

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2130

2007 SENATE HUMAN SERVICES

SB 2130

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2130

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-09-07

Recorder Job Number: 815

Committee Clerk Signature

Mary K Monson

Minutes:

Senator J. Lee, Chairman, opened the hearing on SB 2130 relating to psychiatric residential treatment facilities for children; to provide an effective date; and to declare an emergency.

Paul Ronningen (Director, Children and Family Services with the Dept. of Human Services)

Distributed a Glossary of Terms and Acronyms. Presented written testimony supporting SB 2130. (See attached.)

Senator Warner asked if Medicaid becomes the sole source of funding for these facilities once accredited.

Mr. Ronningen said that would be correct.

Senator Warner asked if this would affect their ability to receive private insurance or charitable contributions.

Mr. Ronningen said it does not affect having a third party paying.

Senator Warner asked if the testimony only relates to the state welfare contributions.

Mr. Ronningen replied that was correct.

There was no opposing or neutral testimony.

The hearing on SB 2130 was closed.

Senator Dever moved a **Do Pass**. Seconded by **Senator Erbele**. Roll call vote 6-0-0.

Passed. Floor carrier is **Senator Pomeroy**.

REPORT OF STANDING COMMITTEE (410)
January 9, 2007 1:17 p.m.

Module No: SR-05-0360
Carrier: Pomeroy
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2130: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2130 was placed on the
Eleventh order on the calendar.

2007 HOUSE HUMAN SERVICES

SB 2130

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2130

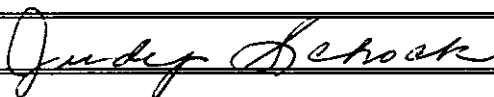
House Human Services Committee

Check here for Conference Committee

Hearing Date: February 21, 2007

Recorder Job Number: 3575 & 3576

Committee Clerk Signature



Minutes:

Chairman Price: We will open the hearing on SB 2130.

Paul Ronningen, Director, Children and Family Services with the Department of Human Services: This is more of a housed keeping bill. See attached testimony.

Representative Conrad: Who is the accrediting body? Are these specific to children?

Mr. Ronningen: We have several, JACO, COA which is counseling on accreditation, and there are several others. These are specific to the PRTF's dealing with children.

Representative Weisz: You stated that once accredited; Medicaid was the sole source of funding. What was the source of funding was in place prior to that?

Mr. Ronningen: Before July 1st 2006 we had a rehab rate which paid for the therapies from Medicaid and the maintenance rate was paid by a combination of state, county employee dollars.

Representative Conrad: With the funds in the budget for Medicaid eligible with out having to transferring custody to get Medicaid.

Chairman Price:

Anyone else to testify in SB 2130, if not is there any opposition? Hearing none we will close the hearing on SB 2130.

Chairman Price: take SB 2130 out and we will take action on the bill.

Representative Kaldor: moves a do pass on SB 2130, seconded by **Representative**

Porter. **Chairman Price** asks for questions or discussion if not we will call the roll. The vote was 12 yeas, 0 nays, and 0 absent. **Representative Kaldor** will carry the bill to the floor.

REPORT OF STANDING COMMITTEE

SB 2130: Human Services Committee (Rep. Price, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2130 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

SB 2130

Testimony
Senate Bill 2130 – Department of Human Services
Senate Human Services Committee
Senator Lee, Chairman
January 9, 2007

Chairman Lee and members of the Senate Human Services Committee, my name is Paul Ronningen, Director, Children and Family Services with the Department of Human Services. I am here today to present testimony regarding Senate Bill 2130. The Department supports the passage of this bill.

Senate Bill 2130 is primarily a housekeeping bill that addresses the changes in our Medicaid Program. As of July 1st, 2006 Medicaid could no longer make payments to Residential Treatment Centers (RTC's), but could only make payments to Psychiatric Residential Treatment Facilities (PRTF's). This designation by Medicaid required that each of the six providers obtain accreditation. Once accredited, Medicaid became the sole source of funding for these facilities. Five of the facilities were accredited by July 1, 2006 and the sixth facility was accredited in December 2006.

