

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2326

2007 SENATE HUMAN SERVICES

SB 2326

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2326

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-22-07

Recorder Job Number: 1542

Committee Clerk Signature

Mary K. Manson

Minutes:

Senator J. Lee, Chairman, opened the hearing on SB 2326 relating to medical assistance and other health coverage for families of children disabilities; and to provide an appropriation.

Senator Tim Mathern (District #11) introduced SB 2326. (Attachment #1)

Senator Warner asked if a bill was passed last session allowing people with disabilities to buy extra Medicaid.

Sen. Mathern replied that a bill was passed last session, however, that really required money to make the program workable. He didn't believe an appropriation was passed to make it workable. This is a new option before us.

Senator J. Lee said what was passed before was a Medicaid buy in for people with disabilities but it wasn't intended for children with ailments. (Meter 4:15)

Sen. Mathern said a person with a disability could buy into that program. This is for the family who might have an income beyond Medicaid eligibility who could buy in because they have a child with a disability.

Caitlin McDonald testified in support of SB 2326 on behalf of the Arc of North Dakota.

(Attachment #2)

Donene Feist testified as a mom and also as the director of the Family Voices of ND in support of SB 2326. (Attachment #3)

Senator Dever asked if this is the vehicle to take advantage of the waiver that has been talked about for the last two years.

Ms. Feist answered that it is a separate piece.

Ms. Feist then introduced her son Zachary who wanted to address the committee.

Zachary Feist (Edgeley, ND) testified that all kids with a disability deserve a chance to be all they can be and with a little help, they can be. (Meter 20:00)

Jennifer Restemayer testified in favor of SB 2326. (Attachment #4)

Mike Schwab (Executive Director for the Arc of Bismarck) asked for support of SB 2326.

(Attachment #5) He added that the department of human services did a study or estimate of how many children would be possibly eligible with this option and Donene for writing information from the catalyst center. Both estimates are that over 700 families would possibly benefit from having this legislation.

Testimony was distributed from the ND Disabilities Advocacy Consortium in support of SB 2326. (Attachment #6)

Carlotta McCleary (Executive Director, ND Federation of Families for Children's Mental Health) testified in support of SB 2326. (Attachment #7)

David Boeck (Protection & Advocacy Project) testified in favor of SB 2326. (Attachment #8)

There was no opposing testimony.

Senator J. Lee called for neutral testimony.

Maggie Anderson (Director of Medical Services, Dept. of Human Services) provided information on the appropriation section of this bill. (Attachment #9)

Senator J. Lee asked Ms. Anderson if she would provide the committee with what the incomes would be for 1, 2, and 300% of poverty for families of 2, 3, and 4.

Ms. Anderson said they could provide a chart. (Meter 44:05)

Senator J. Lee said she would like to know what the other ratings are and if they are focusing on just enrolling the child in Medicaid, in which case it would be a family of one, or enrolling the entire family.

Ms. Anderson said this buy in is only for the children but is based on the families income.

Ms. Anderson then explained that for 100% of poverty for a one person household is \$817 and for a household of four it is \$1,667. At 200% of poverty, one person is \$1,634 and a four person household is \$3,334. She didn't have the 300% but said they would provide it.

Senator Dever asked if this bill should include the words "within the limits of appropriation".

Ms. Anderson replied that the way it is written there would be no capping the program.

(Meter 46:40) It would be in an eligibility category.

David Boeck offered information that at 300% of poverty a family of four is \$5,001 and an individual is \$2,551.

With no further testimony, the hearing on SB 2326 was closed.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2326

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-23-07

Recorder Job Number: 1719

Committee Clerk Signature

Mary K Monson

Minutes:

Senator J. Lee opened SB 2326 for discussion on the chart that Maggie Anderson provided showing the family size and what the proposed buy in for children would be. (Attachment #10)

The way the bill is written provides for the maximum that the feds permit for the Medicaid buy in. (Meter 0.35)

Senator J. Lee didn't favor going all the way to 300% poverty because that's more than some people make in some districts. It would be better to start at a lower level and see what kind of enrollment there is and see if it can be adjusted up. The number of children cannot be limited, but the percentage of poverty can be limited.

