM **Madam Chair Lee** closed the hearing

*Patricia Lahr, Committee Clerk*

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2:41 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston** are present. **Senator Hogan** was absent.

**Discussion Topics:**

- Language update
- Notification

2:42 PM **Jessica Thomasson Executive Director, Human Services Division ND Department of Health, and Human Services**, provided comments verbal

**Senator K. Roers** made motion **DO PASS**.  
**Senator Cleary** seconded.

Roll call vote.

<b>Senators</b>	<b>Vote</b>
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	Y
Senator Kent Weston	Y

Vote was held open for **Senator Hogan**, **Senator Hogan** voted on January 17. Final votes can be found in January 17 meeting minutes.

2:50 PM **Madam Chair Lee** closed the meeting.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2052  
1/10/2023

Relating to the operation of the life skills and transition center and life skills and transition center's superintendent's employment, roles, and duties.
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3:06 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** were present.

Discussion Topic

- Bill review

3:09 PM **Senator Hogan** asked to hold her vote for additional information.

3:11 PM Madam Chair Lee closed the meeting.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2052  
1/17/2023

Relating to the operation of the life skills and transition center and life skills and transition center's superintendent's employment, roles, and duties.
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2:50 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** were present.

## **Discussion Topics**

- Residential
- Nonresidential
- Care treatment

**Senator Hogan** provided information. #13918

2:56 PM **Madam Chair Lee** closed the meeting.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2052  
1/17/2023

Relating to the operation of the life skills and transition center and life skills and transition center's superintendent's employment, roles, and duties.
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3:15 p.m. **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** were present.

**Discussion Topics:**

- Integrated community setting
- Community standard
- Private standard

**Senator Lee** calls for discussion

3:15 **Jessica Thomason, Executive Policy Director, North Dakota Department of Health and Human Services** provided information verbally.

The committee voted on SB 2052 on January 9, 2023, however, **Senator Hogan** was absent and the vote was held open.

3:21 PM Today **Senator Hogan** voted yes on SB 2052.

Final roll call vote.

<b>Senators</b>	<b>Vote</b>
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

**Senator Hogan** will carry SB 2052.

3:22 p.m. **Madam Chair Lee** closed the meeting.

*Patricia Lahr, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2052: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2052 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

**2023 HOUSE HUMAN SERVICES**

**SB 2052**



# 2023 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

SB 2052  
3/1/2023

Relating to the operation of the life skills and transition center and life skills and transition center's superintendent's employment, roles, and duties.

Chairman Weisz called the meeting to order at 1:02 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Reps. Clayton Fegley and Jayme Davis not present.

### **Discussion Topics:**

- Care for people with disabilities
- Specialty care
- Support resources
- Residential services
- Communication with parents

Heather Jenkins, Superintendent of the Life Skills and Transition Center, with the Department of Health and Human Services, introduced SB 2052 with supportive testimony (#21442).

Chairman Weisz adjourned the meeting at 1:34 PM.

*Phillip Jacobs, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

SB 2052  
3/28/2023

Relating to the operation of the life skills and transition center and life skills and transition center's superintendent's employment, roles, and duties.

Chairman Weisz called the meeting to order at 9:09 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Reps. Clayton Fegley and Jayme Davis not present.

### Discussion Topics:

- Committee work

Chairman Weisz called for a discussion on SB 2052

Rep. Anderson moved a do pass on SB 2052.

Seconded by Rep. Dobervich.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	AB
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	AB
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 12-0-2.

Carried by Rep. Anderson.

Chairman Weisz adjourned the meeting at 9:14 AM.

*Phillip Jacobs, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2052: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2052 was placed on the Fourteenth order on the calendar.

**TESTIMONY**

**SB 2052**

**Testimony  
Senate Bill No. 2052  
Senate Human Services Committee  
Senator Judy Lee, Chairman  
January 9, 2023**

Chairman Lee, members of the Senate Human Services Committee, I am Heather Jenkins, Superintendent of the Life Skills and Transition Center, Department of Health and Human Services (Department). I am here today to register the Department's support for Senate Bill No. 2052, which was introduced on behalf of the Department.