Some of the housekeeping changes include:

- a) Changing "residential treatment center" to "psychiatric residential treatment facility".
- b) Adding a definition of "child or children" that is consistent with Medicaid policy and thus dropping the word adolescent.
- c) Adding that the facility must meet the requirements set out in title 42, Code of Federal Regulations, part 483-354 which defines the requirements of a Psychiatric Residential Treatment Facility.

- d) Clarifies that the facility develops an individualized post-discharge plan and coordinates this plan with the child's parents, school and community.

Finally, the expiration date on the moratorium section in this bill (75-03.2-03.1) has been over struck to avoid a potential conflict between this bill and the moratorium bill SB 2066. The Department is requesting that the moratorium continue in SB 2066 and thus the continuation of the moratorium will be addressed during those hearings.

This concludes my testimony. I would be happy to answer any questions.



Glossary of Terms and Acronyms

December 2006

960 - Refers to the State Form Number 960 (SFN 960) for the reporting of suspected child abuse or neglect.

AASK - Adults Adopting Special Kids is a collaboration involving the department's Children and Family Services Division, Catholic Charities North Dakota, and PATH ND. They work together to promote and facilitate the adoption of children with special needs from the foster care system.

Abuse - Any willful act or omission of a caregiver or any other person, which results in physical injury, mental anguish, unreasonable confinement, sexual abuse or exploitation, or financial exploitation of a vulnerable adult.

Abused Child - An individual under the age of 18 who is suffering from serious physical harm or traumatic abuse caused by other than accidental means by a person responsible for the individual's welfare.

Access Services - Services such as transportation, escort/shopping assistance, outreach, and information and assistance, which help people to identify, obtain, and use existing services.

Acute Care Unit - A service unit in the department's Human Service Centers that provides general outpatient mental health services.

ADA - Americans with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327; 42 U.S.C. § 12101 et seq.]

ADL - Activity of Daily Living. Self care activities performed daily such as: bathing, dressing, toileting, transferring to and from a bed or chair, mobility, continence, and eating/feeding.

Administrative Assessment - Process of documenting reports of suspected child abuse or neglect that do not meet the criteria for a Child Protection Services Assessment.

Administrative Referral - Process of documenting the referral of reports of suspected child abuse or neglect that fall outside the jurisdiction of the county where the report is received.

Adoption Assistance - A form of monetary assistance to families adopting children from foster care who have special needs. This assistance can take the form of a monthly payment, Medicaid as a backup to a family's private health insurance, or reimbursement of nonrecurring expenses related to adoption.

Adoption Search/Disclosure - The process whereby an adopted individual, a birth parent, or birth sibling of an adopted individual, or an adult child of a deceased adopted individual can request and receive identifying information related to the adoption.

Adoption Subsidy - See Adoption Assistance.

Adult Day Care - A program of non-residential activities provided at least three (3) hours per day on a regularly scheduled basis one or more days per week and encompassing both health and social services needed to ensure the optimal functioning of the individual.

Adult Education Transition Services (AETS) - Refers to services provided to students 18-21 years of age who are eligible for Developmental Disabilities Case Management Services and can benefit from residential and/or day services provided in the developmental disabilities system while they are still in school. This is a joint initiative between the Department of Public Instruction and the Department of Human Services. Individuals must meet eligibility requirements. Education agencies and Medicaid provide funding.

Adult Family (Foster) Care - Provision of 24-hour room, board, supervision, and extra care to adults who are unable to function independently or who may benefit from a family home environment. Care is provided in a licensed home.

ACJ - Alliance for Children's Justice is a statewide multi-disciplinary coalition of professionals and parents dedicated to quality child protection services in North Dakota.

ADRC - Aging and Disability Resource Center is a visible and trusted place at the community-level where people can turn for information and counseling on all available long term support and service options. It functions as a single point of entry to public long term support programs and services. North Dakota does not have an ADRC. A federal grant program currently funds centers in 43 states.