(Meter 2:05) The committee discussed 200% of poverty.

(Meter 3:48) Senator J. Lee said maybe what needs to be asked is if there is any practical way that it could be looked at as the child's medical costs as the percentage of the gross income.

She said she would check with Maggie to see if they can do some sort of ratio.

Discussion was closed on SB 2326.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2326

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-29-07

Recorder Job Number: 2192

Committee Clerk Signature

Mary K. Morrison

Minutes:

Senator J. Lee, Chairman, brought the committee to order to discuss SB 2326. Maggie Anderson from the Dept. of Human Services was present and provided the committee with a chart for Medicaid buy in at 200% poverty. (Attachment #11) Senator J. Lee asked Ms. Anderson if the feds would let them do something such as a ratio of medical expenses to income or a net income being part of the medical costs.

Ms. Anderson said that within the deficit reduction act the only flexibility comes in terms of premiums they are allowed to attach. 200% of poverty would be able to go with a 5% premium and 200-300% of poverty could go with a 7 ½% premium. It's tied to income in that way.

Senator J. Lee asked about a net income.

Ms. Anderson replied that when they built the fiscal information for both the 200 and 300 it is assumed net. (Meter 2:10) The dept. always assumes net on an income unless they are told differently.

Senator J. Lee referred to a chart Ms. Anderson had shown them that had six different percentages of poverty and asked if all of those are net with the same disregards as CHIPs has.

Ms. Anderson said that not all of them have the same disregard as CHIP. Right now Medicaid has an additional disregard for self employed people that they don't have in SCHIP. (Meter 3:15)

Senator J. Lee asked about the possibility of tying this in with food stamps.

Ms. Anderson thought that food stamps were at 100% of poverty so it is much lower.

School lunch is 185% and WIC is 185%.

Senator J. Lee asked if there was a recommendation that Ms. Anderson and her colleagues could give about where to start with this.

Ms. Anderson (Meter 6:00) talked about tweaking Medicaid percentage for children 6-19.

Discussion on SB 2326 was closed until further information could be received from the department.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2326

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 1-31-07

Recorder Job Number: 2359, 2451, 2453

Committee Clerk Signature

Mary K. Mosson

Minutes:

Senator J. Lee called the committee to order and opened SB 2326 for information from Maggie Anderson, Dept. of Human Services.

Maggie Anderson explained a chart prepared for the committee on comparison of health care coverage options for children. (Attachment 12) (Meter 1:00)

Senator J. Lee thought the ones covered by the Katie Becket waiver had to be otherwise candidates for some kind of institutional setting so the waiver would permit those children to be cared for at home.

Ms. Anderson addressed the requirements for the Katie Becket eligibility option and the Medicaid waiver. (Meter 11:35)

Senator Warner asked when they calculate costs for this population having extraordinarily high medical costs, if they take that into effect or if they just use the average for Medicaid.

Ms. Anderson explained that for the fiscal note for SB 2326 they looked at the Medicaid population who are not institutionalized and they took an average. (Meter 13:00)

Senator Warner asked if there are any lifetime caps on Medicare.

Ms. Anderson replied no.

Senator J. Lee asked Ms. Anderson how she sees the waiver and the buy in blending.

Ms. Anderson answered that what they estimated specifically for the waiver was they would need \$1.3 million to serve 15 children for the biennium and the waiver for children with extraordinary medical needs. (Meter 14:00) It is possible to do both with almost the original appropriation.

There was more discussion on the buy in and the waiver. They could implement both but the language in the bill would have to be altered.

(Meter 19:20) There was discussion on what the most practical thing to do would be and levels of poverty.

Senator Erbele asked if there are children out there to fill up the programs.

Ms. Anderson said it is reasonable to believe they would have an onslaught of children.

Senator J. Lee asked if Ms. Anderson and the dept. could help with the language for an amendment to do what had been discussed.

Ms. Anderson said they would be happy to.

The committee agreed that an amendment should include the waiver and 200% and one FTE.

Discussion on SB 2326 was closed.

Job #2451

Senator J. Lee opened SB 2326 for consideration of amendment provided by Ms. Anderson.

