

2021 SENATE HUMAN SERVICES

SB 2089

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Sakakawea Room, State Capitol

SB 2089
1/12/2021

A BILL for an Act to amend and reenact subsection 17 of section 50-06-05.1 or the North Dakota Century Code, relating to financing of welfare programs and housing stabilization supports and rental assistance; and to repeal sections 1-02-35, 50-06-14, and 50-06-32.1 of the North Dakota Century Code, relating to obsolete effective date language, financing of welfare programs, and the autism spectrum disorder voucher program.

Madam Chair Lee opens the hearing on SB 2089 at 10:01 a.m. All members present: Senator Lee, Senator K. Roers, Senator Hogan, Senator Clemens, Senator Anderson, Senator O. Larsen.

Discussion Topics:

- Autism waiver and voucher programs under-utilization
- Voucher removal ramifications
- Modification VS removal
- Respite services

Krista Fremming, Assistant Director of Medical Services Division, Department of Human Services. Introduced SB 2089 and provided testimony #551 in favor. **(10:02)**

Kirsten Dvorak, Executive Director, The Arc of North Dakota. Provided testimony #554 in opposition. **(10:20)**

Vicki Peterson, Family Consultant, Family Voices of North Dakota. Provided testimony #441 in opposition. **(10:22)**

Holly Johnson, Behavior Analyst, North Dakota Association for Behavior Analysis (NDABA), North Dakota Governor's Autism Spectrum Disorder (ASD) Task Force. Provided testimony #569 and #570 in opposition. **(10:29)**

Additional written testimony:

Rhonda Allery, Director, Mountain Lakes Human Service Zone. Provided testimony #566 in favor.

Madam Chair Lee closes the hearing on SB 2089 at 10:40 a.m.

Justin Velez, Committee Clerk

Testimony
Senate Bill 2089 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 12, 2021

Chairman Lee, members of the Senate Human Services Committee, I am Krista Fremming, Assistant Director of the Medical Services Division, for the Department of Human Services (Department). I am here today in support of Senate Bill 2089, which was introduced at the request of the Department.

Section 1 of this bill amends subsection 17 of section 50-06-05.1 of the North Dakota Century Code to include updated language related to housing stabilization supports and rental assistance as it relates to the authority of the Department. This language includes an acknowledgement of the inter-agency nature of housing related work.

Section 2 of this bill repeals sections 1-02-35, 50-06-14, and 50-06-32.1 of the North Dakota Century Code.

Section 1-02-35 regarding to the date of taking effect of code is being repealed as the Code Reviser informed the Department that the section was obsolete. Section 50-06-14 relating to the financing of welfare programs is also being repealed as that section is also obsolete. The Office of Management and Budget has confirmed that this fund is outdated and has not be used for at least eighteen years, if not longer. The Department also checked with the Office of State Treasurer and they indicated that they have no record of this fund. Section 50-06-14, was last updated in 1971.

Section 50-06-32.1, covers the Autism Voucher Program and it is funded solely with state general funds. As the Department developed its 2021-23 budget and identified general fund savings, it was noted that unmatched funds from the Autism Voucher Program could be reinvested into the Medicaid Autism Waiver. This allows the Department to draw down a federal match for dollars devoted to this population and increase the number of slots that can be funded through the waiver.

Eliminating the Autism Voucher Program and reinvesting these funds into the Medicaid Autism Waiver Program will result in the following benefits:

- Increased number of waiver slots. Currently there are 96 slots, and the Department anticipates adding 54 slots for a total of 150 slots.
- Access to more services. Children who participate in the waiver also have access to all Medicaid covered services, not just autism waiver services.
- Access to a service manager. All children who participate in the autism waiver have a service manager, who helps to coordinate their services and care.
- Deduplication of services. Many of the services and items that were covered under the voucher program can be covered under the autism waiver, including respite care and assistive technology, two of the most frequently requested items.
- More appropriate services. Under the autism voucher the Department often gets requests for services or items that are not appropriate. Examples of some of these items are a car, cable television subscription, subscription to home food delivery program, a complete kitchen set, etc. Often these requests are denied by the Department and subsequently sent to an administrative law judge for adjudication by families.

- Federal matching dollars through the waiver will reduce the state general fund expenditures for autism programs.
- Administrative simplification for the Department. Department staff will be able to focus on one program rather than two programs with different rules and requirements.

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



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#554

Testimony of Support Senate Bill 2089
Senate Human Services
January 12, 2021

Chairman Lee and members of the Senate Human Services Committee, my name is Kirsten Dvorak. I am the executive director of The Arc of North Dakota, which includes all six Arc chapters in North Dakota: Bismarck, Bowman, Dickinson, Fargo, Grand Forks, and Valley City. Our mission is to improve people's quality of life with intellectual and developmental disabilities and actively support their full inclusion and community participation.

The Arc of North Dakota asks for a Do Not Pass on SB 2089. The Arc of North Dakota feels that the Autism Voucher fills a need that the waiver does not. The voucher helps families purchase items that support their child with autism. Items purchased may be a swing for self-regulation—a chewy's for those with oral sensory needs. In return, these items can help the child in the classroom be successful, be among their peers, or enjoy a family movie night.

In return, we ask the committee to look at why the funds are not being spent and what can be done to see the families are getting the items they need. Is the voucher too limiting, is the process of accessing the funds to complex for families to navigate? What can be done so that families have the supports they need to help their child and address their child's' difficulties.

SB 2089/ ND Autism Spectrum Disorder Voucher

Senate Human Services Committee

1/12/2021

Chairwoman Senator Lee, Vice Chairwoman Senator Roers and Senate Human Services Committee

My name is Vicki Peterson, I am a Family Consultant for Family Voices of ND and I am also a parent of a young adult with Autism Spectrum Disorder. I am here today to testify on SB2089 and not in favor of repealing the section for the Autism Spectrum Disorder Voucher Program.

In the 2013-2014 ND Legislative Session, HB 1038 passed, and the Governor signed a bill to create an autism voucher program that ND advocates came together to bring forward. This program allows person with autism spectrum diagnosis to access funding for an array of services such as assistive technology, respite service, safety equipment, sensory items and more. Funding specifically needed for the families and persons with autism spectrum disorders. The eligibility requirements are to have an Autism Spectrum Diagnosis, children must be age 3 through age 17, and have a gross family income of up to 200%fpl (for a family of four that is \$4367.00 per/month). The persons who have access to this program typically are not accessing and or unable to be served under any other program except for possibly education services. If this program is to be removed, there will be a large gap for families who have their children qualified for this program and could have major family consequences.

A new CDC report ([*U.S. Autism Rates Up 10 Percent in New CDC Report - 2020 - News Releases - News - Johns Hopkins Bloomberg School Public Health \(jhsph.edu\)*](#)) 1 in 54 children are diagnosed with autism spectrum disorder, this is a 10% increase from 2016. The core deficits of ASD are:

- Social and Communication Impairments
- Limited Interests
- Repetitive Behaviors
- Increase chance of co-morbidities (mental health, chronic health conditions)
- Increase chance of elopement.
- Increase of Sensory Processing Issues

I would like to briefly describe 2 available funding services under the ND ASD Voucher Program that is not only beneficial but vital.

Respite Care. State money spent on relief for caregivers of children and youth with ASD goes a long way in keeping them mentally healthy. For the families, whose children have significant behaviors that do not have access to respite, there is an increase chance of psychiatric hospitalizations, entering the justice system, divorce of parents, failure in education system, loss of jobs for parents and more. We will be hearing through this legislative session on “keeping children and youth out of institutions”, and juvenile justice reform; so why would we eliminate a program that could help turn those situations around? In ND, we also have many grandparents raising children with ASD, the needed support the autism voucher provides is critical. A study was conducted that found 7% of children with ASD were hospitalized for psychiatric reasons in a single year (2019; *David Mandell, SCD*). His study examined the use of respite care for children with ASD and found that a \$1000 spent on respite services resulted in an 8% decrease of hospitalizations from 26, 000 children. Imagine the help of respite services could do for the families who have children and youth with ASD lead more productive lives? It is huge and a highly requested service from this program.

Next, I would like to speak briefly on Sensory Equipment and Safety. ASD diagnosis often includes sensory processing difficulties. Sensory processing issues can interfere with daily function and even isolate individuals and their families. Often sensory integration therapy can help with the overload exhibited for the child. ASD Voucher program was not created to pay for therapy, but many times there is high

recommendations of sensory equipment. This currently, if proven to be effective and to improve the child's behavior or adaptation to; could use the ASD voucher to get funding for such equipment. This can include weighted blankets, noise-blocking headphones, lap-pads plus the need for safety devices or equipment to keep the child from elopement. Standardized tests have been done that show children with sensory issues that had access to equipment or devices, had less dependence and assistance with caregivers in social and self-care areas (*Sensory Integration: Changing the Brain through Play, Amy Wheeland*). Safety equipment for prevention of a child with autism is necessary for many families but can be expensive and out of reach financially for many. A study (*Elopement and Autism IAN 2019*) found that nearly half of all children with autism spectrum disorder attempt to bolt or wander from a safe place. Many children wander or escape due to an overload of sensory stimulation. It is with great sadness that a child with autism who did wander, has passed in ND as well. Needed security and safety equipment for some families can mean between a life and death of a child. The ASD voucher program could help save a life in this instance.

I am requesting that you keep and do not repeal the fund for this vital program. Instead, I hope the funding for this program continues and that it will be used very effectively for the families who rely solely on this program for the things I have mentioned.

Thank you for your time and consideration.

Vicki L Peterson

Family Consultant

Family Voices of ND

701-258-2237

Testimony
Senate Bill 2089 – Relating to the Repeal of Section 50-06-32.1 of
the North Dakota Century Code
Senate Human Services Committee
Senator Judy Lee, Chairwoman
January 12, 2021

Chairwoman Lee and Members of the Senate Human Services Committee:

I am Holly Johnson, Licensed Board Certified Behavior Analyst, and appointed Behavioral Specialist member of the Governor’s Autism Spectrum Disorder (ASD) Task Force. I live Minot, and through the end of 2020, was the founding Clinical Director for an Autism Service agency based out of Bismarck, delivering clinic-based applied behavior analysis. I’ve been working with children and families in the Autistic community in a variety of capacities for 15 years.

I am speaking today on behalf of a number of ASD Task Force members. While we were not able to have a formal meeting of all ASD Task Force, several members are opposed to the repeal of the Autism Spectrum Disorder Voucher Program under Section 2 of SB 2089. The goal of the ASD Voucher Program is to address the gaps in non-therapy related services and to provide education and support to families who may not qualify for other help.

Let me repeat that.

This program is to address the gaps in non-therapy related services and to provide education and support to families who may not qualify for other help.

The ASD Voucher Program allows for the purchase of assistive technology devices, registration for workshops or trainings for parents, tutoring, safety equipment, self-care equipment, or sensory equipment for families with income below 200% of the poverty guidelines. It also will help these struggling families pay for respite care of their Autistic child, giving the parent(s) temporary relief. Again, respite care to a parent who may not qualify for other help.

While eligibility for other autism specific program may exist for these families, barriers to accessing those other programs will make it problematic for these children to get supports they need, especially in regards to assistive devices or sensory items. If these children qualify under the DD waiver, that program does not allow the purchase of assistive technology devices. The most notable Assistive Technology includes iPads with special Assistive & Alternative Communication (AAC) applications for communication, which has been hugely instrumental for Autistic children who are non-verbal, or lack the ability to communicate in a functional way.