Arrearages - Past-due, unpaid child support owed by the noncustodial parent. Also may be referred to as "arrear."s"

ASAM - American Society of Addiction Medicine, Patient Placement Criteria, Second Edition-Revised. These are the clinical guidelines used for matching clients to the appropriate level of care for the treatment of substance-related disorders.

ASFA - The Adoption and Safe Families Act of 1997 [Pub. L. 105-89; 111 Stat. 2115; 42 U.S.C. § 1305 et seq.] is federal legislation to shorten the length of time in foster care and to ensure safety and permanency for children.

Assisted Living - An environment that helps people maintain as much independence as possible by providing apartment-like units and individualized support services, which accommodate individual needs and abilities.

Assistive Technology (AT) Device - Any item or piece of equipment used to maintain or improve the functional capabilities of individuals with disabilities.

Assistive Technology (AT) Service - Any service that directly assists an individual with a disability in selecting, acquiring or using an assistive technology device. AT services may include: evaluation, purchasing, designing, leasing, training for individuals, family members, and professionals; and coordinating therapies. It also includes services that expand access to electronic and information technology for people with disabilities.

Attendant Care Service - Hands-on care, of both supportive and medical nature, specific to a client who is ventilator-dependent for a minimum of 20 hours per day. The services are provided under the direction of a licensed nurse who is enrolled with the Department of Human Services to provide Nurse Management.

Basic Care Assistance Program - Supplements room and board payments made by individuals of limited means living in basic care facilities. The Basic Care Assistance Program is funded with state general funds.

Basic Care Facility - A licensed facility for aged, blind or disabled individuals who do not require extensive medical care.

BEST - Basic Employment and Skills Training program provides motivation and job seeking skills to Food Stamp recipients who are required to register for work. The department contracts with Job Service North Dakota to provide the service in Burleigh County and Cass County.

Business Services - Part of Vocational Rehabilitation, *Business Services* is also known as *Rehabilitation Consulting and Services* and provides consultation, technical assistance, and information to businesses so they can resolve disability-related issues and have an available source of qualified employees.

CAN - Child Abuse and Neglect

Care Coordinator - Describes the comprehensive case manager in a child and family case involving severe emotional disturbance.

CARF - Commission for Accreditation for Rehabilitation Facilities

Case Management - A process in which a professional case manager assesses the needs of the client and arranges, coordinates, monitors and evaluates services, and advocates to meet the specific client's needs in the least restrictive environment.

CCAP - Child Care Assistance Program provides partial payment for child care services provided to children from qualifying low-income families.

CCWIPS - The Comprehensive Child Welfare, Information, and Payment System is a computerized case management and payment system for foster care and adoption services.

CFS - Refers to the Children and Family Services Division of the Department of Human Services. CFS has administrative responsibility for the policies and procedures relating to children and families. The division is responsible for program supervision and technical assistance for the delivery of public child welfare services.

CFSR - Children and Family Services Revue is a federal child welfare review conducted in all states. North Dakota uses this same review process and conducts Child Welfare Reviews in each region of the state once each year.

Child and Family Team - Related to children's mental health services and child welfare services, the Child and Family Team consists of the child, family and persons most pertinent in the life of the child and family, as determined by the family (in most instances). The team meets to identify family strengths, needs, risks, and resources to reduce and/or eliminate the risk of removal from the home, reunification, emotional and educational needs, child abuse and neglect and ensure the safety, permanency and well-being of children and families.

Child Fatality Review Panel - A multi-professional group that meets to review the deaths of all minors in the state and identifies trends or patterns in the deaths of minors.

Chore Service - These tasks enable a client to remain in the home. Tasks include heavy housework and periodic cleaning, professional extermination, snow removal, and the task must be the responsibility of the client and not the responsibility of the landlord. Emergency Response Systems (ERS), such as electronic devices enabling the client to secure help in an emergency by activating the "help" button, are also available under this service.