After reviewing the amendment it was noted that a FTE was not included.

Ms. Anderson said they would redo the amendment to include it.

Job #2453

Ms. Anderson presented the committee with a corrected proposed amendment which included the FTE. (Attachment #13)

Senator Warner moved to accept the Anderson amendment to SB 2326.

Seconded by Senator Erbele.

Roll call vote 6-0-0. Amendment accepted.

Senator Dever moved a Do Pass as amended on SB 2316 and rerefer to Appropriations.

Seconded by Senator Pomeroy.

Roll call vote 6-0-0. Motion carried. Carrier is Senator Dever.

Date: 1-31-07

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2326

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Anderson Amendment including FTE

Motion Made By Sen Warner Seconded By Sen. Erbele

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 1-31-07

Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2326

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number 70622.0101

Action Taken DP / amend / approp

Motion Made By Sen Dever Seconded By Sen. Pomeroy

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Dever

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2326: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2326 was placed on the Sixth order on the calendar.

Page 1, line 11, after "disabilities" insert "and whose net income does not exceed two hundred percent of the federal poverty line"

Page 1, line 13, replace "\$929,594" with "\$1,059,932"

Page 1, line 14, replace "\$1,507,317" with "\$1,673,835"

Page 1, line 18, after "disabilities" insert "and for implementing the waiver described in North Dakota Century Code section 50-24.1-26 to provide in-home services to children with extraordinary medical needs who would otherwise require hospitalization or nursing facility care" and after the period insert "The department of human services is authorized one full-time equivalent position for implementing the programs described in this Act."

Renumber accordingly

2007 SENATE APPROPRIATIONS

SB 2326

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2326


Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-08-07

Recorder Job Number: 3101

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2326.

Senator Tim Mathern, District 11, Fargo, introduced SB 2326 indicating the bill would allow families to buy into the medicaid program.

Bruce Murry, Attorney, ND Protection and Advocacy Project, presented written testimony (1) indicating how the Deficit Reduction Act allows and creates the Medicaid buyin for families with children with disabilities.

Mike Schwab, Executive Director, The Arc of Bismarck and representing The Arc of Cass County, presented written testimony (2) urging support of SB 2326. He indicated this legislation provides families of lower-middle income and middle income status to buy in to Medicaid for their child with disabilities.

Donene Feist, Edgeley, Mom, Director, Family Voices of North Dakota, distributed written testimony (4), testimony (3) of Zachary Feist, Edgeley, publication (5) Family Voices of ND, and Catalyst Center for Children and Youth publication (5a) in support of SB 2326. She discussed significant benefits that would be had by families affected, she discussed her personal situation, and presented real life situations of other families.

Carlotta McCleary, Executive Director, ND Federation of Families for Children's Mental Health (NDFFCMH), presented written testimony (6) in support of SB 2326. She discussed

the problems families face with their insurance companies and how this bill will help in these situations.

Jennifer Restemayer, Bismarck, presented written testimony (7) in support of SB 2326. She indicated that as a parent of a child with MPS, a rare genetic disorder, requiring high costs of medical bills, the family opportunity act and SB 2326 provides hope for families in like situations.

Derek Zietz, parent of child with rare medical disorder, presented written testimony (8) testifying in support of SB 2326.

Mary L. Rennich, parent, Bismarck, presented written testimony (9) and published information about the Rennich Family Story in support of SB 2326.

Chairman Holmberg closed the hearing on SB 2326.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2326

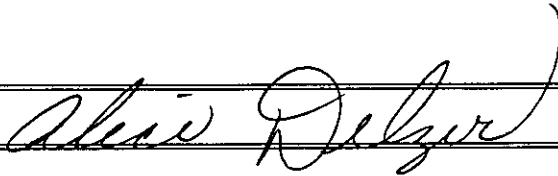
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-08-07

Recorder Job Number: 3228

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2326 on February 8, 2007 relating to Medical Assistance and Health Coverage for Families of Children with Disabilities. He stated that Legislative Council had been asked to prepare amendment. It is a challenging bill and we will wait to move on this bill until we get the amendment from Legislative Council.

