

**SB 2089 Testimony**  
**House Human Services Committee**  
**Representative Robin Weisz, Chairman**  
**March 3, 2021**

Chairman Weisz and Members of the Committee, I am Carlotta McCleary, the Executive Director of the ND Federation of Families for Children's Mental Health (NDFFCMH), which is a parent run organization that focuses on the needs of children and youth with emotional, behavioral, or mental health needs and their families. I am also the Executive Director for MHAND which is a consumer-run organization whose mission is to promote mental health through education, advocacy, understanding, and access to quality care for all individuals. I am also the parent of a adult with autism.

Today we are here to speak in support of the amendments proposed by the North Dakota Autism Taskforce to SB 2089. The Autism Voucher serves a necessary role in addressing the gaps in services for those who do not qualify for the Autism Waiver. There are many children who have historically been on the Autism Waiver waitlist. For those children who are on the waitlist, they are able to access services through the Autism Voucher. In addition, there are many children with autism who do not meet the definition of eligibility for the Autism Waiver, because they are not currently deemed needing an institutional level of care. Without the Autism Voucher, many children with autism will not be eligible to receive services, because they do not have Medicaid and cannot qualify for Medicaid. As such, they will not have access to the 1915(i) and all of the services that it can pay for. Lastly, even if a child with autism was on Medicaid, in order to receive 1915(i) services, they would have to then meet additional eligibility criteria for having a serious emotional disturbance (SED) as well as score 50 and above on the WHODAS assessment.

Among the many benefits of the Autism Voucher is reducing the likelihood for a child with autism needing an institutional level of care. This brings me to my next point. The Supreme Court's *Olmstead* decision of 1999 stated that states have an obligation to provide community-based services to people with disabilities, including those at risk of institutionalization, rather than requiring them to seek institutional care. *Olmstead* applies

to children too. North Dakota already has troubling data on the institutionalization of those with autism. A recent presentation to the House Appropriations Committee from Susan Foerster, the Superintendent at the Life Skills and Transition Center in Grafton, indicated that 58% of youth and 56% of the total population at the Life Skills and Transition Center have autism.

The Autism Voucher can be a very useful tool to address the unmet needs of children with autism. The amendments to the voucher proposed by the Autism Task Force will address the unmet needs that families have identified in seeking services and supports for their children. Community-based services were vital for my son Garrett. Garrett was at risk of institutionalization to the point where some believed it was necessary for him to be placed in an out of state facility for the rest of his life. The investment that North Dakota made in community-based services allowed Garrett to remain successfully at home and in his community. Today Garrett is not living in an institution. In fact, he is living in his own apartment. Garrett is employed full time at Bobcat. Garrett's success would not have been possible had our family not received these needed services. These services are in the Autism Task Force's proposed amendments. It is vital that children with autism and their families have access to services in their community, so that they too can have the opportunity to thrive like my family had.

Thank you for time. I would be happy to answer any questions that you may have.

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