In my previous testimony this morning, you heard about the difficulties with ABA workforce in ND. Waitlists for children to receive ABA can be a solid year, if not longer. This wait for services causes a further gap in skills, putting these children even further behind, and having a program like the ASD Voucher can help families relatively quickly, based on approval of their application. This program was created to fill non-therapy related gaps. Repealing NDCC 50-06-32.1 will now mean these families will have to compete for slots on the ASD Waiver; which, at the October 2020 ASD Task Force meeting, had 65 children on the waitlist.

In summary, myself, and a number of ASD Task Force members, strongly oppose the repeal in Section 2 of SB 2089 of NDCC 50-06-32.1. I hope you hear (or have heard) testimony from parents of Autistic children who will be directly impacted should the ASD Voucher Program be repealed, because they are the families who will suffer more and progressively struggle with supporting their Autistic child.

Thank you for your time and consideration of this testimony. If I can be of assistance during this time of deliberation, please contact me at holly.johnson.bcba@outlook.com. This concludes my testimony.

Sincerely,

Holly Johnson, MS, BCBA, LBA
Board Certified Behavior Analyst #1-14-15198
ND Licensed Behavior Analyst #L15

All opinion expressed here is my own. These opinions in no way represent the Department of Human Services or the Life Skills and Transition Center, the entire membership of the Governor's Autism Spectrum Disorder Task Force, or Poppy's Promise, LLC, all of which I am actively involved with, adding to my unique perspective contained in this testimony. This testimony has been provided on my personal time.

Optional/Available Services

- **Respite Care** to provide primary caregiver(s) with temporary relief from the stress and intensity of caring for a child with special needs
- **Assistive Technology** such as video modeling, DVDs, equipment, language generating devices, etc.
- **Memberships** to community organizations directly related to voucher-funded services
- **Registration** to workshops or training for independent living skills
- **Adaptive sports and activities** related to voucher-funded activities

Optional/Available Services (continued)

- **Transportation**
- **Specialized camps**
- **Parent training**
- **Educational materials**
- **Tutoring**
- **Sensory equipment**
- **Safety equipment**
- **Self-care equipment**

NOTE: House Bill 1038, approved during the 2013 North Dakota Legislative Session, created the autism voucher program and specified that vouchers cannot cover behavioral therapies.



Home and Community-Based Services Unit

Phone: 701-328-4630

Toll-free: 1-800-755-2604

Fax: 701-328-1544

Email: dhsautism@nd.gov

600 E. Boulevard Ave., Dept. 325

Bismarck, ND 58505

DN 345 (8-2019)

Autism Services Voucher Program

Who?

What?

Why?

How?





Who qualifies for the voucher program?

Families of children ages 3 through 17 *diagnosed with an Autism Spectrum Disorder* that have a gross family income up to 200% of the Federal Poverty level, and are not receiving services through a Medicaid waiver, may qualify for the **Autism Services Voucher Program**. See details at www.nd.gov/dhs/autism.

Why apply?

The goal of the **Autism Services Voucher Program** is to address gaps in non-therapy related services and to provide education and support to families who may not qualify for other help.

What does the program do?

The voucher program helps pay for assistive technology, training, and other approved support services that enhance the quality of life of children with Autism Spectrum Disorders and help meet the unique needs of their families.

The program provides vouchers totaling up to \$12,500 per year, per qualifying child, to help eligible families with the cost of supporting a child with autism.

IMPORTANT: Early intervention and therapy services are not covered by the voucher program.



How do families apply?

To apply for voucher services, a family must complete an application, which is online at www.nd.gov/eforms/Doc/sfn60611.pdf or available from the North Dakota Department of Human Services, 600 E. Boulevard Ave., Bismarck, ND 58505.

Families must provide proof of income, proof of ND residency of at least six-months, and a copy of a confirmed diagnosis of Autism Spectrum Disorder.

In addition, professional recommendations are required for approval of all voucher purchases. The application and income chart, as well as other information about autism-related services, are online at www.nd.gov/dhs/autism.

Testimony Prepared for the
Senate Human Services Committee

January 12, 2021

By: Rhonda Allery, Mountain Lakes Human Service Zone Director

RE: Senate Bill 2089-Relating to financing of welfare programs and housing stabilization supports and rental assistance, relating to financing of welfare programs and housing stabilization supports and rental assistance

Chairman Lee and members of the Senate Human Services Committee, my name is Rhonda Allery, Mountain Lakes Human Service Zone Director. I serve the counties of Benson, Towner, Ramsey and Rolette, I am a member of the North Dakota Social Service Director Association.

Please consider my testimony in support of SB 2089.

The language cleanup for 50-06-05.1 in the proposed bill makes it clear the goal is to prevent individuals and families from becoming homeless. Cash assistance for housing stabilization is crucial in providing families with the most fundamental basic need –HOUSING-

Preventing homelessness is a community issue and the language change in the law promoting collaboration across private human service agencies, commerce and housing and finance agencies to address the need for affordable housing makes good sense and replaces old language implying lack of affordable housing is an issue for human services.

Housing for all is an economic development issue, a human issue, and a community issue indicating the quality of life in the community.

This concludes my testimony on SB 2089.

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Sakakawea Room, State Capitol

SB 2089
2/8/2021 AM

A BILL for an Act to amend and reenact subsection 17 of section 50-06-05.1 or the North Dakota Century Code, relating to financing of welfare programs and housing stabilization supports and rental assistance; and to repeal sections 1-02-35, 50-06-14, and 50-06-32.1 of the North Dakota Century Code, relating to obsolete effective date language, financing of welfare programs, and the autism spectrum disorder voucher program.

Madam Chair Lee opened the discussion on SB 2089 at 9:56 a.m. Members present: Lee, K. Roers, Hogan, Anderson, Clemens, O. Larsen.

Discussion Topics:

- Amendment proposal
- Fiscal impact
- Autism Voucher program expiration
- Repeals in amendment
- Autism Voucher and Substance Abuse Waiver
- Eligibility of Federal Match and 1915i

[9:58] Senator Kathy Hogan, District 21. Provided the committee with proposed amendments 21.8072.01001 (testimony #5835), 21.8072.01002 (testimony #5834), and proposed amendment with appropriation (testimony #7014).

[10:03] Jonathan Alm, Attorney, DHS. Provided clarification on Senator Hogan's proposed amendments and bill language.

Senator Anderson moves to **ADOPT AMENDMENT** to 21.8072.01002
No Second.

[10:15] Krista Fremming, Deputy Director, Medical Services, DHS. Provided clarification on the Substance Abuse Waiver and Autism Voucher.

[10:40] Teresa Larsen, Protection Advocacy Group. Provided the committee with stance on proposed study language and provided proposed amendments (testimony #5872 & #5873).

Additional written testimony: (1)

Christine Hogan, Attorney, Protection and Advocacy Group. Neutral testimony #7013.

Madam Chair Lee closed the discussion on SB 2089 at 10:50 a.m.

Justin Velez, Committee Clerk

21.8072.01001
Title.

Prepared by the Legislative Council staff for
Senator Hogan

January 26, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2089

Page 1, line 1, replace "or" with "and subsection 1 of section 50-06-32.1 of"

Page 1, line 3, after "assistance" insert "and the autism spectrum disorder voucher program pilot project"

Page 1, line 3, replace "50-06-32.1" with "50-06-32"

Page 1, line 5, replace "voucher program" with "task force"

Page 1, after line 15, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 50-06-32.1 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~The department of human services shall establish a voucher program pilot project beginning July 1, 2014, to assist in funding equipment and general educational care needs related to autism spectrum disorder for individuals below two hundred percent of the federal poverty level who do not have health care coverage, including Medicaid, from age three to under age eighteen who have been diagnosed with autism spectrum disorder. The program may include funding for assistive technology; video modeling videos or equipment; language-generating devices; training and educational material for parents; parenting education; sensory equipment; tutors; safety equipment; travel tools; self-care equipment; timers; visual representation systems; respite care; specialized day care; language comprehension equipment; and registration and related expenses for workshops and training to improve independent living skills, employment opportunities, and other executive or social skills only provide funding for services and items that are covered under the Medicaid autism spectrum disorder waiver program under section 50-24.1-26. If an individual enrolled in the pilot project obtains health care coverage, including Medicaid, the individual's parent or guardian shall report the change in coverage to the department within ten days of obtaining coverage."~~

Page 1, line 16, replace "50-06-32.1" with "50-06-32"

Re-number accordingly

21.8072.01002
Title.

Prepared by the Legislative Council staff for
Senator Hogan

February 4, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2089

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the autism spectrum disorder waiver and voucher programs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - AUTISM SPECTRUM DISORDER WAIVER AND VOUCHER PROGRAMS. During the 2021-22 interim, the legislative management shall consider studying the autism spectrum disorder waiver and voucher programs and other programs designed to provide services to children who are impacted by autism spectrum disorder. The study may include consideration of the structure of the programs and whether there are any gaps and unmet needs. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2089

Page 1, line 1, replace "or" with "and subsection 1 of section 50-06-32.1 of"

Page 1, line 3, after "assistance" insert "and autism spectrum disorder voucher program"

Page 1, line 3, remove the second "and"

Page 1, line 3, replace "50-06-32.1" with "50-06-32"

Page 1, line 5, replace "voucher program" with "task force; and to provide an appropriation"

Page 1, after line 15, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 50-06-32.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The department of human services shall establish a voucher program pilot project ~~beginning July 1, 2014,~~ to assist in funding equipment and general ~~educational~~care needs related to autism spectrum disorder for individuals ~~below two hundred percent of the federal poverty level~~ from age three to under age eighteen who have been diagnosed with autism spectrum disorder ~~and who have no health care coverage, which includes Medicaid.~~ The child may not have had health care coverage, including Medicaid, in the seven months prior to applying for the program. The program ~~may include~~shall only provide funding for ~~assistive technology; video modeling videos or equipment; language-generating devices; training and educational material for parents; parenting education; sensory equipment; tutors; safety equipment; travel tools; self-care equipment; timers; visual representation systems; respite care; specialized day care; language comprehension equipment; and registration and related expenses for workshops and training to improve independent living skills, employment opportunities, and other executive or social skills~~services and items that are covered under the Medicaid autism waiver program. The maximum funding an individual who is receiving respite care may qualify to receive per year is six thousand dollars. The maximum funding an individual who is not receiving respite care may qualify to receive per year is two thousand dollars. If an individual who is enrolled in the program obtains health care coverage, the individual's parent, guardian, or custodian shall report the health care coverage to the department within ten days of obtaining coverage."

Page 1, line 16, replace "50-06-32.1" with "50-06-32"

Page 1, after line 17 insert:

"SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,066,043, or so much of the sum as may be necessary, to the department of human services for the purpose of autism spectrum disorder voucher program, for the biennium beginning July 1, 2021, and ending June 30, 2023. The department is authorized one-half full-time equivalent positions for this purpose."

