

May 29 2014
 Tribal-State Relations Committee
 Standing Rock Presentation

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**Tribal & State Relations Committee Meeting
 Rough Rider Room - State Capitol - Bismarck, ND**

**Re: Amended H.B. 1180 from the 2013 Legislative Session as it
 Related to the Standing Rock Sioux Tribe**

Brief Summary

- In 2011, a clear need was identified to improve access to Home & Community-Based Services (HCBS) in ND Tribal communities
- H.B. 1093 and H.B. 1180 were introduced in an effort to improve access to HCBS for all ND Tribes
- H.B. 1180 was actually a “companion” bill to H.B. 1093. Both bills were introduced and voted on during the 2013 Legislative Session
- H.B. 1093 proposed that Tribes be allowed to contract with Licensed Social Workers (LSWs) as independent case managers.
- H.B. 1180 originally proposed that LSWs who were contracted by Tribes as independent case managers (under H.B. 1093) would be allowed to provide case management for Tribal members who may be eligible for the SPED and Ex-SPED State-based programs, as well as for Medicaid-based HCBS programs
- In “short”, H.B. 1093 was *not passed* by the ND Senate, primarily because it was not in keeping with the ND Century Code.
 - According to the ND Century Code only LICSWs (Licensed Independent Clinical Social Workers) are allowed to be “independent” case managers. LSWs (Licensed Social Workers) *are not allowed* to be “independent” case managers in ND, and could not be contracted independently by the Tribes
- H.B. 1180 was amended by the Senate Human Services Committee, and passed by the full ND Senate to allow for a “pilot project” related to Tribal HCBS
 - However, *without H.B. 1093 being passed*, H.B. 1180 offered little value to long-term strategic planning for HCBS in Tribal communities (including at Standing Rock Sioux Tribe [SRST])
 - Access to LICSW practitioners is limited in ND, and the fees required to pay an LICSW are significantly higher than to pay an LSW. Hence, there has not been a significant interest in the amended H.B. 1180 (especially if it would not have an attached fiscal note)
- Four things have seemed to impact the “as yet” unimplemented status of the amended H.B. 1180:
 1. People who are planning for community-based services at Standing Rock are not knowledgeable about how the ND Senate amendments were constructed. Specifically, a question remains as to

whether consultation took place with Tribal Leadership as H.B. 1180 was being amended, or after it was passed by the Senate. Unfortunately, the amended bill did not (does not) meet the specific needs of the Standing Rock Sioux Tribe to plan for improved access to HCBS, as well as to the full range of community-based services for elders and people with disabilities in ND.

2. There is no clear understanding of whether a fiscal note was ever attached to the final amended H.B. 1180. The Pilot Project could be quite costly to a Tribe in terms of contracting an LICSW.
3. No Tribe in ND has its own "QSP Agency" yet in place to improve access to community-based programming. The establishment of individual Tribal QSP agencies is currently a goal for several Tribes. Tribal QSP Agencies would provide each Tribe a "base" for meeting a continuum of community-based long-term care needs. These Tribes are in the process of joint discussions, while tailoring strategic plans that will meet the unique needs of their respective populations.
4. The language in the amended H.B. 1180 indicated that the Pilot Project was to take place within a county that is entirely located within reservation boundaries:
 - o This language seemed to narrow the Pilot Project to be an option only at Standing Rock Sioux Tribe (although Standing Rock is not actually named in the amended H.B. 1180).
 - o This again poses the lingering question (stated above in #1) of whether H.B. 1180 was directly discussed by the Senate committee and SRST Tribal Leadership as it was being amended? Or after it was passed to discuss/anticipate its impact/potential?
 - o Because of the legislative nature of the Pilot Project, it would be very helpful to know if consultation took place between State and Tribal governments regarding H.B. 1180, and if so, what was discussed or agreed upon related to its implementation.

The above summary is offered to provide some clarification to the discussion of H.B. 1180 and its current status. Thank you.

Respectfully Submitted,

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