

The Arc of North Dakota

2009/2011 Biennium Legislative Session

Issues surrounding inclusion/least restrictive are of a very high priority. People with intellectual disabilities are entitled to educational services, community living, employment, leisure time, social activities and multiple other services, all of which should be delivered in an inclusive/least restrictive setting.

The governor's budget for the next biennium includes setting aside between \$800 million and \$1.2 billion.

The Department of Human Service's budget for the 2009/2011 Biennium is a budget we can support, with some exceptions.

- HB 1012 Provide funding for an estimated decrease in the stat's federal medical assistance percentage (FMAP) for the last seven months of the 2009-11 biennium - \$9.5M
Passed
- HB 1012 Personal Needs Allowance for people living in an ICF/MR facility will be able to keep more of their income.

We requested and increase from \$50 to \$75 per month.
Passed at \$85 per month
- SB 2383 Individual and Corporate Income Tax Credit for Employment of Individuals with Disabilities

An employer of a person with a disability would have been entitled to a tax credit, up to 50% of wages of the person, up to a maximum of \$5,000
Failed to pass by a small margin
- HB 1012 DHS budget includes planned increase for community services for 22 individuals each year of the biennium for students graduating out of Special Education. It also includes 17 individuals moving from the Developmental Center to the Community.

Passed by authorizing the Department of Human Services to deficit spend and go to the Emergency Commission and the Interim Budget Section for increased funding. Additionally, they have a line of credit at the Bank of ND for \$8.5M.
- HB 1014 Protection and Advocacy Appropriations

Includes 1 new FTE for abuse, neglect and exploitation level 1 investigations. CMS has told the DHS that service providers cannot continue to investigate serious incident of A/N/E.
Passed

HB 1012 Community service providers are budgeted to receive increases of 7% and 7% in 2009/2010.

We requested an additional \$2.00 per hour equity increase and an increase in fringe benefits from 33% to 36% for community service providers.

General Funds	\$10.5 M
Federal Funds	\$18 M
Total Funds	\$28.5 M

Passed at 6% & 6%, plus \$1.00 pass through, with the exclusion of executive directors. No increase in benefits.

General Funds	\$ 7,086,807
Federal Funds	\$14,522,299
Total Funds	\$21,639,106

HB 1012 Fixed the ISLA administrative reimbursement that was a disincentive to moving people to a least restrictive environment.

Passed

HB 1012 Increased funding for SLA services for people not screened eligible for DD services (Section 11 funds) from \$200,000 to \$297,000.

Passed

HB 1012 OAR - Increase critical need staffing for severely medically fragile and behaviorally challenged individuals

As people age, often times their needs increase. Staffing increases have not been available from the DHS to adequately address those needs. 2 ½ years ago, a survey determined 84 more FTE's were needed to meet the needs of people in these two categories. We requested:

General Funds	\$2.3M
Federal Funds	\$3.0 M
Total Funds	\$6.3 M

Passed - The OAR that was adopted will give \$4.2M for additional staff. It will be split among DD providers based on the number of individuals they serve who are medically fragile or are behaviorally challenged.

HB 1556 Study Rates for Private Licensed DD Service Providers

DHS must contract with an independent contractor to conduct a study of rates related to the critical needs of individuals – that we previously called enhancements – to determine methodology to incorporate critical needs into the ongoing rate setting process for yearly budgets. Fiscal note: Up to \$200,000. Due Sept. 1, 2010

Signed by the Governor

SB 2423 Audits and Reimbursements of Private Licensed DD Service Providers

Department of Human Services must conduct a review of the audit and reimbursement process, and a review and reconsideration of the 95% occupancy rule, and report to the next legislature.