Renumber accordingly

PROPOSED AMENDMENTS TO SENATE BILL NO. 2089

Page 1, line 3, after "assistance" insert "to amend and reenact section 50-06-32.1 of the North Dakota Century Code, relating to the autism spectrum disorder voucher program;"

Page 1, line 3, remove ",", after "1-02-35" and replace with "and"

Page 1, line 3, remove ", and 50-06-32.1"

Page 1, line 4, insert "and" after "language"

Page 1, line 5, remove ", and the autism spectrum disorder voucher program"

Page 1, after line 15, insert:

"SECTION 2. AMENDMENT. Section 50-06-32.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The department of human services shall establish a voucher program ~~pilot project beginning July 1, 2014,~~ to assist individuals and their families in funding equipment, services, care, and general educational needs social activities or other needs to compensate for a deficit created by an autism spectrum disorder related to autism spectrum disorder for individuals below two hundred fifty percent of the federal poverty level from age three to under age ~~eighteen~~ twenty-one who have been diagnosed with autism spectrum disorder. The program shall include funding for transportation of the individual diagnosed with autism spectrum disorder, in-home supports not to exceed forty hours per month, and community activities. The program may include funding for assistive technology; video modeling videos or equipment; language-generating devices; training and educational material for parents; parenting education; sensory equipment; tutors; safety equipment; travel tools; self-care equipment; timers; visual representation systems; respite care; specialized day care; language comprehension equipment; and registration and related expenses for workshops and training to improve independent living skills, employment opportunities, and other executive or social skills.
2. The department shall adopt rules addressing management of this voucher program ~~pilot project~~ and establishing the eligibility requirements and exclusions for this voucher program ~~pilot project~~. The program may not provide a voucher for early intensive behavioral intervention, including

applied behavioral analysis, intensive early interventional behavioral therapy, intensive behavioral intervention, the Lovaas method, the Denver model, LEAP (learning experiences - an alternative program for preschoolers and parents), TEACCH (treatment and education of autistic and related communication handicapped children), pivotal response training, or discrete trial training.

3. The department shall allocate funding for family care navigator services which will assist the autism spectrum disorder voucher approved individual and family in navigating systems related to obtaining and coordinating services, equipment, care, and other eligible needs.
4. The department shall conduct annual outreach efforts to increase awareness of the voucher program funding available to eligible individuals with autism spectrum disorder and their families.
- ~~35.~~ A decision on a voucher application which is issued by the department under this section may be appealed as provided under chapter 28-32.
4. ~~The department of human services shall report to the legislative management regarding the autism spectrum disorder program pilot project.~~

Page 1, line 16, remove “,” after “1-02-35” and replace with “and”

Page 1, line 16, remove “, and 50-06-32.1”

Renumber accordingly

SB 2089 Amendments – Autism Spectrum Disorder Voucher Pilot Program

INTRODUCTION

The autism spectrum disorder voucher pilot program was implemented in 2014 as a method of providing direct funding of autism spectrum disorder related needs to families that wasn't available through other sources. Statutory language limits funding to specific, needed items and services primarily for the individual diagnosed with autism spectrum disorder (ASD). Utilization of the voucher program has revealed a key weakness – inflexible funding criteria which operates often to the exclusion of families' needs and supports directly relative to their child(ren) diagnosed with ASD. While there may only be one child in the family diagnosed with ASD, the diagnosis touches and impacts the entire family unit and support for that unit is lacking under this voucher program.

KEY FINDINGS

Key Findings #1

Expanding the autism voucher program to explicitly include family services and needs within the voucher's purview will fully implement the intention behind this legislation. The program was intended to empower families but is restricted by the statutory and policy program limits on what can be funded. Necessary family supports and services like transportation, community activities, and in-home supports are not explicitly funded yet are essential supports and services for families impacted by an ASD diagnosis.

Key Findings #2

Once the voucher program fully implements family-based services and supports, it is necessary to add two more parts to the program: 1) annual outreach efforts to find and engage families who can benefit from the voucher program, and 2) family care navigators who can help empower families to utilize the voucher's funding to its greatest extent for the benefit of child(ren) and family.

Key Findings #3

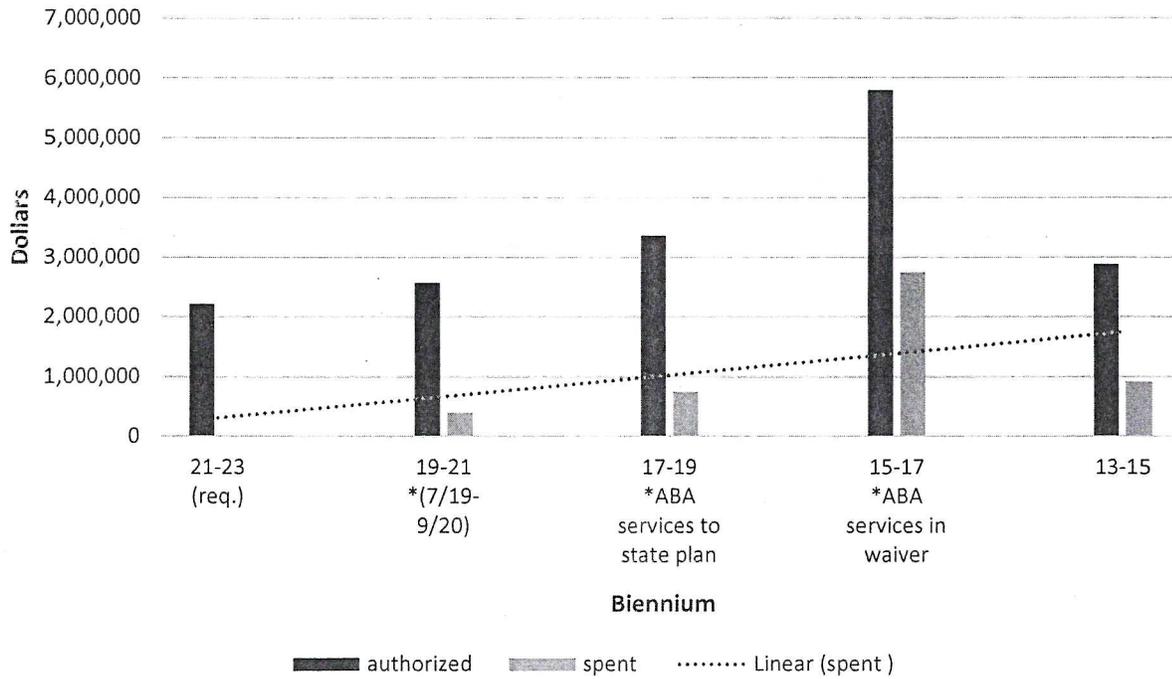
The fullest expression of this voucher program is to reach as many families as possible, filling any gaps left by other ASD programs and services. To achieve that goal, it's necessary to lower the income threshold to below 250% of the federal poverty level and extend the age limit to 21 years of age.

CONCLUSION

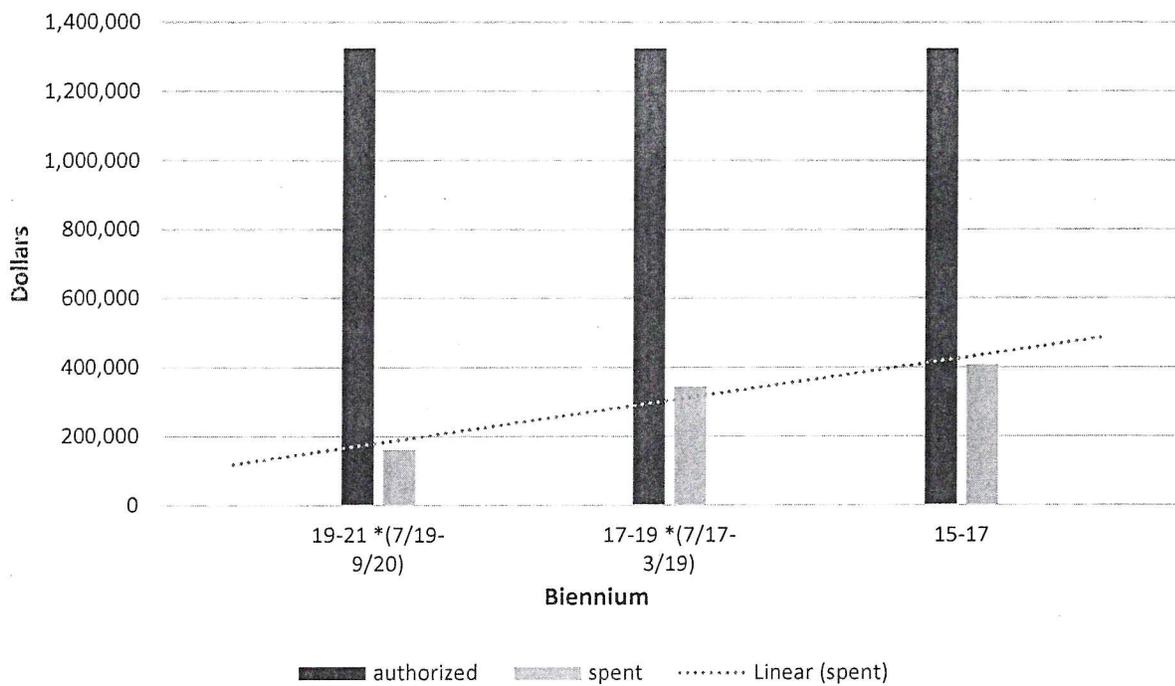
The voucher program's effectiveness does not lie solely in its spent or unspent dollars. An incomplete program will always have incomplete results. It is time to finish the work began in 2014 with clear commitments for implementation of family supports and services as well as individual supports and services for youth diagnosed with autism spectrum disorder and to expand the reach of the program to include as many families seeking services as possible.

SB 2089 Amendments – Autism Spectrum Disorder Voucher Pilot Program

Autism Waiver Authorizations vs. Spending



Autism Voucher Authorizations vs. Spending



Source: Krista Fremming (Asst. Dir. Medical Services Division, Dept. of Human Services) presentation

Senate Human Services Committee
Senate Bill No. 2089
January 12, 2021
Red River Room
Honorable Judy Lee, Chair

Chairman Lee and Members of the Committee, my name is Christine Hogan. I am an attorney for the Protection and Advocacy Project [P&A]. The Protection & Advocacy Project is an independent state agency whose mission is to advocate for the disability-related rights of persons with disabilities. We also act to protect persons with disabilities from abuse, neglect, and exploitation. Much of our work involving children with disabilities involve supporting the individual needs and rights of children with autism.

While we are not opposed to the concept of administering funds for making direct cash payments set forth in Section 1 of the bill, we oppose the repeal of section 50-06-32.1 of the North Dakota Century Code. In other words, we oppose the repeal of the autism voucher program, which was established in 2014, after several years of research, study, debate, and advocacy work on the part of autism specialists as well as disability advocacy groups across the state. These individuals and groups worked tirelessly to find the best way to improve the quality of services and care to address the many essential services for children and adults with autism spectrum disorders that are not covered by insurance nor provided in school. Ultimately, the Legislature determined that the autism voucher system would provide the most effective mechanism for delivery of funds for these essential services for individuals with qualifying financial needs.

The repeal of the autism voucher program would be a severe blow to the progress that has been made in the field of autism treatment and to the hopes of the families for whom the program has provided critical assistance for such things as educational materials, sensory equipment, visual aids, safety equipment, assistive technology, and speech-generating devices. Without the voucher program, low income families would be unable to access these materials and equipment through other programs, insurance, or school. This equipment would have to be purchased by the family.

While we believe that the autism voucher program should not be repealed at all, we also know that a compromise is better than no funding at all. We therefore ask the committee to review the spending history of the voucher funds and then devise a compromise solution that would preserve the essential funding for this vitally important program.

