

Senate Bill 2256
NDACP Testimony
House Human Services Committee
Hon. Robin Weisz, Chairman
March 9, 2021

Chairman Weisz and members of the House Human Services Committee, good afternoon, and thank you for this opportunity. I am Bruce Murry, Executive Director of the North Dakota Association of Community Providers (NDACP.org). NDACP is the membership organization of 30 licensed providers of services to North Dakotans with developmental disabilities (DD). NDACP supports SB 2256 with additional amendments.

The North Dakota Century Code Section provides the State's duty of care to people with developmental disabilities:

25-01.2-02. Appropriate treatment, services, and habilitation - Treatment in least restrictive appropriate setting.

All individuals with developmental disabilities have a right to appropriate treatment, services, and habilitation for those disabilities. Treatment, services, and habilitation for individuals with a developmental disability must be provided in the least restrictive appropriate setting.

A significant number of North Dakotans with developmental disabilities do not qualify for what we commonly call the "DD Waiver." Some of these people receive services from a state funded program called Section 11, with about \$7 per day in supports for residential or vocational needs. However, the Governor's budget as introduced in the House proposed to eliminate Section 11 to "reinvest" the money in addiction services. The Governor's budget offered no plan to help the people whose services were eliminated.

Others with DD, who qualify for neither the DD Waiver nor Section 11, receive only case management. This means the DD Division will help them look for services, but can't pay for them. Still others who meet the federal definition of having DD, because of childhood disabilities, receive services from Aging Services Division through its QSP programs or from Behavioral Health Division or none at all. To be clear, receiving no services is the ultimate success for some people with disabilities, but only when they have the ability maintain their overall wellbeing.

State employees are generally required to support the Governor's budget. So they might not be able to tell you these people on the edge of the DD system are at risk and often deteriorating once they are independent of their parents.

When this bill was proposed the Department offered hog-house amendments to bring the study in house. NDACP was not involved in the Senate as this was an organic movement from non-service-provider advocates. NDACP did not want to presume that they wanted our members to define any new services. One of the amendments allows the Department to choose its own consultant to study the situation. That creates a tendency for the consultant to report what they think the paying body wants to hear. For example, when the Department hired a consultant to study the first year of the DD Payment system, the consultant was ill informed and hostile, and made unfounded accusations NDACP has refuted over the last year and a half with real data.

I recommend that Legislative Management retain the authority to choose and hire the consultant in consultation with the Department and key stakeholders like The Arc of North Dakota and the Protection and Advocacy Project. This will change the tenor of the relationship with the consultant, and prevent confusion about the need for an independent review by a third party.

My colleague, Angela Dinius, and I are both happy to answer any questions that may arise about SB 2256, NDACP, its members' services to people, and our priorities. Our contact information is below.

Thank you for your time and attention today.



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