Life Skills and Transition Center (LSTC) has been serving people with developmental disabilities since 1904. Over the last century, and particularly over the last 40 years, the role of LSTC in North Dakota's system of care for people with intellectual and developmental disabilities has changed significantly.

In 1980 LSTC (known at that time as the Grafton State School), was considered a permanent home for 794 children and adults with intellectual and developmental disabilities. In December 2022, there were 65 children and adults living at LSTC.

Today LSTC serves as a specialized resource to the network of approximately 120 private residential facilities and thousands of families who have a loved one with an intellectual or developmental disability for whom they are a caregiver or guardian. LSTC's goal is to serve as a specialty care and support resource for people experiencing crisis or who need stabilization, to work together with guardians to identify opportunities for each person to live in a community setting of their choice wherever and whenever possible; as well as providing

individualized information regarding community options in ways designed to help effectively engage guardians and people served with new ideas.

This Bill endeavors to align the language in the North Dakota Century Code to the present-day purpose and service practices of LSTC. I will walk through each section of North Dakota Century Code referenced in the Bill and describe the proposed changes.

**Section 1.** The proposed changes in Section 1 of this Bill amends section 25-01-03 of the North Dakota Century Code regarding appointment of the superintendent of LSTC. By exempting the position from this section of code the role of Superintendent of LSTC changes from an appointed, or non-classified, position to a classified position, and is subject to state hiring laws and practices.

**Section 2.** The proposed changes in Section 2 of this Bill amend section 25-04-00.1 of the North Dakota Century Code by further clarifying definitions applicable to LSTC. This Bill adds definitions for several key terms that are central to LSTCs work, including a definition of what it means to be "Eligible" for services at LSTC, and a definition that clarifies the differences between "Residential Services" and "Non-Residential Services". Additionally, this section adopts consistent person-centered language, referring to "Individuals served". You will notice that this nomenclature is updated throughout the proposed Bill.

**Section 3.** The proposed changes in Section 3 of this Bill amend section 25-04-01 of the North Dakota Century Code by removing reference to who is eligible to be served as that is addressed in Section 6.

**Section 4.** The proposed changes to Section 4 of this Bill amend section 25-04-02 of the North Dakota Century Code to update the purpose of the LSTC to align to the role that LSTC has in the state's system of care, further clarifying that services delivered by LSTC.

There are several items of significance to note in the proposed language change, including the clear acknowledgement of the centrality of rehabilitative and support services, both residential and nonresidential, delivered to prepare individuals served to live in the most integrated, independent settings possible.

**Section 5.** The proposed changes in Section 5 of this Bill amend section 25-04-02.1 of the North Dakota Century Code to update language relating to the accreditation and certification of LSTC to better assure alignment between accreditation and certification requirements and the array of services being provided by LSTC and to update terminology.

**Sections 6.** The proposed changes in Section 6 of this Bill amend section 25-04-04 of the North Dakota Century Code to update language that describes individuals who will benefit from services provided by LSTC. In subdivision a of subsection 1 the proposed changes include reference to “eligible” individuals and updates to language that more accurately reflect the services provided, replacing “instruction” with “care, treatment, training, rehabilitation, or supervision”. Subdivision b of subsection 1 clarifies that the individual’s need is for stabilization supports as evidenced by an inability to receive proper care in their family home or other available community setting. Subdivision c of subsection 1 replaces the terms “onsite and offsite” with “residential or nonresidential” services.

**Section 7.** The proposed changes in Section 7 of this Bill amend section 25-04-04.1 of the North Dakota Century Code, replacing the term “residing” with “receiving residential services” to align to service definitions established in Section 1 of this Bill.

**Section 8.** The proposed changes in Section 8 of this Bill amend section 25-04-05 of the North Dakota Century Code to update the factors considered by the Superintendent when considering admission for

services. Subsection 1 outlines considerations related to delivery of Residential Services.