We ask that you carefully review the actual expenditures under the autism program and maintain a sufficient level of funding for this program so that it may continue to serve those for whom it is intended to cover. We ask you to strike the repeal of section 50-06-32.1 NDCC and continue to discuss and scrutinize an appropriate level of funding for the autism voucher program. Thank you for your interest in this important issue.

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Sakakawea Room, State Capitol

SB 2089
2/8/2021 PM

A BILL for an Act to amend and reenact subsection 17 of section 50-06-05.1 or the North Dakota Century Code, relating to financing of welfare programs and housing stabilization supports and rental assistance; and to repeal sections 1-02-35, 50-06-14, and 50-06-32.1 of the North Dakota Century Code, relating to obsolete effective date language, financing of welfare programs, and the autism spectrum disorder voucher program.

Madam Chair Lee opened the discussion on SB at 3:55 p.m. Members present: Lee, K. Roers, Hogan, Anderson, Clemens, O. Larsen.

Discussion Topics:

- Amendment proposal from Jonathan Alm

[3:55] Jonathan Alm, Attorney, DHS. Provided the committee with an overview of proposed amendments (testimony #5981 & #7006).

Senator Hogan moves to **ADOPT AMENDMENT** “option A” provided by Jonathan Alm.
Senator Anderson seconded

Voice Vote – motion passed.

Senator K. Roers moves **DO PASS, AS AMENDED, REREFFER TO APPROPRIATIONS**
Senator Hogan seconded.

Senators	Vote
Senator Judy Lee	Y
Senator Kristin Roers	Y
Senator Howard C. Anderson, Jr.	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Oley Larsen	N

The motion passed 5-1-0

Senator Hogan will carry SB 2089.

Additional written testimony: N/A

Madam Chair Lee closed the discussion on SB 2089 at 4:03 p.m.

Justin Velez, Committee Clerk

218

February 8, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2089

Page 1, line 1, replace "or" with "of"

Page 1, line 3, remove the second "and"

Page 1, line 3, replace the first comma with "and"

Page 1, line 3, remove ", and 50-06-32.1"

Page 1, line 4, replace the second comma with "and"

Page 1, line 5, replace ", and the autism spectrum disorder voucher program" with "; to provide a statement of legislative intent; to provide for a legislative management study; and to declare an emergency"

Page 1, line 14, replace the underscored comma with "and"

Page 1, line 16, replace the first comma with "and"

Page 1, line 16, remove ", and 50-06-32.1"

Page 1, after line 17, insert:

"SECTION 3. LEGISLATIVE INTENT - AUTISM SPECTRUM DISORDER VOUCHER PROGRAM. The department of human services shall adopt rules to seek additional flexibility for the administration of the autism spectrum disorder voucher program to ensure families can be served within available appropriations. The proposed administrative code changes should consider changes that include reducing the amount of approved voucher funds available to each household and the amount of time during which a household may use approved voucher funds. The department of human services shall request the legislative assembly fund the autism spectrum disorder voucher program with three hundred thousand dollars.

SECTION 4. LEGISLATIVE MANAGEMENT STUDY - AUTISM SPECTRUM DISORDER WAIVER AND VOUCHER PROGRAMS AND TASK FORCE. During the 2021-22 interim, the legislative management shall consider studying the autism spectrum disorder waiver and voucher programs and other programs designed to provide services to children who are impacted by autism spectrum disorder and the elimination of the autism spectrum disorder task force. The study may include consideration of the structure of the programs and whether there are any gaps and unmet needs. The legislative management shall report its finding and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2089: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2089 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "or" with "of"

Page 1, line 3, remove the second "and"

Page 1, line 3, replace the first comma with "and"

Page 1, line 3, remove ", and 50-06-32.1"

Page 1, line 4, replace the second comma with "and"

Page 1, line 5, replace ", and the autism spectrum disorder voucher program" with "; to provide a statement of legislative intent; to provide for a legislative management study; and to declare an emergency"

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Page 1, line 16, remove ", and 50-06-32.1"

Page 1, after line 17, insert:

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SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

OPTION A

PROPOSED AMENDMENTS TO SENATE BILL NO. 2089

Page 1, line 1, replace “or” with “of”

Page 1, line 3, replace the first comma with “and”

Page 1, line 3, remove “, and 50-06-32.1”

Page 1, line 4, replace the second comma with “and”

Page 1, line 5, replace “, and the autism spectrum disorder voucher program” with “; to provide a statement of legislative intent; to provide for a legislative management study of the autism spectrum disorder waiver and voucher programs and task force; and to declare an emergency”

Page 1, line 16, replace the first comma with “and”

Page 1, line 16, remove “, and 50-06-32.1”

Page 1, after line 17 insert:

“SECTION 3. AUTISM SPECTRUM DISORDER VOUCHER PROGRAM. The department of human services shall propose changes to North Dakota administrative code to seek additional flexibility for the administration of the autism spectrum disorder voucher program to ensure families can be served within available appropriations. The proposed administrative code changes should consider changes that include reducing the amount of approved voucher funds available to each household and the amount of time during which a household may use approved voucher funds. The department of human services shall request the legislative assembly to only fund the autism spectrum disorder voucher program with three hundred thousand dollars.

SECTION 4. LEGISLATIVE MANAGEMENT STUDY – AUTISM SPECTRUM DISORDER WAIVER AND VOUCHER PROGRAMS AND TASK FORCE. During the 2021-22 interim, the legislative management shall consider studying the autism spectrum disorder waiver and voucher programs and other programs designed to provide services to children who are impacted by autism spectrum disorder and the elimination of the autism spectrum disorder task force. The study may include consideration of the structure of the programs and whether there are any gaps and unmet needs. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

OPTION A

SECTION 5. EMERGENCY. Section 3 of this Act is declared to be an emergency measure.”

Renumber accordingly

OPTION B

PROPOSED AMENDMENTS TO SENATE BILL NO. 2089

Page 1, line 1, replace "or" with "of"

Page 1, line 3, replace the first comma with "and"

Page 1, line 3, remove ", and 50-06-32.1"

Page 1, line 4, replace the second comma with "and"

Page 1, line 5, replace ", and the autism spectrum disorder voucher program" with "; to provide a statement of legislative intent; to provide for a legislative management study of the autism spectrum disorder waiver and voucher programs; and to declare an emergency"

Page 1, line 16, replace the first comma with "and"

Page 1, line 16, remove ", and 50-06-32.1"

Page 1, after line 17 insert:

SECTION 3. AUTISM SPECTRUM DISORDER VOUCHER PROGRAM. The department of human services shall propose changes to North Dakota administrative code to seek additional flexibility for the administration of the autism spectrum disorder voucher program to ensure families can be served within available appropriations. The proposed administrative code changes should consider changes that include reducing the amount of approved voucher funds available to each household and the amount of time during which a household may use approved voucher funds. The department of human services shall request the legislative assembly to only fund the autism spectrum disorder voucher program with three hundred thousand dollars.

SECTION 4. LEGISLATIVE MANAGEMENT STUDY – AUTISM SPECTRUM DISORDER WAIVER AND VOUCHER PROGRAMS. During the 2021-22 interim, the legislative management shall consider studying the autism spectrum disorder waiver and voucher programs and other programs designed to provide services to children who are impacted by autism spectrum disorder. The study may include consideration of the structure of the programs and whether there are any gaps and unmet needs. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

SECTION 5. EMERGENCY. Section 3 of this Act is declared to be an emergency measure."

Re-number accordingly

2021 HOUSE HUMAN SERVICES

SB 2089

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

SB 2089
3/3/2021

Relating to financing of welfare programs and housing stabilization supports and rental assistance; relating to obsolete effective date language and financing of welfare programs; to provide a statement of legislative intent; to provide for a legislative management study; and to declare an emergency

Vice Chair Rohr called the hearing to order at 9:54 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Autism voucher program
- Medicaid autism waiver
- Level of care determination

Krista Fremming, Assistant Director Medical Services Division Department of Human Services (9:55) testified in favor and submitted testimony #7168.

Holly Johnson, Behavioral Specialist North Dakota Autism Spectrum Disorder Task Force (10:17) testified in favor and submitted testimony #7178 & #7179. She also presented **Amendment 21.8072.02001** and Christmas Tree version of bill on Senator Heckaman's behalf #7141 & #7271.

Jennifer Flores, Autism Task Force/Autism Advocacy Coalition (10:29) testified in opposition and submitted testimony #7184.

Lorena Poppe, Owner & Executive Director Poppy's Promise/North Dakota Autism Spectrum Disorder Advocacy Coalition (10:35) testified in opposition but in support of proposed amendments and submitted testimony #7176.

Kirsten Dvorak, Executive Director The Arc of North Dakota (10:41) testified in opposition but in support of proposed amendments and submitted testimony #7154.

Carlotta McCleary, Executive Director North Dakota Federation of Families for Children's Mental Health (10:49) testified in support of proposed amendments and submitted testimony #7257.

Vicki Peterson, Family Consultant Family Voices of North Dakota (10:54) testified in opposition and submitted testimony #7161.

Additional written testimony: #7142, #7167, #7314

Vice Chair Rohr adjourned at 11:00 a.m.

Tamara Krause, Committee Clerk

Testimony
Engrossed Senate Bill 2089 – Department of Human Services
House Human Services Committee
Representative Robin Weisz, Chairman
March 3, 2021

Chairman Weisz, members of the House Human Services Committee, I am Krista Fremming, Assistant Director of the Medical Services Division, for the Department of Human Services (Department). I am here today in support of Senate Bill 2089 as introduced. Senate Bill 2089 was introduced at the request of the Department but was amended by the Senate to include changes to the autism-related sections that the Department does not support. The Department supports sections 1 and 2 of this bill.

Section 1 of this bill amends subsection 17 of section 50-06-05.1 of the North Dakota Century Code to include updated language related to housing stabilization supports and rental assistance as it relates to the authority of the Department. This language includes an acknowledgement of the inter-agency nature of housing related work. Section 1 was not amended by the Senate.

Section 2 of this bill repeals sections 1-02-35 and 50-06-14 of the North Dakota Century Code. The Senate removed the proposed repeal of section 50-06-32.1 of the North Dakota Century Code regarding the autism spectrum disorder voucher program.

Section 1-02-35 is regarding the “date of taking effect of code” and is being repealed as the Code Reviser informed the Department that the section was obsolete. Section 50-06-14 relating to the financing of welfare programs is also being repealed as that section is also obsolete.

The Office of Management and Budget has confirmed that this fund is outdated and has not be used for at least eighteen years, if not longer. The Department also checked with the Office of State Treasurer and they indicated that they have no record of this fund. Section 50-06-14, was last updated in 1971.

This bill was amended by the Senate Human Services Committee to keep the autism spectrum disorder voucher program; and that the Department is to request the legislative assembly to fund the autism spectrum disorder voucher program with \$300,000; and that legislative management should consider studying the Department's autism programs and the elimination of the autism spectrum disorder task force.

Senate Bill 2089, as introduced, proposed the repeal of section 50-06-32.1. The autism spectrum disorder voucher program is funded solely with state general funds. As the Department developed its 2021-23 budget and identified general fund savings as part of the executive budget recommendation, it was noted that unmatched funds from the autism spectrum disorder voucher program could be reinvested into the Medicaid autism waiver. This allows the Department to draw down a federal match for dollars devoted to this population and increase the number of slots that can be funded through the Medicaid autism waiver.

