

**CHAPTER 75-03-38
AUTISM SPECTRUM DISORDER VOUCHER PROGRAM**

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SECTION 1: Section 75-03-38-02 is amended as follows:

75-03-38-02. Eligibility.

1. A parent, custodian, or legal guardian may apply to the division to participate in the voucher program if all the following conditions are met:
 - a. The child has an autism spectrum disorder diagnosis;
 - b. The child's age is from three years through seventeen years;
 - c. The household has an income below two hundred percent of the federal poverty level;
 - d. The child is not currently served under any of the department's waivers;
 - e. ~~The child has been recommended for voucher support by a qualified professional;~~
 - f. ~~—~~The child's support need cannot be obtained through insurance or through other service systems, including educational and behavioral health systems;
 - g. ~~—~~The item or support requested is cost-effective in meeting the child's needs;
 - h.f. The child's needs cannot be met by a generic service or support;
 - i.g. The child lives with the child's parent, custodian, or legal guardian; and
 - j.h. The child is currently a North Dakota resident for at least six months.

2. ~~Voucher support approved for a child with an autism spectrum diagnosis under this chapter may not exceed twelve thousand five hundred dollars per state fiscal year.~~
3. ~~The department shall review complete voucher applications in the order received, and shall only approve voucher applications based on the voucher slots available and within the limits of legislative appropriations.~~

History: Effective July 1, 2014; amended effective April 1, 2018; April 1, 2020.

General Authority: NDCC 50-06-32.1

Law Implemented: NDCC 23-01-41, 50-06-32.1

SECTION 2: Section 75-03-38-04 is amended as follows:

75-03-38-04. Voucher services administration.

1. ~~The division may approve an application for one state fiscal year.~~
2. ~~The division shall review the application for completeness and will determine the child's eligibility for voucher supports~~Voucher support approved for a child with an autism spectrum diagnosis under this chapter may not exceed twelve thousand five hundred dollars per state fiscal year.
- 3.2. Upon approval of the application, the division shall issue a voucher request form to be completed by the parent, custodian, or legal guardian of the eligible child indicating the specific item or service being requested. A description of each item or service requested, from a provider working with the eligible child, must accompany the voucher request form, stating how the item or service will compensate for a deficit created by an autism spectrum disorder.
- 4.3. The division may approve a voucher request for a one-time purchase or ~~for multiple purchases~~a recurring purchase not to exceed the maximum amount in subsection 1. The difference between the maximum amount of funding permitted in subsection 1 and the amount approved may be used to fund additional voucher requests.
- 5.4. If a voucher is approved for ~~multiple~~recurring purchases, the division will monitor the voucher for activity.
- 6.5. If the voucher is not used for ~~one hundred eighty~~sixty consecutive calendar days, the division shall inform the parent, custodian, or legal guardian that, if an additional thirty calendar days pass without a voucher purchase or request for item or service, the voucher will be terminated. Any Unspent funds from a terminated voucher ~~that are unspent must~~

be must be returned to the voucher program and the division may distribute the funds to another applicant.

7.6. A voucher application may be denied if approving the application, item, or service would exceed the limits of legislative appropriations. A voucher may be terminated if the funding awarded under the voucher is exhausted.

8.7. The voucher funds may not be used for:

- a. Items or services that are parental responsibilities, including daily clothing, upkeep of residence, fences, internet, or utilities.
- b. Duplicate items or services that address identical deficit goals, except for disposable items;
- c. Items or services that are not age appropriate;
- d. Items or services that are not connected to the child;
- e. Items or services covered by insurance;
- f. Items or services if the voucher is terminated;
- g. Items or services that put the health and safety of the child at risk;
- h. Replacement items, except for disposable products, such as sensory or tactile stimulation items; ~~and~~
- i. Items that are restricted within property rental agreements or are the responsibility of landlords, tenants, or the homeowner;
- j. Items that would cause a parent, custodian, or legal guardian to have additional or recurring costs; and
- k. Service animals or emotional support animals and related items.

8. Items or supports requested through the voucher program must be cost-effective in meeting the child's needs.

9. Voucher funds are not available until the division approves the purchase request form.

History: Effective July 1, 2014; amended effective April 1, 2018; April 1, 2020.

General Authority: NDCC 50-06-32.1

Law Implemented: NDCC 50-06-32.1