Subdivision a of subsection 1 replaces the application process outlined in current law with consideration of LSTCs "ability to provide the appropriate level of care based on the individual's need". The proposed change recognizes the fact that almost all residential services provided by LSTC are urgent admissions that come after significant review and consultation by all the members of the individual served's care team and LSTC together.

Subdivision b of subsection 1 removes the requirement that a comprehensive evaluation be completed before admission to residential services at LSTC, recognizing the evaluation and assessment are completed as part of LSTCs delivery of residential services. The proposed amendment to this subdivision adds the recognition that the Superintendent must consider the "health and safety" of "both the individual served and other individuals currently being served" by LSTC.

Subsection 2 outlines considerations related to delivery of Nonresidential services.

Subdivision a of subsection 2 establishes the requirement for an application. Subdivision b of subsection 2 makes clear that the information provided to the Superintendent must provide rationale for why the nonresidential stabilization services offered by LSTC will help "avoid institutionalization or further destabilization of the individual's living situation".

Subsections 3 and 4 reflect updates to terminology as described in previous sections, including reference to "individual served", "individual", and "eligible".

**Section 9.** The proposed changes in Section 9 of this Bill amend



section 25-04-05.1 of the North Dakota Century Code to update language regarding transfer and discharge. Subsection 1 removes language related to transfers between state facilities as this is no longer relevant to practice. Subsections 2, 3 and 4 add references to "legal custodian" and replaces the word "release" with "discharge".

**Section 10.** The proposed changes in Section 10 of this Bill amend section 25-04-06 the North Dakota Century Code to clarify language regarding juvenile court order for assessment of dependent, neglected, or delinquent child with developmental disability. The amended language replaces an order "committing the child to" LSTC with an order "for assessment of the child by the LSTC for developmental disability determination" and replaces the term "a candidate for" with "eligible for".

Subsection 2 removes the court's ability to "commit" a child to LSTC "for observation" if they are "in doubt as to whether the child is a candidate for services" and instead clarifies that if upon assessment, the child is found eligible for residential services and the child qualifies to access services, LSTC will report such information to the court.

Additionally, the proposed language clarifies that any admission for residential services at LSTC "must follow the procedures established by the department and in accordance with section 25-04-04 and subsection 1 of section 25-04-05". It further clarifies that "any orders for assessment may be accomplished without admission for residential services or transportation to life skills and transition center".

**Section 11.** The proposed changes in Section 11 of this Bill amend 25-04-08 of the North Dakota Century Code to update language related to discharge of individual served from residential services provided by LSTC. The amendments include several updated references to "individual" and "individual served" and add reference to "residential services". Additionally, the amendment adds language related to the practice of

parent, guardian, legal custodian and care team consultation and adds reference to "legal custodian".

**Section 12.** The proposed changes in Section 12 of this Bill amend section 25-04-08.1 of the North Dakota Century Code to update language related to notification before discharge to reflect practices of consultation with parents, guardians, care teams and legal custodians, and clarifies notification expectations when a court is involved.

**Sections 13 through 19.** The changes proposed in Sections 13 through 19 of this Bill include updates to terms used several sections of North Dakota Century Code as consistent with changes outlined in previous sections of this Bill, including replacing reference to "resident" or "patient" with "individual served, replacing "sent" with "admitted".

**Section 20.** The proposed changes in Section 20 of this Bill amend section 25-04-19 of the North Dakota Century Code to clarify confidentiality of information generated by or made available for internal quality assurance review.

**Section 21.** The proposed changes in Section 21 of this Bill amend section 54-44.3-20 of the North Dakota Century Code regarding categories of positions in the state service to align with the change in classification status of the Superintendent position outlined in Section 1 of this Bill.

Taken all together, the language changes proposed in Senate Bill No. 2052 will support the role that the team at LSTC plays in helping to stabilize individuals with developmental disabilities who are struggling to maintain their living situation, and further support the state's goal of helping people live successfully in the most integrated community setting available.