The hearing on SB 2326 closed.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2326

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02/09/07

Recorder Job Number: 3271

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2326.

Senator Mathern indicated the purpose of this bill is for families to use the Medicaid program to help pay for the medical costs involved for their disabled child. These families pay a premium based on their net income. The federal government has money there as does the state. He indicated the difference of families at 200 percent of poverty versus those at 300 percent of poverty. He indicated that what happens if the family is not on medicaid, worse scenario is they eventually use up all of their resources and the whole family ends up on assistance and using sources of a variety of state programs. This bill would help those families stay above water and out of the system.

Questions were raised as to what the net income would be for families at 300 percent of poverty. The response was \$75,000-\$85,000. Additional questions were raised about the cost of a typical disabled child's medication, the average ND income, what would prevent insurance companies from dropping the family from coverage.

Maggie from Department of Human Services responded to several financial impact questions that were raised.

Page 2

Senate Appropriations Committee

Bill/Resolution No. "Click here to type Bill/Resolution No."

Hearing Date: "Click here to type Hearing Date"

Senator Krauter moved a DO pass without amendments, Senator Bowman seconded.

Discussion followed. A roll call vote was taken resulting in 12 yes, 1 no, and 1 absent.

Senator Dever will carry the bill.

Chairman Holmberg closed the hearing on SB 2326.

Date:
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2326

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 2

Action Taken Do Pass Wo Amend

Motion Made By Krauter Seconded By Bowman

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer		✓	Senator Harvey Tallackson		
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 13 No 1

Absent 1

Floor Assignment Dever Hum Serv

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 9, 2007 1:18 p.m.

Module No: SR-28-2749
Carrier: Dever
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2326, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING).
Engrossed SB 2326 was placed on the Eleventh order on the calendar.

2007 HOUSE HUMAN SERVICES

SB 2326

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2326

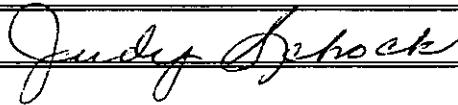
House Human Services Committee

Check here for Conference Committee

Hearing Date: February 27, 2007

Recorder Job Number: 3953

Committee Clerk Signature



Minutes:

Chairman Price: We will open the hearing on SB 2326.

Representative Jasper Schneider District 21, Fargo, ND: I am a co sponsor of the bill and

Senator Tim Mathern, District 11 of Fargo asked me to present the bill as he could not be here. The bill is a Medicaid buy in option for families with children with disabilities. See attached testimony.

Maggie Anderson, Director of Medical Services for the Department of Human Services:

See attached testimony, and attachments of dollars for bills and attachments of guidelines for income levels.

Representative Porter: On the attachment caring for children 170% poverty. What program is that one?

Ms. Anderson: That is the program BC/BS runs for children that are in access of Medicaid or healthy steps guidelines. The way the current process works for health care coverage so a family could complete an application and turn it into their county office or state office. If it fails Medicaid it will be tested for Healthy Steps, or S CHIPS. If it fails for those we have an arrangement with BC/BS and we send in an electronic file to them with names and information. It is a very basic plan and funded by private funds.

Representative Weisz: The premium costs, is that just the average costs to Medicaid?

Ms. Anderson: We calculated that by looking at recipient liability and situations where families were currently not in the income guidelines where they were with the high risk liability are all factored into it.

Bruce Murry, lawyer with the ND Protection and Advocacy Project: See attached testimony, charts and budget projections.

Representative Conrad: Explain the difference between the 200-300%. Are you saying we would have more children if went to (couldn't hear) system?

Mr. Murry: If we went to 300% of the federal poverty level, that would approve more families because the families between 200-300% other wise would not have made it. There would be approximately an additional 376 children. Each of those additional children would average about an \$1100.00, where as the first 402 children average about \$1410.00. By extending the program to 300% because the families kick in more of their share. They can deduct out of pocket medical expense, child care, elder care, and insurance in addition to taxes.

Donene Feist from Edgely, ND: See attached testimony, testimony from Zachary when he testified on the Senate side, and also a booklet of other family stories along with waiver and buy in information. Many families fall through the cracks.