Eliminating the autism spectrum disorder voucher program and reinvesting these funds into the Medicaid autism waiver will result in the following benefits:

- Increased number of Medicaid autism waiver slots. Currently there are 96 slots, and the Department anticipates adding 54 slots for a total of 150 slots.
- Access to more services. Children who participate in the Medicaid autism waiver also have access to all Medicaid covered services, not

just Medicaid autism waiver services. Applied behavior analysis services are important for children with autism and are covered under the Medicaid state plan.

- Access to a care coordinator. All children who participate in the Medicaid autism waiver have a care coordinator, who helps to coordinate their services and care.
- Serving children who need it most. Children who qualify for the Medicaid autism waiver must meet an institutional level of care but live at home with their family or guardians. One of the Department's overarching goals is to provide services closer to home and keep people out of institutions whenever possible, and this change will move services in that direction.
- Deduplication of services. Most of the services and items that were covered under the autism spectrum disorder voucher program can be covered under the Medicaid autism waiver, including respite care and assistive technology, two of the most frequently requested items.
- More appropriate and more clearly defined services. Under the autism spectrum disorder voucher program, the Department often receives requests for services or items that are not appropriate per program guidelines. Examples of some of these items are a car, cable television subscription, subscription to home food delivery program, a complete kitchen set, etc. Often these requests are denied by the Department and subsequently sent to an administrative law judge for adjudication by families.
- Federal matching dollars through the Medicaid autism waiver will reduce the state general fund expenditures for autism programs.

- Administrative simplification and streamlining. Department staff will be able to focus on effectively administering one program rather than two programs with different rules and requirements.

The Department respectfully requests this committee to repeal section 50-06-32.1 and remove sections 3, 4, and 5 from engrossed Senate Bill 2089. I would be happy to answer any questions that you may have.

Testimony
Senate Bill 2089
House Human Services Committee
Representative Robin Weisz, Chairman
March 3, 2021

Chairman Weisz and Members of the House Human Services Committee:

I am Holly Johnson, a Licensed Board Certified Behavior Analyst, and appointed Behavioral Specialist member of the ND Governor's Autism Spectrum Disorder (ASD) Task Force. I live in Minot, and I've been working with children and families in the Autistic community in a variety of capacities over the past 15 years. I am here today on behalf of the Autism Spectrum Disorder Task Force (ASDTF), representing them on proposed amendments to the current engrossed version of SB 2089, specific to the Autism Spectrum Disorders Voucher Program, legislative intent, and legislative management study.

The ASD Voucher Program was created to address the gaps in non-therapy related services and to provide education and support to families who may not qualify for other help. Senator Joan Heckaman has provided proposed amendments through Legislative Council as proposed by the ASDTF. I will provide a summary of those amendments and rationale for their adoption:

- **SECTION 2. New subsection to section 50-06-32: (Facilitator for the task force)** The ASDTF has been dysfunctional and ineffective with being an influential part of providing ASD services across the state, likely due to the Department's conflicts of interest. The ASDTF **wants** to work with the Department to improve the program overall, and we want to make meaningful changes to better support families and their children.

- **SECTION 3. AMENDMENT. (Definitions, Expansion of services, Family Care Navigator, Outreach)**
 - Individuals and the families of such individuals: Inflexible statutory language and funding criteria often operates to the exclusion of families' needs and supports directly relative to their child(ren) diagnosed with ASD. A diagnosis of autism touches and impacts the entire family, including their health and well-being, and their capacity to care for their child(ren). Support for the family as a unit is lacking under the Voucher Program, and including this language would instill the original legislation intent of the program to empower families.
 - Include services, care and social activities to compensate for a deficit created by an ASD diagnosis: language would align with medical necessity for those services directly relating to the diagnostic criteria of autism, ensuring a wrap around approach.
 - In-home supports not to exceed 40 hours a month would expand the Voucher comparably to other programs that these individuals do not qualify for.
 - Increase age from 18 to 25: envelops the core nature of ASD as a developmental delay. Increasing the age would help bridge the gap into adulthood, while allowing Autistic people more time to mature and close their developmental gaps.
 - Including community activities: is important for all community members to be exposed to people with ASD, it allows parents to continue working, and it enhances the economy as they become taxpayers and/or employees. Currently, over 50% of people institutionalized in ND have an autism diagnosis. By focusing on keeping funds in communities by integrating this

population early and often, will defray the cost of services for these individuals through the lifespan.

- Including transportation covered by the eligible activities or services under the voucher: would support more rural families who desire services under the Voucher the ability have travel expenses reimbursed. Currently, families may have to financially decide whether to travel great distances to receive necessary services for their child(ren) with ASD or if their other child(ren) play in sports after school.
- Family care navigator services: need to be funded, because families need support to understand the program and services available, which they do not currently have.
- Ongoing outreach efforts: are needed to find and engage families who could benefit from the ASD Voucher Program. The ASDTF did not have access to budget-specific data on current spending for outreach efforts by the Department, we are willing to suggest a percentage of the allocated funds or a specific dollar amount for this component to be included.
- **SECTION 5. LEGISLATIVE INTENT.** The Voucher Programs needs more oversight directly from the ASDTF, with approval of the DHS proposed rules prior to public comment, as a form of endorsement. The ASDTF's historical involvement with the administrative rules process has not been integrated collaboratively or systematically in a formal process. Our goal would be to identify better use and more spending of the funds. The ASDTF current vantage on improving the details of the Voucher Program includes lowering the total amount annually per family (average expenditure was \$4992.09/family in 2020), which increases the number of families who can access the program, which better utilizes funds. We have also discussed

creating documents to support commonly asked questions from families, and improving the contradictory and unclear application details. We are certain that by having all disciplines represented by ASDTF members, and having a seat at the table, there could be multiple ideas and strategies to improve the program.

It is imperative that previous allocation of general funds in the amount of \$1.325M remain, until the legislative management study is completed, so that we are not losing funding without truly understanding if families don't WANT to use the money or if they don't know HOW to use the money. The Department has approved funds for families to access the ASD Voucher, but families have not spent that authorized amount. Without doubt, there is a gross underutilization of allocated funds. The ASDTF agrees that a legislative management study is warranted to understand this, but as the ASDTF, we should be part of problem solving for the lack of spending. Reducing the budget for the ASD Voucher Program will be hurtful to families.

- **SECTION 6. LEGISLATIVE MANAGEMENT STUDY – ASD WAIVER AND VOUCHER PROGRAMS.** In regard to removing the elimination of the ASDTF: We (ASDTF) understand why we have been ineffective, but removing the entire ASDTF is not the answer. The amendments we have proposed would be a start at the answer. Additionally, if the ASDTF was to be removed, it would set precedence for the removal of other ND task forces (e.g., ND Cares, Task Force for Veterans Affairs, Medical Facility Infrastructure Loan Task Force, the Task Force for Higher Education Governance, etc.).

While eligibility for other autism specific programs may exist for these families (i.e., ASD Waiver or Applied Behavior Analysis/ABA), barriers to accessing those other programs will make it problematic for these children to get supports they need. Waitlists for children to receive ABA can be a solid year, if not longer. This program was created to fill non-therapy related gaps. Reducing funding for the ASD Voucher now will mean these families will have to compete for slots on the ASD Waiver; which, at the February 2021 ASDTF meeting, had 70 children on the waitlist with a proposal to increase the total number of ASD Waiver slots by 54, equaling 150 total (currently has 96 slots). DHS is not repurposing the \$1.3M it stripped from the Autism Voucher into the Autism Waiver, so as a task force, we want to know, where does that money go? Can this be reevaluated after the legislative management study? Put the full appropriated amount back (\$1.325M). Then determine if the program budget needs to be reduced. The wait for services causes a further gap in skills, putting these children even further behind.

In summary, I, and the ND Autism Spectrum Disorder Task Force, strongly oppose the language of SB 2089 regarding the ASD Voucher Program. This legislation is hurtful to families and it is harmful to people already struggling with a major, life-altering diagnosis. The ASD Voucher Program should have the intent to reach as many families as possible, filling any gaps left by other ASD programs and services. I hope you hear (or have heard) testimony from parents of Autistic child(ren) who will be directly impacted should the ASD Voucher Program budget be cut so drastically, because they are the families who will suffer and struggle with supporting their Autistic child in North Dakota. The voucher program's effectiveness does not lie solely in its spent or unspent dollars. An

incomplete program will have incomplete results. Please consider the proposed amendments we have provided you today.

Thank you for your time and consideration of this testimony. If I can be of assistance during this time of deliberation, please contact me at holly.johnson.bcba@outlook.com. This concludes my testimony.

Sincerely,

Holly Johnson, MS, BCBA, LBA
Board Certified Behavior Analyst #1-14-15198
ND Licensed Behavior Analyst #L15

These opinions in no way represent the Department of Human Services or the Life Skills and Transition Center, all of which I am actively involved with, adding to my unique perspective contained in this testimony. This testimony has been provided on my personal time.

Optional/Available Services

- **Respite Care** to provide primary caregiver(s) with temporary relief from the stress and intensity of caring for a child with special needs
- **Assistive Technology** such as video modeling, DVDs, equipment, language generating devices, etc.
- **Memberships** to community organizations directly related to voucher-funded services
- **Registration** to workshops or training for independent living skills
- **Adaptive sports and activities** related to voucher-funded activities

Optional/Available Services (continued)

- **Transportation**
- **Specialized camps**
- **Parent training**
- **Educational materials**
- **Tutoring**
- **Sensory equipment**
- **Safety equipment**
- **Self-care equipment**

NOTE: House Bill 1038, approved during the 2013 North Dakota Legislative Session, created the autism voucher program and specified that vouchers cannot cover behavioral therapies.



Home and Community-Based Services Unit

Phone: 701-328-4630

Toll-free: 1-800-755-2604

Fax: 701-328-1544

Email: dhsautism@nd.gov

600 E. Boulevard Ave., Dept. 325

Bismarck, ND 58505

DN 345 (8-2019)

Autism Services Voucher Program

Who?

What?

Why?

How?





Who qualifies for the voucher program?

Families of children ages 3 through 17 *diagnosed with an Autism Spectrum Disorder* that have a gross family income up to 200% of the Federal Poverty level, and are not receiving services through a Medicaid waiver, may qualify for the **Autism Services Voucher Program**. See details at www.nd.gov/dhs/autism.

Why apply?

The goal of the **Autism Services Voucher Program** is to address gaps in non-therapy related services and to provide education and support to families who may not qualify for other help.

What does the program do?

The voucher program helps pay for assistive technology, training, and other approved support services that enhance the quality of life of children with Autism Spectrum Disorders and help meet the unique needs of their families.

The program provides vouchers totaling up to \$12,500 per year, per qualifying child, to help eligible families with the cost of supporting a child with autism.

IMPORTANT: Early intervention and therapy services are not covered by the voucher program.



How do families apply?

To apply for voucher services, a family must complete an application, which is online at www.nd.gov/eforms/Doc/sfn60611.pdf or available from the North Dakota Department of Human Services, 600 E. Boulevard Ave., Bismarck, ND 58505.

Families must provide proof of income, proof of ND residency of at least six-months, and a copy of a confirmed diagnosis of Autism Spectrum Disorder.