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



LSTC serves as a specialized resource to the network of approximately 120 private residential facilities and thousands of families who have a loved one with an intellectual or developmental disability for whom they are a caregiver or guardian. LSTC's goal is to:

- Operate as a **specialty care and support resource** for people experiencing crisis and/or who need stabilization;
- Work together with guardians to **identify opportunities** for each person to live in a community setting of their choice wherever and whenever possible;
- Provide **individualized** information and advisement regarding community-based care **options, supports** and **approaches** to help the person served and their care teams explore ideas and opportunities that may help the person served be able to realize their goals.

**LSTC offers both residential and non-residential services for youth and adults**

Crisis/Stabilization Residential (Specialized ICF)

Statewide Stabilization Supports

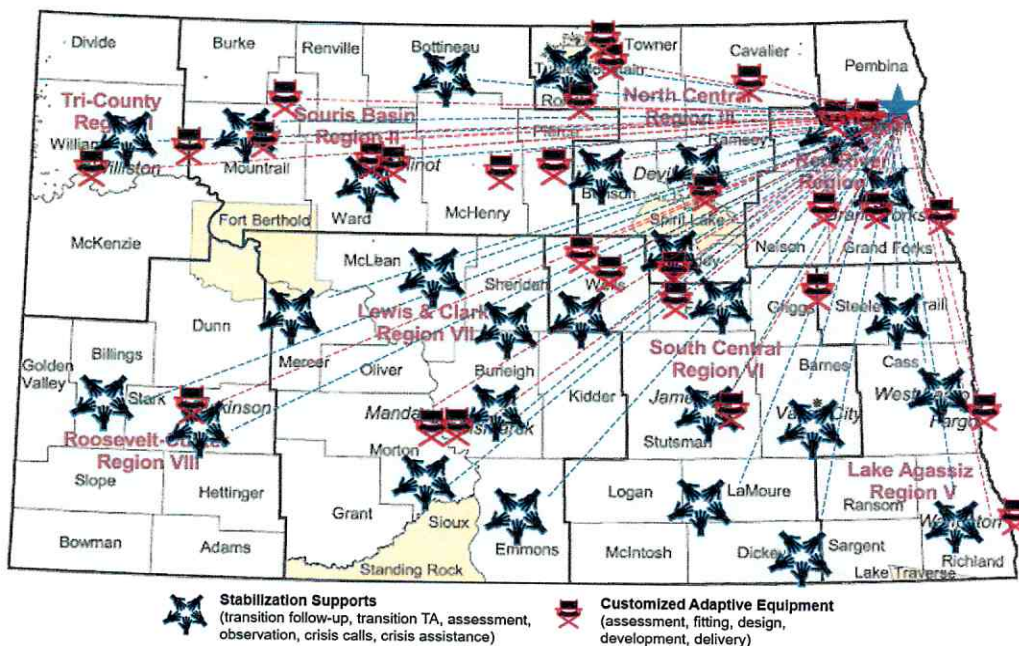
- Crisis Residential
- Short-term Stabilization Residential
- Transitioning to Community Residential
- Vocational Services
- Long-term specialized residential

- Applied Behavioral Analysts
- Statewide crisis/stabilization team
- Therapeutic Clinic
- Adaptive Equipment Center

**280** LSTC team members  
**24/7** Round-the-clock services  
**61** People receiving LSTC residential services (point in time Dec 22)  
**150+** People living with family or served by other providers - LSTC non-residential svc

In the first 18 months of the 2021-23 biennium (Jul 21 - Dec 22), LSTC provided in-community / in-home, transition and stabilization support to 150+ people living in 50 different communities.

During that same time period, LSTC residential services accepted **13 Crisis admissions** and successfully completed **17 transitions**. The team, together with public and private partners, **diverted 24** requested admissions to LSTC and was prepared to complete an additional **7 transitions** that were **put on hold** or ultimately **cancelled** by the transition partner.



**Wolf, Sheldon**

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**From:** Hogan, Kathy L.  
**Sent:** Monday, January 16, 2023 3:18 PM  
**To:** Wolf, Sheldon  
**Subject:** FW: SB 2052

LSTC questions and response.