Vickey Peterson, reading the Kaseman I am very honored to read the testimony of Ariana. She passed away last Friday February 21.

Caitlin McDonald, I am here on behalf of the Arc of ND: We strongly support SB 2326. See attached testimony.

Jennifer Restemayer: See attached testimony. At the end of the testimony Jennifer introduces her daughter Allison.

Carlotta McCleary, Executive Director of the ND Federation of Families for Children's

Mental Health. See attached testimony.

James M. Moench, Executive Director of the ND Disabilities Advocacy Consortium: See attached testimony.

Mike Schwab, Executive Director for the Arc of Bismarck: See attached testimony.

Chairman Price: Anyone else to testify on SB 2326? Any opposition on SB 2326? Hearing none we will close the hearing on SB 2326.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2326

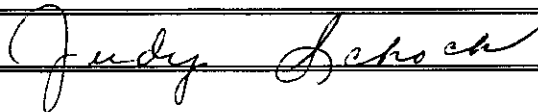
House Human Services Committee

Check here for Conference Committee

Hearing Date: March 7, 2007

Recorder Job Number: 4601

Committee Clerk Signature



Minutes:

Rep. Kaldor: I move a do pass and re-refer to appropriations.

Rep. Porter: I second that.

Rep. Price: Is there any discussion?

Rep. Porter: We have made huge strides in these areas from what we started a couple sessions ago. The huge voids that we had in the system and the gaps that were created by our system and some of the language coming from within the agencies are making huge steps. I think this is a huge step in the right direction. I sure hope that it has favorable following in appropriations and it comes to a great policy for families inside of the state of ND.

Rep. Price: When we look back to the people who dealt with this bill and that it has now been approved.

Rep. Porter: During the last session the department was opposed to us doing something. Everybody stuck to their guns and we put pressure to them. All of a sudden this is the next best thing. The process works.

Rep. Price: We will take a roll call vote on a do pass. The do pass motion passes with a vote of 11-0-1. Is there a volunteer to carry this?

Rep. Uglem: I will.

Date: 3/7
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES SB 2326 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass RR/APP

Motion Made By Rep. Kaldor Seconded By Rep. Porter

Representatives		Yes	No	Representatives		Yes	No
Clara Sue Price - Chairman		✓		Kari L Conrad	✓		
Vonnie Pietsch - Vice Chairman		✓		Lee Kaldor	✓		
Chuck Damschen		✓		Louise Potter	✓		
Patrick R. Hatlestad		✓		Jasper Schneider	✓		
Curt Hofstad		✓					
Todd Porter		✓					
Gerry Uglem		✓					
Robin Weisz		✓					

Total (Yes) 11 "Click here to type Yes Vote" No 2 "Click here to type No Vote"

Absent 1

Floor Assignment Rep. Uglem

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2326, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2326 was rereferred to the Appropriations Committee.

2007 HOUSE APPROPRIATIONS

SB 2326

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. SB 2326

House Appropriations Committee
Human Resources Division

Check here for Conference Committee

Hearing Date: March 14, 2007 10 AM

Recorder Job Number: 5068

Committee Clerk Signature



Minutes:

Chairman Pollert opened the hearing on SB 2326

Rep. Uglen testified: (see written testimony + handout)

Senator Lee: Introduced the bill and said it is important to remember that we want to support working families and that is really what happens here. If these are families of working parents that are Medicaid eligible in other ways it will be covered. This is to try and help those families that above those levels. It is a small number of families that are affected, but it is just a crushing burden for these families to provide care that all of us would agree we would want our children to have if we were those families. The Senate message is we really think this is an important issue to deal with and it is a better way to do it this way rather than piece meal way we have been addressing it and we certainly hope you will see your way clear to pass 2326.

Senator Dever: (See testimony) I simply brought my floor speech.

Bruce Murry: Lawyer with Protection and Advocacy Project (See testimony) Flip over to the family budget on the back. These were developed consulting real families. The family in the first column is trying to purchase a moderate home. They don't quite balance out yet with the mortgage I have for them so they may need to keep shopping for a more modest home. I just