In addition, professional recommendations are required for approval of all voucher purchases. The application and income chart, as well as other information about autism-related services, are online at www.nd.gov/dhs/autism.

21.8072.02001
Title.

Prepared by the Legislative Council staff for
Senator Heckaman

March 2, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2089

Page 1, line 1, after "to" insert "create and enact a new subsection to section 50-06-32 of the North Dakota Century Code, relating to the autism spectrum disorder task force; to"

Page 1, line 1, after "50-06-05.1" insert "and section 50-06-32.1"

Page 1, line 3, after "assistance" insert "and the autism spectrum disorder voucher program"

Page 1, after line 16, insert:

"SECTION 2. A new subsection to section 50-06-32 of the North Dakota Century Code is created and enacted as follows:

The department shall contract with a private, nonprofit entity that does not provide autism spectrum disorder services to facilitate and provide support services to the autism spectrum disorder task force.

SECTION 3. AMENDMENT. Section 50-06-32.1 of the North Dakota Century Code is amended and reenacted as follows:

**50-06-32.1. Autism spectrum disorder voucher program ~~pilot project~~ -
~~Legislative management report~~Report to autism spectrum disorder task force -
Appeal.**

1. The department of human services shall establish a voucher program ~~pilot project~~ beginning July 1, 2014, to assist individuals and the family of such individuals in funding equipment, services, care and general educational needs related to social activities or other needs to compensate for a deficit created by an autism spectrum disorder for individuals below two hundred percent of the federal poverty level from age three to under age ~~eighteen~~twenty-five who have been diagnosed with autism spectrum disorder. The program must include funding for in-home supports not to exceed forty hours per month, community activities, and transportation of the individual diagnosed with autism spectrum disorder to and from voucher-funded activities or services. The program may include funding for assistive technology; video modeling videos or equipment; language-generating devices; training and educational material for parents; parenting education; sensory equipment; tutors; safety equipment; travel tools; self-care equipment; timers; visual representation systems; respite care; specialized day care; language comprehension equipment; and registration and related expenses for workshops and training to improve independent living skills, employment opportunities, and other executive or social skills.
2. The department shall adopt rules addressing management of this voucher program ~~pilot project~~ and establishing the eligibility requirements and exclusions for this voucher program ~~pilot project~~. The program may not provide a voucher for early intensive behavioral intervention, including applied behavioral analysis, intensive early interventional behavioral therapy, intensive behavioral intervention, the Lovaas method, the Denver

model, LEAP (learning experiences - an alternative program for preschoolers and parents), TEACCH (treatment and education of autistic and related communication handicapped children), pivotal response training, or discrete trial training.

3. The department shall allocate funding for family care navigator services that will assist the autism spectrum disorder voucher-approved individual and family in navigating systems related to obtaining and coordinating services, equipment, care, and other eligible needs.
4. The department shall conduct ongoing outreach efforts to increase awareness of the voucher program funding available to eligible individuals with autism spectrum disorder and the families of these individuals. Quarterly, the department shall report to the autism spectrum disorder task force.
5. A decision on a voucher application which is issued by the department under this section may be appealed as provided under chapter 28-32.
4. ~~The department of human services shall report to the legislative management regarding the autism spectrum disorder program pilot project."~~

Page 1, line 20, replace "adopt" with "draft proposed"

Page 1, line 22, remove "The administrative code changes should consider"

Page 1, replace lines 23 and 24 with "Before being adopted by the department of human services, the draft rules first must be approved by the autism spectrum disorder task force."

Page 2, line 2, after "with" insert "one million"

Page 2, line 2, after "hundred" insert "and eighty-five"

Page 2, line 4, remove "**AND TASK FORCE**"

Page 2, line 7, remove "and the elimination of the autism spectrum disorder task"

Page 2, line 8, remove "force"

Renumber accordingly

21.8072.02001

FIRST ENGROSSMENT

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2089

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact a new subsection to section 50-06-32 of the North Dakota
 2 Century Code, relating to the autism spectrum disorder task force: to amend and reenact
 3 subsection 17 of section 50-06-05.1 and section 50-06-32.1 of the North Dakota Century Code,
 4 relating to financing of welfare programs and housing stabilization supports and rental
 5 assistance and the autism spectrum disorder voucher program; to repeal sections 1-02-35 and
 6 50-06-14 of the North Dakota Century Code, relating to obsolete effective date language and
 7 financing of welfare programs; to provide a statement of legislative intent; to provide for a
 8 legislative management study; and to declare an emergency.

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

10 **SECTION 1. AMENDMENT.** Subsection 17 of section 50-06-05.1 of the North Dakota
 11 Century Code is amended and reenacted as follows:

12 17. To administer, allocate, and distribute any funds made available for the making of
 13 direct cash assistance payments, housing ~~assistance payments~~ stabilization supports,
 14 and rental ~~subsidies under any rental assistance programs initiated by the federal~~
 15 ~~government not otherwise by law made the responsibility of another state agency~~
 16 ~~possessing statewide jurisdiction~~ and to promote cooperation and working agreements
 17 with public agencies and including the housing finance agency and department of
 18 commerce, and private human services agencies.

19 **SECTION 2.** A new subsection to section 50-06-32 of the North Dakota Century Code is
 20 created and enacted as follows:

21 The department shall contract with a private, nonprofit entity that does not provide
 22 autism spectrum disorder services to facilitate and provide support services to the
 23 autism spectrum disorder task force.

1 **SECTION 3. AMENDMENT.** Section 50-06-32.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-06-32.1. Autism spectrum disorder voucher program ~~pilot project~~ - Legislative**
4 **~~management report~~ Report to autism spectrum disorder task force - Appeal.**

- 5 1. The department of human services shall establish a voucher program ~~pilot project~~
6 ~~beginning July 1, 2014,~~ to assist individuals and the family of such individuals in
7 funding equipment, services, care and ~~general educational needs related to social~~
8 activities or other needs to compensate for a deficit created by an autism spectrum
9 disorder for individuals below two hundred percent of the federal poverty level from
10 age three to under age ~~eighteen~~ twenty-five who have been diagnosed with autism
11 spectrum disorder. The program must include funding for in-home supports not to
12 exceed forty hours per month, community activities, and transportation of the
13 individual diagnosed with autism spectrum disorder to and from voucher-funded
14 activities or services. The program may include funding for assistive technology; video
15 modeling videos or equipment; language-generating devices; training and educational
16 material for parents; parenting education; sensory equipment; tutors; safety
17 equipment; travel tools; self-care equipment; timers; visual representation systems;
18 respite care; specialized day care; language comprehension equipment; and
19 registration and related expenses for workshops and training to improve independent
20 living skills, employment opportunities, and other executive or social skills.
- 21 2. The department shall adopt rules addressing management of this voucher program
22 ~~pilot project~~ and establishing the eligibility requirements and exclusions for this
23 voucher program ~~pilot project~~. The program may not provide a voucher for early
24 intensive behavioral intervention, including applied behavioral analysis, intensive early
25 interventional behavioral therapy, intensive behavioral intervention, the Lovaas
26 method, the Denver model, LEAP (learning experiences - an alternative program for
27 preschoolers and parents), TEACCH (treatment and education of autistic and related
28 communication handicapped children), pivotal response training, or discrete trial
29 training.
- 30 3. The department shall allocate funding for family care navigator services that will assist
31 the autism spectrum disorder voucher-approved individual and family in navigating

1 systems related to obtaining and coordinating services, equipment, care, and other
2 eligible needs.

3 4. The department shall conduct ongoing outreach efforts to increase awareness of the
4 voucher program funding available to eligible individuals with autism spectrum
5 disorder and the families of these individuals. Quarterly, the department shall report to
6 the autism spectrum disorder task force.

7 5. A decision on a voucher application which is issued by the department under this
8 section may be appealed as provided under chapter 28-32.

9 ~~4. The department of human services shall report to the legislative management~~
10 ~~regarding the autism spectrum disorder program pilot project.~~

11 **SECTION 4. REPEAL.** Sections 1-02-35 and 50-06-14 of the North Dakota Century Code
12 are repealed.

13 **SECTION 5. LEGISLATIVE INTENT - AUTISM SPECTRUM DISORDER VOUCHER**

14 **PROGRAM.** The department of human services shall ~~adopt~~ draft proposed rules to seek
15 additional flexibility for the administration of the autism spectrum disorder voucher program to
16 ensure families can be served within available appropriations. ~~The administrative code changes~~
17 ~~should consider changes that include reducing the amount of approved voucher funds available~~
18 ~~to each household and the amount of time during which a household may use approved~~
19 ~~voucher funds.~~ Before being adopted by the department of human services, the draft rules first
20 must be approved by the autism spectrum disorder task force. The department of human
21 services shall request the legislative assembly to fund the autism spectrum disorder voucher
22 program with one million three hundred and eighty-five thousand dollars.

23 **SECTION 6. LEGISLATIVE MANAGEMENT STUDY - AUTISM SPECTRUM DISORDER**

24 ~~WAIVER AND VOUCHER PROGRAMS AND TASK FORCE.~~ During the 2021-22 interim, the
25 legislative management shall consider studying the autism spectrum disorder waiver and
26 voucher programs and other programs designed to provide services to children who are
27 impacted by autism spectrum disorder ~~and the elimination of the autism spectrum disorder task~~
28 ~~force.~~ The study may include consideration of the structure of the programs and whether there
29 are any gaps and unmet needs. The legislative management shall report its finding and
30 recommendations, together with any legislation required to implement the recommendations, to
31 the sixty-eighth legislative assembly.

1 **SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure.

Testimony
Senate Bill 2089
House Human Services Committee
Representative Robin Weisz, Chairman
March 3, 2021

Chairman Weisz and Members of the House Human Services Committee:

I am Jennifer Flores, a member of the Autism Task force and the Autism Advocacy Coalition, serving both groups with my lived experience as an Autistic individual.

I come before you today to testify to the needs for the autism voucher's proposed raised age limit to 25, inclusion of transportation and community activities, and the change to include assistance for families as well as individuals.

Age Limit

The transition period, roughly ages 16-25, from childhood into adulthood, and school to work, can be a perilous time often suddenly devoid of necessary support. Once a young person leaves the school system, a chasm opens leaving individuals and their families flailing.

Autism is defined as a Developmental Disorder, and is often marked by Developmental Delays.

With the right supports, individuals can develop necessary social, study, work, and living skills, enabling some to become happy, productive members of society.

Community Activities & Families

While there may be only one child in the family diagnosed on the autism spectrum, the diagnosis touches and impacts the entire family unit; including assistance to families is essential.

We know, through years of inclusion, how beneficial it is not only to individuals with disabilities, but also for communities, to have “different” folks, including those with Autism, fully engaged in our schools, churches, workforce, and community activities.

Autistic individuals have their own unique gifts and talents our society needs; we, as a community, are better for having folks with differences included in every aspect of life. Raising the voucher age to 25, including supports for community activities, and assisting families will help us all.

Thank you for your time and consideration of this testimony. If I can be of assistance during this time of deliberation, please contact me at jennifer@mandanmusic.com. This concludes my testimony.

Sincerely,

Jennifer Flores
Autistic Advocate

Testimony In Support of Senate Bill 2089 with Amendments
House Human Services Committee
Representative Robin Weisz, Chairman

March 3, 2021

Chairman Weisz and Members of the House Human Services Committee:

My name is Lorena Poppe. I am the owner and executive director of Poppy's Promise, a Bismarck-based provider of services to children and young adults diagnosed with autism. I am also a member of the ND Autism Spectrum Disorder (ASD) Advocacy Coalition, whose goal is to help assure that autism services are not only available but accessible and responsive to the need that exists in our state. I am testifying today in support of Senate Bill 2089 with amendments.