Kathy Hogan  
 Rep District 21, Central Fargo




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**From:** Jenkins, Heather <hcjenkins@nd.gov>  
**Sent:** Tuesday, January 10, 2023 2:37 PM  
**To:** Hogan, Kathy L. <khogan@ndlegis.gov>  
**Cc:** Lee, Judy E. <jlee@ndlegis.gov>  
**Subject:** SB 2052

Senator Hogan,

Thank you for taking the time to review SB 2052. I have included responses to the questions you indicated below.

**Page 1 lines 23 & 24 – Why is the LSTC and other disability institutions exempt from the 2-year tenure requirement?** The Department proposal acknowledges that the LSTC superintendent role is best hired according to the departments practices depending on the skills and ability of the person in the position. If there are further questions in regards to this please visit with Chris Jones.

**Page 3 lines 21 through 31 This section again gives the power for individualized treatment to the dept rather than the person-centered team. Does this conflict with the DD Bill of rights, ARC decision and Title 19 requirements? This section again gives the Superintendent decision making power about individual’s admission and treatment. Why not have an admissions committee with some “non LSTC representatives on it including parents and guardians?** Our intention here is not changing anything about decision making powers. We are modernizing language related to the types of services provided.

Including “patient” to “Individual served” to make the language person centered. There is and always has been discretion by the Superintendent to admit people to LSTC. All of the planning continues with the team process, however, as noted in 25-01.2-02 all individuals with DD have the right to services provided in the least restrictive appropriate setting. Our Eligibility process ensures that people are appropriately placed at LSTC while complying with NDCC.

**Page 4 Lines 9 through 16 Why is the LSTC not required to be licensed by the DD Division which makes them subject to ND state law in the care and treatment as well as the reporting for Abuse, Neglect and Exploitation like community providers?** By law, LSTC is a mandated reporter as well as follows the 25-01.3-04. Reporting of abuse, neglect, or exploitation - Immunity for good-faith reports. 1. Every medical, mental health, or developmental disabilities

professional, educational professional, police or law enforcement officer, or caretaker having knowledge of or reasonable cause to suspect that an adult with developmental disabilities or mental illness coming before the individual providing services in that individual's official or professional capacity is abused, neglected, or exploited shall report the circumstances of that abuse, neglect, or exploitation to the project. For the purposes of this section: a. "Educational professional" means a professional providing educational services either at a school, academy, or other educational facility, or at a private facility or residence, as a teacher, professor, tutor, aide, administrator, or other education professional. b. "Medical, mental health, or developmental disabilities professional" means a professional providing health care or services to persons with developmental disabilities or mental illnesses, on a full-time or part-time basis, on an individual basis or at the request of a caretaker, and includes a physician, medical examiner, coroner, dentist, optometrist, chiropractor, nurse, physical therapist, mental health professional, hospital personnel, nursing home personnel, congregate care personnel, social worker, or any other person providing medical, mental health, or developmental disabilities services. 2. An individual not listed in subsection 1 having knowledge of or reasonable cause to suspect that an adult with developmental disabilities or mental illness is abused, neglected, or exploited may report those circumstances to the committee or the project. 3. An individual other than the alleged perpetrator participating in good faith in the making of a report, assisting an investigator, furnishing information to an advocate or other employee of the committee, or in providing protective services under this section, is immune from any liability, civil or criminal, that otherwise might result from the reporting of the alleged case of abuse, neglect, or exploitation.

**Page 4 lines 23 through 29 Again, the Superintendent has all the decision-making powers. The school part is a bit concerning.. Schools still try to get students placed at LSTC by saying they cannot provide educational instruction. IDEA, the Federal law requires the schools to provide educational instruction in the Least Restrictive Environment and no student should ever be placed in an institution because a school is not following IDEA.** Our intention here is not changing anything about decision making powers. We are modernizing language related to the types of services provided.