CIL - Center for Independent Living. The four CILs serving North Dakota provide services to individuals with disabilities so they can live and work more independently in their homes and communities.

Client Assistance Program (CAP) - Designed to inform and advise all Vocational Rehabilitation clients and applicants about the benefits available under the Federal Rehabilitation Act of 1973, and to assist clients in securing those services.

CMHS Block Grant - Community Mental Health Service Block Grant

Congregate Care - Refers to a specialized group residential facility that provides programming for elderly individuals with mental retardation to help them maintain their current level of functioning. The health and medical conditions of the individuals served are stable and do not require continued nursing or medical care.

Continuum of Care - A functional philosophy that seeks to ensure clients receive the right service in the right place, at the right time.

Corporate Guardianship - A service purchased on behalf of individuals eligible for developmental disabilities case management services when a district court has determined the individual requires a guardian and no one else is available to serve as guardian.

The Council - This organization accredits providers of services for mentally retarded/developmentally disabled persons.

CP - For child support purposes, the Custodial Parent is the person (generally a parent) who has primary care, custody, and control of a child or, if a court has made a custody determination, the person who has legal custody of a child.

CPS - Child Protection Services protect the health and welfare of children by encouraging the reporting of children known to be or suspected of being abused or neglected; provide services for the protection and treatment of abused and neglected children to protect them from further harm.

CPS Assessment - A fact finding process designed to provide information that enables a determination to be made whether services are required for the protection and treatment of a child. These assessments are completed by County Social Service Board social workers.

CPS Assessment Decision - The result of a CPS assessment, which reflects whether services are required for the protection and treatment of an abused or neglected child.

CRU - Crisis Residential Units provide generally short-term stabilization and support to individuals diagnosed with mental illness and/or chemical dependence who are experiencing crisis as a result of exacerbation of symptoms.

CSAP - Center for Substance Abuse Prevention is the sole Federal organization with responsibility for improving accessibility and quality of substance abuse prevention services.

CSAT - Center for Substance Abuse Treatment is a component of the Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services (DHHS) that works to expand the availability of effective treatment and recovery services for alcohol and drug problems.

CSCC - Children Services Coordinating Committee

CSHCN - Children with Special Health Care Needs. As defined at the federal level, this population of children has or is at increased risk for chronic physical, developmental, behavioral, or emotional conditions requiring health and related services of a type or amount beyond that required by children generally.

CSHS - Children's Special Health Services (formerly Crippled Children's Services) is a unit in the Medical Services Division of the Department of Human Services, which provides services directly or through contracts to children with special health care needs and their families.

Day Supports - This is a single day program, which encompasses services previously known as Developmental Day Activity, Developmental Work Activity, Prevocational Work Activity and Adult Day Care. Day supports may include assistance with acquisition, retention or improvement in self-help, socialization and adaptive skills; provision of social, recreational, and therapeutic activities to maintain physical, recreational, personal care, and community integration skills; development of non-job task oriented prevocational skills such as compliance, attendance, task completion, problem solving and safety; and supervision for health and safety. Services are provided in settings appropriate to an individual's needs.

DD - Refers to the Developmental Disabilities service system, which provides case management, day supports, residential services, and family support services to individuals with mental retardation or developmental disabilities of all ages, and early intervention services to infants and toddlers who are at risk for, or experiencing developmental delays.

DDS - Disability Determination Services makes eligibility decisions for Social Security Disability Insurance and Supplemental Security Income so that eligible individuals can receive disability benefits. This is a unit of the department's Disability Services Division.

Debit Card - A card that may be used to electronically withdraw account deposits at an Automated Teller Machine (ATM) or a bank teller window, or to use at a point-of-sale (POS) machine to purchase goods, or services, or to obtain cash. Debit cards are used by the Department of Human Services to pay cash assistance under TANF programs and to distribute child support payments to custodial parents. Custodial parents receiving child support payments may also choose "direct deposit" as an alternative.