Signed by the Governor

- HB 1012 Developmental Center budget includes the CARES Team with 1 behavioral analyst at the Developmental Center and 4 in the field
- This will help people stay in the community rather than going to the institution to receive services.
The cost was absorbed in the Development Center budget.
- HB 1012 Amended statute 25-04-05. Qualifications for admission to state facility
Passed the House Version
- We objected to the amendment as it didn't accomplish anything. Senator Mathern asked us to draft an amendment. See attached. We expect this to be a controversial issue based on the stat's lackluster performance in deinstitutionalizing the Developmental Center. The state has not made a convincing or committed effort to community services since the Court Monitor was abolished. Senator Mathern presented the amendment in the Conference Committee. Senator Fischer opposed it in favor of the House version.
- HB 1460 State institution alternative use program. Allows state institutions to explore opportunities for alternative uses for state institutions
- State institutions (DD Center) are to work with local communities and stakeholders to develop alternative uses for institutions. OMB may provide a grant up to the present value of the total estimated savings to the state for the next 10 years. The grant is to assist the institution and community in the transition to the new use of the building.
Signed by the Governor
- SB 2094 Exempt some staff at the Developmental Center from the Nurse Practices Act.
- This bill will exempt direct service staff at the Developmental Center from the Nurse Practice Act, in the same way that community staff are exempt.
Signed by the Governor
- HB 1012 Corporate guardianship contract for individuals with developmental disabilities is fully funded at \$1.7 million.
Passed
- SB 2174 Residential Care for Children with Autism Spectrum Disorder Creation of a Task Force
- This bill authorizes a council, lead by DHS, to examine necessary family support services, early intervention services designed to assist the child remain in the least restrictive environment, transition to adult services, workforce issues; and report to the Governor and Legislative Council before July 1, 2010.
Signed by the Governor

- HB 1012 Medical Assistance for the “medically needy” is included at 83% of the federal poverty level or household size of one.
 Currently ND is at 58% of poverty for household size of one. (2008 HHS Poverty Guidelines for a household of one is \$10,400.) Single individual will keep \$720 per month and a couple will keep \$969/month. These amounts need to cover their basic needs of shelter, food, utilities, clothing, transportation, etc. Any income over their allotment goes to cover their medical costs before Medicaid can pay. **Passed**
- HB 1012 Raise the income level for the state’s Children’s Health Insurance Program (CHIP) from 150% to 200% of the poverty level (net income).
 As of January 2009, approximately 3,400 children were enrolled in CHIP. Poverty Guideline for a family of four is \$21,200.
Passed - 160% of poverty, plus \$300,000 for outreach by a third party.
- HB 1012 Intense Medical Needs/Family Homes
 This covers children with developmental disabilities and intense medical needs who live in family homes. The budget increases the maximum reimbursement in a family home.
Passed
- HB 1012 The Medicaid budget includes a change for adults to have an exam and new glasses if needed every 2 years. Currently it’s every 3 years.
Passed
- HB 1012 Hospice for Children – provides for a waiver so that children can continue to receive treatment & services while receiving hospice if needed; 30 slots.
Passed
- HB 1012 Dentists were funded at a minimum 75% of billed charges. They will also receive 0/6% inflationary increases.
Passed
- SB 2340 Eliminate the sales tax on non-profit thrift stores.
Failed
- HB 1317 Amend N.D.C.C., relating to gaming and excise taxes
 Decreased the excise tax from 4.5% to 3% on the gross sale of bingo cards and pull tabs
Signed by the Governor
- HB 1477 Exempt amount of designated pre-need funeral service contracts in determining eligibility for medical assistance. The amount changed to \$6,000
Passed

Legislative Council

Chair Representative Al Carlson
Vice Chair Senator Bob Stenehjem

Representatives: Merle Boucher, Chris Griffin, Gary Kreidt, Shirley Meyer, David Monson, Bob Skarphol, Robin Weisz, Lisa Wolf.

Senators: Robert Erblele, Tony Grindberg, Ray Holmberg, David O'Connell, Tracy Potter, Larry Robinson, Rich Wardner

Study Resolutions:

SCR 4010 – Relating to Study of Mass, Public and special Needs Transportation

Directs the Legislative council to study mass, public, and special needs transportation, including the creation of local passenger rail transportation and bus transportation within this state

SCR 4028 – Study the charitable gaming laws to determine whether the laws regarding taxation, limitations, enforcement, conduct, and play of charitable gaming are fair, adequate, and appropriate.