**Page 5 Lines 13 through 15 This seems to put the department in charge of individual services rather than the team. Not person-centered planning as required by Title 19, DD Bill of Rights and ARC decision** - Based on previous legislative action all people residing at LSTC were required to have DD program management open; all of the planning continues to follow the person-centered team process.

**Pages 8 & 9 – This seems to give the Superintendent complete decision making about individuals and the power to deny visitation and communication with parents and guardians in the guise of running an orderly institution.** LSTC is still required to follow all applicable NDCC laws as well as all federal laws. As noted in 25-01.2-04(3)-A public or private agency or organization not licensed by the department may establish in writing reasonable times and places for use of telephones and for visits, provided that an individual's ability to contact an attorney, guardian, or custodian, may not be restricted and provided that any rules or restrictions must be posted in each institution, facility, or individualized setting.

**Page 10 Lines 21 through 31 This requires the Superintendent to make reasonable to consult with others and doesn't require team participation to make the initial decision regarding placement.** The purpose of this section was to clean up the language and provide more person centered language. There is and always has been discretion by the Superintendent to admit people to LSTC. All of the planning continues with the team process, however, as noted in 25-01.2-02 all individuals with DD have the right to services provided in the least restrictive appropriate setting. Our Eligibility process ensures that people are appropriately placed at the LSTC while complying with NDCC.

**Page 5 Lines 13 -15 This appears to be another example of when the department ensures active program management rather than the team-** Based on previous legislative action all people residing at LSTC were required to have DD program management open; all of the planning continues to follow the person-centered team process.

**Page 13 Lines 5 - 9 Is this a fee for service based on disability and/or degree of disability? Medical model???** Our intention here is not changing anything about decision making powers. We are modernizing language related to the types of services provided. Including “patient” to “Individual served” to make the language person centered.

**Page 13 beginning with Line 21 Does this give the State the right to go after the estate and this can deter families from accessing care at LSTC-** Our intention here is not changing anything about decision making powers. We are modernizing language related to the types of services provided. Including “patient” to “Individual served” to make the language person centered.

**Beginning on Page 16 line 26 until end of Bill – Who makes up the Quality assurance committee are there external or family members?** The Quality Assurance Committee is an Internal Committee at LSTC.

**Please clarify what is the projected date for “long term” residents to leave LSTC and they begin this new “stabilization” plan?** We continue to work with individual teams to discuss and transition all residing at LSTC.

**Heather, I would love to hear how you feel your authority interact with the individual served with their family and their care teams.**

Senator Hogan, the people we support are of the utmost importance to me and are at the forefront of all decisions made. I absolutely love my job and being involved in the DD field my whole life this is a wonderful opportunity to truly make a difference and assist people to be able to live the lives that they want to live in the most integrated settings of their choice.

I would love the opportunity to sit down and visit with you more about LSTC!

Respectfully,

*Heather Jenkins*

*Superintendent of the Life Skills & Transition Center*



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**Testimony  
Senate Bill No. 2052  
House Human Services Committee  
Representative Robin Weisz, Chairman  
March 1, 2023**

Chairman Weisz, members of the House Human Services Committee, I am Heather Jenkins, Superintendent of the Life Skills and Transition Center, Department of Health and Human Services (Department). I am here today to register the Department's support for Senate Bill No. 2052, which was introduced on behalf of the Department.

Life Skills and Transition Center (LSTC) has been serving people with developmental disabilities since 1904. Over the last century, and particularly over the last 40 years, the role of LSTC in North Dakota's system of care for people with intellectual and developmental disabilities has changed significantly.

In 1980 LSTC (known at that time as the Grafton State School), was considered a permanent home for 794 children and adults with intellectual and developmental disabilities. In January 2023, there were 58 children and adults living at LSTC.

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have attached, for your reference, a one-page description of LSTC's services and supports.

This Bill endeavors to modernize the language in North Dakota Century Code and to align state law to the present-day purpose and service practices of LSTC, and to codify modern-day practices related to person-centered team decision making and care planning. I will walk through each section of North Dakota Century Code referenced in the Bill and describe the proposed changes.