Determination - The result of an assessment of suspected institutional child abuse or neglect.

Developmental Disability - Refers to a severe chronic condition that constitutes a lifelong mental or physical impairment, which became apparent during childhood and has hampered an individual's ability to participate in mainstream society, either socially or vocationally.

Direct Deposit - For child support purposes, it is a process involving the electronic funds transfer of support payments from the State Disbursement Unit (SDU) into a custodial parent's bank account. This is done only upon the request of the custodial parent.

Custodial parents may also choose an alternative method of receiving payments via a debit card.

Disease Management - A system of coordinated healthcare interventions and communications for populations with conditions in which patient self-care efforts are significant (for example, Medicaid recipients). Disease management: (1) supports the physician or practitioner/patient relationship and plan of care, (2) emphasizes prevention of exacerbations and complications using evidence-based practice guidelines and empowerment strategies, and (3) evaluates clinical, quality of life and economic outcomes on an on-going basis with a goal of improving participants overall health.

Diversion Assistance - An alternative to Temporary Assistance for Needy Families (TANF) assistance, Diversion Assistance is available for no more than four months in a year, and is intended to allow individuals to avoid some of the complications of TANF in an effort to quickly achieve self-sufficiency.

DJS - Division of Juvenile Services is a division of the North Dakota Department of Corrections and Rehabilitation. DJS is responsible for the custody of delinquent and unruly children placed in its care by the courts.

DRA - Deficit Reduction Act of 2005 [Pub. L. 109-171; 120 Stat. 4; 42 U.S.C. § 1108, et seq.]

Dual Diagnosed - Diagnosed with two disorders such as those individuals diagnosed with mental illness and chemical dependence or individuals diagnosed with mental illness and developmental disabilities.

Dual Eligibles - Individuals who qualify for both Medicaid (state and federally-funded health coverage for low-income persons) and Medicare (federal health coverage program for persons age 65 and older and other qualifying individuals with disabilities). Before Medicare Part D (the Medicare Prescription Drug benefit) became available in 2006, their medications were provided by North Dakota Medicaid.

DUR Board - Drug Ututilization Revue Board is a volunteer board whose makeup and duties appear in Code of Federal Regulations and subsequently in state statute. Comprised of pharmacists and physicians, the Board was established to advise the Medicaid program on prior authorization and other pharmacy cost control and utilization matters.

EAP - Economic Assistance Policy is a division of the department that administers policy for and includes the following programs: Child Care Assistance Program, Basic Care Assistance Program, Energy Assistance (also referred to as Low Income Home Energy Assistance, or LIHEAP), Food Stamps, and Temporary Assistance for Needy Families (TANF), including Diversion Assistance and Job Opportunities and Basic Skills (JOBS). EAP is also responsible for Medicaid Estate Recovery, Quality Control, and System Support and Development.

Early Intervention Services - Refers to a statewide program for infants and toddlers who range from newborn to three years of age who have a developmental delay, disability, or a condition that could result in substantial limitations if intervention is not provided. Intervention services are designed to help address the physical and developmental needs of children, and to augment the capacity of their families to meet their special needs.

EFT - Electronic Funds Transfer is a process by which money is transmitted electronically from one bank to another.

Environmental Modification - Physical adaptations to the home necessary to ensure the health, welfare, and safety of a client or that enable a client to function with greater independence in his/her home.

Expanded SPED Program - Expanded Service Payments to the Elderly and Disabled Program is a companion program to the Basic Care Assistance Program. It pays for services that can be provided in the home and community so that institutionalization in a basic care facility is avoided. The Expanded SPED Program is funded with state general funds.

Extended Services - This refers to long term supports provided by a job coach for individuals with disabilities employed in the community.

FACSES - The Fully Automated Child Support Enforcement System is the statewide automated system that supports the case processing of 50,000+ child support cases in North Dakota and supports the State Disbursement Unit (SDU) in processing child support payments.