In both of my roles, I am deeply concerned about language in Senate Bill 2089 that would drastically reduce the funding available for the ASD Voucher program from over \$1.3 million to just \$300,000 for the upcoming biennium. While it is true that money appropriated for the ASD Voucher program in prior sessions has not been fully spent, I can tell you as a provider of services this most certainly is not because there is little or no need for the Voucher program. Rather, I believe the lack of spending speaks to the confusing and complex process of applying for and accessing services and covered items. Families voice frustration in trying to understand and navigate the program without the support of a system navigator or case manager familiar with the processes and requirements. They have indicated the number of recommendation letters they need to seek out for various parts of the Voucher is daunting and confusing for both families and the professionals seeking to provide recommendations.

Mixed messages are often given to families and providers about what can and cannot be covered by the Voucher program. Many times, the restrictions placed on a particular component of the Voucher are so limiting that the service cannot be used to address the need present. An example of this is within the respite care service of the Voucher. Families can access respite care, but often not for reasons or at times that are significant

to the family, such as while parents are working or attending school. The Voucher program does not allow respite staff to provide transportation to children and teens receiving Voucher services, which limits the ability to support their involvement in community activities and social skill development.

Prior to the passage of the current form of SB 2089, the Department of Human Services proposed to eliminate the Voucher and roll funds designated for that program into the ASD Waiver program. While this could appear positive at first glance, a deeper look reveals that many kids eligible for the Voucher would fall through the cracks yet again due to the eligibility and age requirements for the Waiver program being significantly different from the Voucher. Eliminating this important program or slashing available funds is not the solution to getting needed supports and services to children and families. Providing support to families in navigating the ASD Voucher and a program structure that is understandable and functional are steps in the right direction.

I encourage this committee to support amendments to Senate Bill 2089's language regarding the ASD Voucher program that will provide for:

- System navigation for families
- Restoration of the approximate \$1,000,000 appropriation that has been removed
- Individualized person-centered planning that includes options for In-Home Supports, community activities and transportation
- Increase in the age limit to provide for supports during the transition to early adulthood

Our kids deserve to receive supports and services that will lead them to success throughout their lifetimes, and our families deserve the peace of mind an effective Voucher program can bring.

Thank you for your time and the opportunity to testify before you today. I would be happy to answer any questions you might have.



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#7154

**Testimony of Support Senate Bill 2089
House Human Services
March 3, 2021**

Chairman Weisz and members of the House Human Services Committee, my name is Kirsten Dvorak. I am the executive director of The Arc of North Dakota, which includes all six Arc chapters in North Dakota: Bismarck, Bowman, Dickinson, Fargo, Grand Forks, and Valley City. Our mission is to improve people's quality of life with intellectual and developmental disabilities and actively support their full inclusion and community participation.

The Arc of North Dakota asks for a do pass on SB 2089 as amended. The autism voucher fills a need not met by the autism waiver, helping families who may not afford respite services to care for their child. The voucher could be used to help a child communicate through assistive technology. The proposed amendments would allow families to access services and make sure that the funding is used to meet the family's needs.

The Arc of North Dakota supports the need for The Autism Taskforce. The task force helps not just those that are receiving services through the waiver or the voucher. The task force brings together a group of individuals to better understand the community's needs to serve those on the autism spectrum better.

My son, who is 21, has attended several task force meetings and has shared his perspective and helped others understand what it's like to live with autism within the community. It's where he heard about the ASTEP program at Minot State and is now in his second semester working towards a degree in graphic design.

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.

Carlotta McCleary

Executive Director, ND Federation of Families for Children's Mental Health
Executive Director, Mental Health America of North Dakota

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**SB 2089/ ND Autism Spectrum Disorder Voucher
House Human Services Committee**

Wednesday March 3, 2021

Chairman Representative Weisz and Vice Chairwoman Representative Rohr and Members of the House Human Service Committee:

My name is Vicki Peterson, I am a Family Consultant for Family Voices of ND and I am also a parent of a young adult with Autism Spectrum Disorder. I am here today to testify on SB2089 in opposition but in favor of the proposed amendments to the ND Autism Voucher Program and in support of a Legislative Study on the ND Autism Services.

In the 2013-2014 ND Legislative Session, HB 1038 passed, and the Governor signed a bill to create an autism voucher program that ND advocates came together to bring forward. This program allows person with autism spectrum diagnosis to access funding for an array of services such as assistive technology, respite service, safety equipment, sensory items and more. Since that time, there has not been a change in “need” for this service but a lack of utilization due to unawareness of the program, confusion on the families’ side of how the dollars can be used for the services that may be required, and lack of some type of case management to help the families use what was created and signed into law in ND. You may see that dollars in this program are not being spent which is hiding the real fact that this program should be and is providing a gap in autism services that is not able to be obtained by any other program. If this program is to be not funded at the proposed amendment amount of will be a large gap for families who have their

children qualified for this program and could have major family consequences.

There is a missing part to currently how the Autism Voucher Program is administered, the key here would be the word “family”. The diagnosis of autism in a child, has effects on the whole family. Having a child with autism has an impact on the whole family. Various aspects of family lives are affected including housekeeping, finances, emotional and mental health of parents, marital relationships, physical health of family members, limiting the response to the needs of other children within the family, poor sibling relationships, relationships with extended family, friends, and neighbors and in recreation and leisure activities. A study done in 2019 showed that parents of children with an Autism Spectrum Disorder have one of the highest divorce rates in the United States compared to other developmental disabilities, (*Floyd F, Greenberg J, Osmond G, et al. The relative risk and timing of divorce in families of children with an autism spectrum disorder. Family Psychology 2019;24(4): p:449*). In a time when you as a legislative body are discussing juvenile justice reform and de-institutionalization, we need to keep and work better at the programs you have already decided on as being a vital program for children with autism and their families.

In ND, we also have many grandparents raising children with ASD, the needed support the autism voucher provides is critical. A study was conducted that found 7% of children with ASD were hospitalized for psychiatric reasons in a single year (2019; *David Mandell, SCD*). His study examined the use of respite care for children with ASD and found that a \$1000 spent on respite services resulted in an 8% decrease of hospitalizations from 26, 000 children. Imagine the help of respite services could do for the families who have children and youth with ASD lead more productive lives? It is huge and a highly requested service from this program. If the ND Autism Voucher Program is funded at much lower dollars, families will loose out on the possibilities of this service. Children

could end up in foster care or juvenile justice because these families cannot get the service, they need to benefit their child with autism.

I do support a legislative study for the ND Autism Services. I was a ND Autism Task Force Member for several years and continue to participate as part of the public, the dollars for these programs seem to not be getting utilized though we know the need is there. The waitlists are long for the ND Autism Waiver, why such waitlists when the money is there? The ND Autism Voucher has a lack of utilization, but families are still struggling, and we have not filled that gap the way the program was intended to. As a parent of a young adult with autism, as a family consultant that works with many families across the state of ND with children with autism, we can do better, we can make these programs work for families.

I am requesting that you adopt the amendments proposed. Thank you for your time and consideration. I would be happy to answer questions you may have.

Vicki L Peterson
Family Voices of ND
vickiasdc@bis.midco.net
701-258-2237
701-527-2889

SB 2089

Chairman and Members of the Committee:

I am Sen. Joan Heckaman from D-23 and am here this morning to present some amendments to you that were approved by the Governor's Autism Task Force March 2nd, 2021, by a unanimous vote.

I have been the legislative member on this task force since its inception in 2009. The Task Force has been instrumental in focusing on the needs of families and children on the Autism Spectrum.

The Task Force opposes any attempt to remove the voucher from the program.

These amendments address Sections 2 and 3 of the bill. Here to speak to these amendments are Holly Johnson and Jennifer Flores.

Thank you for your time.

**SB 2089/ ND Autism Spectrum Disorder Voucher
House Human Services Committee**

Wednesday March 3, 2021

**Chairman Representative Weisz and Vice Chairwoman Representative Rohr and
Members of the House Human Service Committee**

My name is Donene Feist and I am the Director of Family Voices of ND. I am here today to testify on SB2089 in favor of the proposed amendments to the ND Autism Voucher Program and in support of a Legislative Study on the ND Autism Services.

Family Voices of North Dakota is statewide family to family health information and education center who serves families of children with special health care needs in ND. Each state in the country and our territories has one family organization that has been designated as a family to family health information and education center by HRSA federally. We are that entity for ND.

We provide emotional and informational support to many families across North Dakota who have a child who has a chronic health condition and/or disability. Our parent-to-parent matching program called North Dakota Parent-to-Parent provides connection of one parent to another as a mentor for emotional support.

In addition to the support and 1:1 assistance we provide to families, we also provide various trainings and workshops, which help families understand how systems work so that they can also be good stewards of state dollars and the programs of which their children are enrolled. Our staff, who all are parents to children with special health care needs, provides assistance to families by helping them access and navigate services; explaining what the services mean, how systems work, and where the funding comes from; by providing emotional support to assist with their unique and individual needs.

Lastly, the bulk of our work is assisting families in navigating the services that they receive or connect them to those community resources in raising their child with a disability.

FVND is an affiliate chapter with two national organizations: Parent to Parent USA and the Family Voices National organization, who provide ongoing technical assistance to all states across the country.

We receive many calls from across the state who have a child or youth with an autism diagnosis. We feel it is imperative that these families have the adequate supports needed. The autism voucher was created as the waiver did not encompass all the needs that those with an autism diagnosis needed. However, underutilized which we believe to be for a couple of reasons: Lack of awareness, confusion for families on how they can utilize the funds, and mostly lack of coordination with families. We feel it is imperative to assure that there is coordination of care in the voucher program. Families are often confused by the silos and maze of what is available and often do not know the questions that need to be asked. Having someone who can assist them with this process is vital. Not only to FULLY understand the services that they qualify for but also to be good stewards of state dollars. Family Voices of ND has assisted many of these families that qualify for the voucher and waiver since it was passed in the 2013-2014 session.

Many times, our encounters with families are heightened because the family is in crisis. We have noted that the issues being presented by families today are being increasingly complex. We know and can identify as best practice that families thrive when supported by others with lived experience. We also know that families build capacity, strength and confidence through support and coaching from another parent. Active engagement with families through responsive listening from others who have walked in the same shoes assists families in a manner that allows them to receive services necessary to meet their family and child's needs.

Families across North Dakota have repeatedly shared the difficulty in locating and accessing services when they call our offices. Raising a child or youth with special health care needs, accessing quality services and paying for them while still meeting the needs of the entire family and maintain employment is stressful. Making the coordination with families vital.

I continue to have concerns about not funding the voucher. If the voucher is not funded it will again leave a gap for those who have previously qualified and was a lifeline. Autism is not going to go away. Families need the tools and resources as they move into adulthood. If anything there also needs to be additional resources as children transition into adulthood and assistance to these new adults. We don't want to create another gap. If services and supports are not available, potentially

where are they to go. ND is investing many dollars to de-institutionalize. Cost of care to have children at home within their families is much less expensive than serving them in a residential setting. Disability affects the entire family. Adequate supports however are vital including parent support to assist families. Family/Professional collaboration are a must. Hence if there were some form of care coordination the voucher program would be much better utilized.