**Section 1.** The proposed changes in Section 1 of this Bill amends section 25-01-03 of the North Dakota Century Code regarding appointment of the superintendent of LSTC. By exempting the position from this section of code the role of Superintendent of LSTC changes from an appointed, or non-classified, position to a classified position, and is subject to state hiring laws and practices.

**Section 2.** The proposed changes in Section 2 of this Bill amend section 25-04-00.1 of the North Dakota Century Code by further clarifying definitions applicable to LSTC. This Bill adds definitions for several key terms that are central to LSTCs work, including a definition of what it means to be "Eligible" for services at LSTC, and a definition that clarifies the differences between "Residential Services" and "Non-Residential Services". Additionally, this section adopts consistent person-centered language, referring to "Individuals served". You will notice that this nomenclature is updated throughout the proposed Bill.

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**Section 4.** The proposed changes to Section 4 of this Bill amend section 25-04-02 of the North Dakota Century Code to update the



purpose of the LSTC to align to the role that LSTC has in the state's system of care, further clarifying services that are delivered by LSTC.

There are several items of significance in the proposed language change, including the clear acknowledgement of the centrality of rehabilitative and support services, both residential and nonresidential, that are delivered to prepare individuals served to live in the most integrated, independent settings possible.

**Section 5.** The proposed changes in Section 5 of this Bill amend section 25-04-02.1 of the North Dakota Century Code to update language relating to the accreditation and certification of LSTC to better assure alignment between accreditation and certification requirements and the array of services being provided by LSTC and to update terminology.

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**Section 7.** The proposed changes in Section 7 of this Bill amend section 25-04-04.1 of the North Dakota Century Code, replacing the term "residing" with "receiving residential services" to align to service definitions established in Section 1 of this Bill.

**Section 8.** The proposed changes in Section 8 of this Bill amend section 25-04-05 of the North Dakota Century Code to update the factors considered by the Superintendent when considering admission for services. Subsection 1 outlines considerations related to delivery of Residential Services.

Subdivision a of subsection 1 replaces the application process outlined in current law with consideration of LSTCs "ability to provide the appropriate level of care based on the individual's need". The proposed change recognizes the fact that almost all residential services provided by LSTC are urgent admissions that come after significant review and consultation by all the members of the individual served's care team and LSTC together.

Subdivision b of subsection 1 removes the requirement that a comprehensive evaluation be completed before admission to residential services at LSTC, recognizing the evaluation and assessment are completed as part of LSTCs delivery of residential services. The proposed amendment to this subdivision adds the recognition that the Superintendent must consider the "health and safety" of "both the individual served and other individuals currently being served" by LSTC.

Subsection 2 outlines considerations related to delivery of Nonresidential services.

Subdivision a of subsection 2 establishes the requirement for an application. Subdivision b of subsection 2 makes clear that the information provided to the Superintendent must provide rationale for why the nonresidential stabilization services offered by LSTC will help "avoid institutionalization or further destabilization of the individual's living situation".

Subsections 3 and 4 reflect updates to terminology as described in previous sections, including reference to “individual served”, “individual”, and “eligible”.

**Section 9.** The proposed changes in Section 9 of this Bill amend section 25-04-05.1 of the North Dakota Century Code to update language regarding transfer and discharge. Subsection 1 removes language related to transfers between state facilities as this is no longer relevant to practice. Subsections 2, 3 and 4 add references to “legal custodian” and replaces the word “release” with “discharge”.

**Section 10.** The proposed changes in Section 10 of this Bill amend section 25-04-06 of the North Dakota Century Code to clarify language regarding juvenile court order for “assessment of dependent, neglected, or delinquent” child with developmental disability. The amended language replaces an order “committing the child to” LSTC with an order “for assessment of the child by the LSTC for developmental disability determination” and replaces the term “a candidate for” with “eligible for”.

Subsection 2 removes the court’s ability to “commit” a child to LSTC “for observation” if they are “in doubt as to whether the child is a candidate for services” and instead clarifies that if upon assessment, the child is found eligible for residential services and the child qualifies to access services, LSTC will report such information to the court.