Family Caregiver Support Program - Federally funded under the Older Americans Act, this Aging Services program offers help to caregivers who are caring for an adult age 60 or older, or who are themselves age 60 years or older and are caring for grandchildren or other relatives who are age 18 or younger. Services include information and referral, assistance from a trained caregiver coordinator to help caregivers assess needs and access support services, individual and family counseling, support groups, training, and respite care for caregivers.

Family Group Decision Making - Relating to the provision of child welfare services, this is defined as a strengths-based collaborative, coordinated decision making process using family, agency and support service resources to ensure the safety, permanency and well-being of children and families.

Family Home Care - The provision of room, board, supervisory care, and personal service to an eligible elderly or disabled individual by the spouse or by one of the following relatives, or the current or former spouse of one of the following relatives of the elderly or disabled person: parent, grandparent, adult child, adult sibling, adult grandchild, adult niece, or adult nephew. The family home care provider does not need to be present in the home on a 24-hour basis if the welfare and safety of the client is maintained.

Family Subsidy - A program that may reimburse a family for excess expenses related to their child's disability. This offers support to enable families to keep their children in their homes when lack of financial support would make it very difficult for families to care for their children at home. A child may be eligible for this program through age 21.

Family Support Services - Refers to services, which are provided for eligible individuals with developmental disabilities to enable them to remain in appropriate home environments. Services are based on the primary caregiver's need for support in meeting the health, safety, developmental and personal care needs of their family member. Personal care needs include activities of daily living such as eating, bathing, dressing, and personal hygiene. When the eligible client is a minor, out-of-home support may also be provided in a licensed family home. This Family Care Option may be appropriate for children who cannot

remain in their family home on a full-time basis. It is available only if the child is not considered deprived within the definition of NDCC 27-20-02 (5), and is not considered boarding care according to the definition of the North Dakota Department of Public Instruction.

FFY - Federal Fiscal Year runs from October 1 to September 30.

FIDM - The Financial Institution Data Match process is operated by the Child Support Enforcement program in coordination with financial institutions and pursuant to federal and state laws. The process provides for a data match system in which account records are matched with child support cases.

FLEP - Family Life Education Program. The department of human services is required by law (NDCC 50-06-06.10) to enter into an agreement with the North Dakota State University extension service for the design of a program to educate and support individuals at all points within the family life cycle. The program must provide support for families and youth with research-based information relating to personal, family, and community concerns and must contain a research component aimed at evaluation of planned methods or programs for prevention of family and social problems. The program must address: 1) child and youth development; 2) parent education with an emphasis on parents as educators; 3) human development; 4) interpersonal relationships; 5) family interaction and family systems; 6) family economics; 7) intergenerational issues; 8) impact of societal changes on the family; 9) coping skills; and 10) community networks and supports for families.

FMAP - Federal Medical Assistance Percentage is the federal matching rate for the Medicaid program. FMAP changes annually on October 1.

Food Stamps - A program that raises levels of nutrition among low-income households by supplementing their food purchasing power with monthly benefits distributed through an electronic benefit card.

GA - General Assistance is a county program designed to cover emergency needs of low-income individuals or families. The covered needs may include rent, fuel and utilities, medical, and burial expenses.

Guardian Ad Litem - A court-appointed child advocate mandated by North Dakota law for all abused and neglected children involved in a Juvenile Court proceeding.

HCBS - Home and Community Based Services refers to the array of services that are essential and appropriate to sustain individuals in their homes and communities, and to delay or prevent institutional care.

Health Care Trust Fund - This trust fund was established by the 1999 North Dakota Legislature as a source of funding for grants and loans to pay for legislatively approved projects.

Health Tracks - See North Dakota Health Tracks.

Healthy Steps - Is North Dakota's Children's Health Insurance Program that offers comprehensive health coverage for children 18 years of age and younger. To qualify, a child's family must have a net income that is greater than the Medicaid eligibility level, but not exceeding 140% of the federal poverty level. (Deductions for child care, child support,