Family dynamics in ND has been changing for some time. We have single parent homes, foster homes, grandparents raising grandchildren. There is no one size cookie cutter approach. The Autism Voucher provided much assistance for all of these scenarios. With coordination and assistance to families it will be better utilized.

I am also in support of the legislative study on ND Autism Services. I am actually in support of a study regarding all services of children with chronic health conditions and disabilities. It is needed.

Never doubt that families are struggling as they are. I have stood before you all for many years. The needs for families to live, thrive and survive in their community has also increased. We often **hope for the best, but don't know what the future holds in a world and system that wasn't built for our children.** There is no handbook or parenting book about raising a child with special health care needs and disabilities.

Please adopt the amendments proposed.

Donene Feist
Family Voices of ND Executive Director
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Anne Carlsen

C E N T E R

Nurturing abilities. Changing lives.

SB 2089
House Human Services Committee
Wednesday, March 3rd, 2021

Chairman Weisz and the members of the House Human Services Committee, my name is Tim Eissinger and I am CEO of the Anne Carlsen Center. We offer behavioral health services at (5) of our (7) locations in North Dakota, and our service providers supporting individuals on the Autism Spectrum and their families have been very passionate about providing input on SB 2089.

I am providing written testimony today in support of amendments to SB 2089 being offered by the North Dakota Autism Spectrum Disorder Task Force. I strongly support the proposed language which includes adding unrelated, third-party facilitation support of the ASD task force, amends the qualification requirements, supports continuation of the voucher as a necessary and critical support for individuals and families addressing challenges related to understanding and working with an individual on the autism spectrum, review of the voucher program to promote better access to the voucher and with the appropriate assurances that it is used properly and to maximum benefit, and an interim study to continue evaluating the waiver and voucher as having the intended effects.

Administered effectively, the voucher program works, and I believe the unintended consequence of eliminating the voucher would be very costly, both in terms of the effects on the persons

served and their families, as well as the cost for more intensive services that will inevitably be needed as a result of not providing those supports when critical to have them.

Thank you for your consideration of my written testimony.

A handwritten signature in cursive script that reads "Tim Eissinger".

Tim Eissinger
Chief Executive Officer
Anne Carlsen Center
Email: tim.eissinger@annecenter.org
Work cell: 701-269-7355

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2089
3/17/2021

Relating to financing of welfare programs and housing stabilization supports and rental assistance; relating to obsolete effective date language and financing of welfare programs; to provide a statement of legislative intent; to provide for a legislative management study; and to declare an emergency

Chairman Weisz opened the committee meeting at 3:19 p.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Voucher program
- Medicaid match
- Institutional level of care
- Autism spectrum

Chairman Weisz adjourned at 3:40 p.m.

Tamara Krause, Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2089
3/22/2021

Relating to financing of welfare programs and housing stabilization supports and rental assistance; relating to obsolete effective date language and financing of welfare programs; to provide a statement of legislative intent; to provide for a legislative management study; and to declare an emergency

Chairman Weisz opened the committee meeting at 10:49 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	A
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Autism voucher waiver
- Housing finance agency
- Enrollment period

Rep. Todd Porter (11:16) moved an amendment Section 4, Page 2 “the study may include consideration of the structure of the program and whether there are any gaps in unmet needs including contracting with a private, nonprofit entity that does not provide autism spectrum disorder services to facilitate and provide support services to the autism spectrum disorder task force.”

Rep. Gretchen Dobervich (11:16) second

Voice Vote – Motion Carried

Rep. Karen Rohr (11:18) moved **Do Pass As Amended**

Rep. Todd Porter (11:18) second

Motions rescinded

Rep. Todd Porter (11:21) moved an amendment “to provide an appropriation.”

Rep. Mike Beltz (11:21) second

Voice Vote – Motion Carried

Rep. Karen Rohr (11:23) moved **Do Pass As Amended Rerefer to Appropriations**

Rep. Mary Schneider (11:23) second

Representatives	Vote
Representative Robin Weisz	Y
Representative Karen M. Rohr	Y
Representative Mike Beltz	Y
Representative Chuck Damschen	Y
Representative Bill Devlin	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Dwight Kiefert	Y
Representative Todd Porter	Y
Representative Matthew Ruby	Y
Representative Mary Schneider	Y
Representative Kathy Skroch	A
Representative Bill Tveit	Y
Representative Greg Westlind	Y

Motion Carried 13-0-1 Do Pass As Amended Rerefer to Appropriations

Bill Carrier: Rep. Todd Porter

Chairman Weisz adjourned at 11:24 a.m.

Tamara Krause, Committee Clerk

Dr 3/22/21
1041

21.8072.02002
Title.03000

Adopted by the House Human Services
Committee

March 22, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2089

Page 1, line 5, after the second semicolon insert "to provide an appropriation;"

Page 2, remove lines 1 and 2

Page 2, line 9, after "needs" insert ", including contracting with a private, nonprofit entity that does not provide autism spectrum disorder services to facilitate and provide support services to the autism spectrum disorder task force"

Page 2, after line 11, insert:

"SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the department of human services for the purpose of funding the autism spectrum disorder voucher program, for the biennium beginning July 1, 2021, and ending June 30, 2023."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2089, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2089 was placed on the Sixth order on the calendar.

Page 1, line 5, after the second semicolon insert "to provide an appropriation;"

Page 2, remove lines 1 and 2

Page 2, line 9, after "needs" insert ", including contracting with a private, nonprofit entity that does not provide autism spectrum disorder services to facilitate and provide support services to the autism spectrum disorder task force"

Page 2, after line 11, insert:

"SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the department of human services for the purpose of funding the autism spectrum disorder voucher program, for the biennium beginning July 1, 2021, and ending June 30, 2023."

Renumber accordingly

2021 HOUSE APPROPRIATIONS

SB 2089

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

SB 2089
4/1/2021

Relating to financing of welfare programs and housing stabilization supports and rental assistance, relating to obsolete effective date language and financing of welfare programs;

8:33 Chairman Delzer Called the meeting to order for SB 2089;

Attendance	P/A
Representative Jeff Delzer	P
Representative Keith Kempenich	P
Representative Bert Anderson	P
Representative Larry Bellew	P
Representative Tracy Boe	P
Representative Mike Brandenburg	P
Representative Michael Howe	P
Representative Gary Kreidt	P
Representative Bob Martinson	P
Representative Lisa Meier	P
Representative Alisa Mitskog	P
Representative Corey Mock	P
Representative David Monson	P
Representative Mike Nathe	P
Representative Jon O. Nelson	P
Representative Mark Sanford	P
Representative Mike Schatz	P
Representative Jim Schmidt	P
Representative Randy A. Schobinger	P
Representative Michelle Strinden	P
Representative Don Vigesaa	P

Discussion Topics:

- Autism Waiver Voucher program
- Supportive Services
- Adoptive Technology
- Amendment

8:34 Representative Weisz Introduces the bill and its purpose

8:39 Representative Jon O. Nelson Explains an amendment 21.8072.02003 in lieu of Senate amendments

8:41 Representative Jon O. Nelson Makes a motion to Move the amendment

Representative Kreidt Second
Further Discussion

8:43 Voice Vote- Motion Carries

Representative Jon O. Nelson- Makes a motion for a Do Pass as Amended

Representative Kreidt – Second

Further Discussion

8:44 Roll Call Vote was Taken;

Representatives	Vote
Representative Jeff Delzer	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	N
Representative Tracy Boe	Y
Representative Mike Brandenburg	Y
Representative Michael Howe	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Mark Sanford	Y
Representative Mike Schatz	Y
Representative Jim Schmidt	Y
Representative Randy A. Schobinger	Y
Representative Michelle Strinden	Y
Representative Don Vigesaa	Y

Motion Carries 20-1-0 Representative Jon O. Nelson will carry the bill

Additional written testimony: No Additional Testimony

8:45 Chairman Delzer Closes the hearing for SB 2089

Risa Berube,

House Appropriations Committee Clerk

DA 9/1/21
1041

21.8072.02003
Title.04000

Prepared by the Legislative Council staff for
Representative J. Nelson
March 30, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2089

In lieu of the amendments adopted by the House as printed on page 1250 of the House Journal, Engrossed Senate Bill No. 2089 is amended as follows:

Page 1, line 22, after "appropriations" insert "for the program"

Page 2, remove lines 1 and 2

Page 2, line 9, after "needs" insert ", including contracting with a private, nonprofit entity that does not provide autism spectrum disorder services to facilitate and provide support services to the autism spectrum disorder task force"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2089, as engrossed and amended: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2089, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1250 of the House Journal, Engrossed Senate Bill No. 2089 is amended as follows:

Page 1, line 22, after "appropriations" insert "for the program"

Page 2, remove lines 1 and 2

Page 2, line 9, after "needs" insert ", including contracting with a private, nonprofit entity that does not provide autism spectrum disorder services to facilitate and provide support services to the autism spectrum disorder task force"

Renumber accordingly

2021 CONFERENCE COMMITTEE

SB 2089

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Sakakawea Room, State Capitol

SB 2089
4/20/2021
Conference Committee

A BILL for an Act to amend and reenact subsection 17 of section 50-06-05.1 of the North Dakota Century Code, relating to financing of welfare programs and housing stabilization supports and rental assistance; to repeal sections 1-02-35 and 50-06-14 of the North Dakota Century Code, relating to obsolete effective date language and financing of welfare programs; to provide a statement of legislative intent; to provide for a legislative management study; and to declare an emergency.

Madam Chair Lee opened the conference committee on SB 2089 at 11:00 a.m. Members present: Senator Lee, Anderson, Hogan, Representative M. Ruby, Beltz, Schneider.

Discussion Topics:

- House actions
- Private non-profit entity services
- Removal of appropriated funds
- Integration of services
- Access to voucher funds
- Voucher eligibility requirements
- CARES Act funding

[11:02] **Krista Freming, Deputy Director, Medical Services Division, DHS.** Provided additional information to the conference committee.

Senator Anderson moves the **SENATE ACCEDE TO HOUSE AMENDMENTS.**
Representative M. Ruby seconded.

Motion passed 4-2-0

Senator Anderson and **Representative M. Ruby** will carry SB 2089.

Additional written testimony: N/A

Madam Chair Lee closed the conference committee on SB 2089 at 11:39 a.m.

Justin Velez, Committee Clerk

**2021 SENATE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2089 as (re) engrossed

Senate Human Services Committee

- Action Taken** **SENATE accede to House Amendments**
 SENATE accede to House Amendments and further amend
 HOUSE recede from House amendments
 HOUSE recede from House amendments and amend as follows
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Anderson Seconded by: Representative M. Ruby

Senators					Representatives				
			Yes	No				Yes	No
Senator Lee			X		Representative M. Ruby			X	
Senator Anderson			X		Representative Beltz			X	
Senator Hogan				X	Representative Schneider				X
Total Senate Vote			2	1	Total Rep. Vote			2	1

Vote Count Yes: 4 No: 2 Absent: 0

Senate Carrier Senator Anderson House Carrier Representative M. Ruby

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2089, as engrossed: Your conference committee (Sens. Lee, Anderson, Hogan and Reps. M. Ruby, Beltz, Schneider) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1288-1289 and place SB 2089 on the Seventh order.

Engrossed SB 2089 was placed on the Seventh order of business on the calendar.