Additionally, the proposed language clarifies that any admission for residential services at LSTC “must follow the procedures established by the department and in accordance with section 25-04-04 and subsection 1 of section 25-04-05”. It further clarifies that “any orders for assessment may be accomplished without admission for residential services or transportation to life skills and transition center”.

The changes in Section 10 still permit the court to issue an order for assessment by the Life Skills and Transition Center as the language

just states “any orders for assessment may be accomplished without admission for residential services or transportation to the life skills and transition center.” The best medical practice is to conduct the assessment in the environment that the individual is currently in. The language brings awareness that an assessment can be conducted by the Life Skills and Transition Center in the individual’s community, reducing unnecessary stressors on the individual.

**Section 11.** The proposed changes in Section 11 of this Bill amend 25-04-08 of the North Dakota Century Code to update language related to discharge of individual served from residential services provided by LSTC. The amendments include several updated references to “individual” and “individual served” and add reference to “residential services”. Additionally, the amendment adds language related to the practice of parent, guardian, legal custodian and care team consultation and adds reference to “legal custodian”.

**Section 12.** The proposed changes in Section 12 of this Bill amend section 25-04-08.1 of the North Dakota Century Code to update language related to notification before discharge to reflect practices of consultation with parents, guardians, care teams and legal custodians, and clarifies notification expectations when a court is involved.

**Sections 13 through 19.** The changes proposed in Sections 13 through 19 of this Bill include updates to terms used in several sections of North Dakota Century Code as consistent with changes outlined in previous sections of this Bill, including replacing reference to “resident” or “patient” with “individual served”, and replacing “sent” with “admitted”.

**Section 20.** The proposed changes in Section 20 of this Bill amend section 25-04-19 of the North Dakota Century Code to clarify confidentiality of information generated by or made available for internal quality assurance review.

**Section 21.** The proposed changes in Section 21 of this Bill amend section 54-44.3-20 of the North Dakota Century Code regarding categories of positions in the state service to align with the change in classification status of the Superintendent position outlined in Section 1 of this Bill.

Taken all together, the language changes proposed in Senate Bill No. 2052 will support the role that the team at LSTC plays in helping to stabilize individuals with developmental disabilities who are struggling to maintain their living situation, and further support the state's goal of helping people live successfully in the most integrated community setting available.

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



LSTC serves as a specialized resource to the network of approximately 120 private residential facilities and thousands of families who have a loved one with an intellectual or developmental disability for whom they are a caregiver or guardian. LSTC's goal is to:

- Operate as a **specialty care and support resource** for people experiencing crisis and/or who need stabilization;
- Work together with guardians to **identify opportunities** for each person to live in a community setting of their choice wherever and whenever possible;
- Provide **individualized** information and advisement regarding community-based care **options, supports** and **approaches** to help the person served and their care teams explore ideas and opportunities that may help the person served be able to realize their goals.

**LSTC offers both residential and non-residential services for youth and adults**

Crisis/Stabilization Residential (Specialized ICF)

- Crisis Residential
- Short-term Stabilization Residential
- Transitioning to Community Residential
- Vocational Services
- Long-term specialized residential

Statewide Stabilization Supports

- Applied Behavioral Analysts
- Statewide crisis/stabilization team
- Therapeutic Clinic
- Adaptive Equipment Center

**280**

LSTC team members

**24/7**

Round-the-clock services

**61**

People receiving LSTC residential services (point in time Jan 23)

**150+**

People living with family or served by other providers - LSTC non-residential svc

In the first 18 months of the 2021-23 biennium (Jul 21 - Dec 22), LSTC provided in-community / in-home, transition and stabilization support to 150+ people living in 50 different communities.

During that same time period, LSTC residential services accepted **13 Crisis admissions** and successfully completed **17 transitions**. The team, together with public and private partners, **diverted 24** requested admissions to LSTC and was prepared to complete an additional **7 transitions** that were **put on hold or ultimately cancelled** by the transition partner.

