

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1035

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota
2 Century Code, relating to the cross-disability advisory council; to repeal section 50-06-32 of the
3 North Dakota Century Code, relating to the autism spectrum disorder task force; to provide for a
4 report; to provide an appropriation; and to provide an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 50-06 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Cross-disability advisory council - Appointment - Duties.**

- 9 1. The cross-disability advisory council shall participate with and provide feedback to the
10 department regarding the implementation, planning, and design of the cross-disability
11 children's waiver and level of care reform for the comprehensive developmental
12 disabilities Medicaid home and community-based waiver.
- 13 2. The department shall contract with a qualified, independent third party to facilitate and
14 provide support services to the council. The contracted facilitator shall appoint the
15 cross-disability advisory council members in accordance with subsection 3 and
16 establish the length of member's terms and the structure of the cross-disability
17 advisory council. A representative from the contracted facilitator shall serve as the
18 presiding officer of the advisory council.
- 19 3. The cross-disability advisory council consists of up to fifteen voting members. A
20 majority of the members of the council must be family members of individuals with a
21 disability, or must be individuals with a disability, who receive Medicaid home and
22 community-based services. The remaining members of the council must be appointed
23 based on their professional subject matter expertise in or knowledge of the needs and
24 interests of individuals with disabilities. The council's membership must represent

1 different regions of the state and a broad range of disabilities that pertain to the
2 Medicaid home and community-based services. Upon request of the department, state
3 agency representatives shall participate with the cross-disability advisory council in a
4 nonvoting role.

5 4. The cross-disability advisory council shall meet at least quarterly and may appoint
6 subcommittees to address specific topics or disabilities, which may include autism and
7 traumatic brain injury. A majority of the voting members of the council constitutes a
8 quorum.

9 5. The cross-disability advisory council shall:

10 a. Discuss strategies to address gaps or needs regarding individuals with
11 disabilities and Medicaid home and community-based services;

12 b. Provide for the active participation of stakeholders, including consumers and
13 providers; and

14 c. Receive information from the department and its consultants.

15 6. The cross-disability advisory council members, excluding the contracted facilitator, are
16 entitled to reimbursement from the department for travel and lodging at the same rate
17 as provided for state officers and employees.

18 **SECTION 2. REPEAL.** Section 50-06-32 of the North Dakota Century Code is repealed.

19 **SECTION 3. LEGISLATIVE MANAGEMENT REPORT - LEVEL OF CARE REDESIGN -**
20 **CROSS-DISABILITY CHILDREN'S WAIVER.** During the 2023-24 interim, the department of
21 health and human services shall provide periodic reports to the legislative management
22 regarding the developmental disabilities level of care redesign and cross-disability children's
23 waiver, provide de-identified testing data results, and present potential options for next steps
24 and action plans.

25 **SECTION 4. APPROPRIATION - AUTHORIZATION - FULL-TIME EQUIVALENT**

26 **POSITIONS.** The funds provided in this section, or so much of the funds as may be necessary,
27 are appropriated out of any moneys in the general fund in the state treasury, not otherwise
28 appropriated, and from special funds derived from federal funds and other income, to the
29 department of health and human services for the purpose of obtaining services of a qualified
30 contractor to facilitate and provide support services to the cross-disability advisory council and
31 to obtain consulting services to provide information, guidance, and recommendations, with

1 stakeholder engagement, on a national review of best practice tools, a determination on
2 population impact based on tool recommendations, service options based on the new
3 population served, permitting individuals eligible for the developmental disabilities Medicaid
4 home and community-based waiver to pursue eligibility in the Medicaid waiver for the aged and
5 disabled program, and build out implementation timelines and cost, including the department of
6 health and human services staffing needs, for the biennium beginning July 1, 2023, and ending
7 June 30, 2025, as follows:

8	Operating expenses	\$700,000
9	Less estimated income	<u>350,000</u>
10	Total general fund appropriation	\$350,000

11 **SECTION 5. EFFECTIVE DATE.** Section 2 of this Act becomes effective on July 1, 2024.