

Sixty-third
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1038

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL ~~for an Act to provide for a program to provide autism spectrum disorder training and~~
 2 ~~support and for the establishment of an autism spectrum disorder registry;~~for an Act to provide
 3 for the establishment of an autism spectrum disorder database and an autism spectrum
 4 disorder voucher program pilot project; to provide for the expansion of the autism spectrum
 5 disorder medicaid waiver; to provide for a legislative management study; to provide for reports
 6 to the legislative management; to provide an appropriation; and to provide an expiration date.

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

8 ~~SECTION 1.~~

9 ~~Autism spectrum disorder training and support.~~

10 ~~The department of public instruction shall provide training and support to general education~~
 11 ~~classroom teachers and other school staff regarding the most effective methods of educating~~
 12 ~~and providing services and support to individuals with autism spectrum disorder.~~

13 ~~SECTION 2.~~

14 ~~Autism spectrum disorder registry - Required reporting.~~

15 ~~The state department of health shall establish and administer an autism spectrum disorder~~
 16 ~~registry. The registry must include a record of all reported cases of autism spectrum disorder in~~
 17 ~~the state and any other information deemed relevant and appropriate by the department in~~
 18 ~~order to complete epidemiologic surveys of the autism spectrum disorder, enable analysis of the~~
 19 ~~autism spectrum disorder, and provide services to individuals with an autism spectrum disorder.~~
 20 ~~A physician, psychologist, or any other licensed provider who is qualified by training to make the~~
 21 ~~diagnosis and who then makes the diagnosis that a child is affected with autism spectrum~~
 22 ~~disorder shall report each new case of this diagnosis to the department in a form and manner~~
 23 ~~prescribed by the state health officer. The report must include the child's birth date, gender, zip~~
 24 ~~code at birth residence, and the specific diagnosis of the child diagnosed as having autism~~

~~spectrum disorder. The report may not include the name or address of the child. Nothing in this section may be construed to compel a child who has been reported as affected with autism spectrum disorder to submit to medical or health examination or supervision by the department.~~

SECTION 1.

Autism spectrum disorder database - Rulemaking - Confidentiality.

1. The state department of health shall establish and administer an autism spectrum disorder database. The database must include a record of all reported cases of autism spectrum disorder in the state and any other information determined relevant and appropriate by the department in order to complete epidemiologic surveys of the autism spectrum disorder, enable research and analysis of the autism spectrum disorder, and provide services to individuals with an autism spectrum disorder.
2. The state department of health shall establish criteria regarding who is qualified to report a case of autism spectrum disorder to the database. In establishing this criteria, the department shall require that the reporter be a doctoral-level professional and be appropriately licensed, credentialed, and experienced in the field of autism spectrum disorder, including intellectual testing and other formal evidenced-based assessments for autism spectrum disorders. The department shall consult with experts in establishing this criteria.
3. The database established under this section must:
 - a. Include the reported individual's diagnoses under the most recent edition of the American psychiatric association's diagnostic and statistical manual of mental disorders; and
 - b. Include a complete physical evaluation of the reported individual, performed by a licensed physician.
4. The health council shall adopt rules to provide for mandatory reporting to the autism spectrum disorder database and to establish reporting requirements, including timeliness requirements.
5. The state department of health shall keep confidential all records of the database which could be used to identify a reported individual; however, the department may provide these records to other state agencies as necessary to effect the purposes of this database without regard to the confidential nature of the records. If the

1 department provides confidential records of the database to a state agency, the
2 department shall notify the receiving agency of the confidential nature of the records
3 and the receiving agency shall treat these records as confidential.

4 **SECTION 2.**

5 **Autism spectrum disorder voucher program pilot project - Legislative management**
6 **report - Appeal.**

7 1. The department of human services shall establish a voucher program pilot project
8 beginning July 1, 2014, to assist in funding equipment and general educational needs
9 related to autism spectrum disorder for individuals below two hundred percent of the
10 federal poverty level from age three to under age eighteen who have been diagnosed
11 with autism spectrum disorder. The program may include funding for assistive
12 technology; video modeling videos or equipment; language-generating devices;
13 training and educational material for parents; parenting education; sensory equipment;
14 tutors; safety equipment; travel tools; self-care equipment; timers; visual
15 representation systems; respite care; specialized daycare; language comprehension
16 equipment; and registration and related expenses for workshops and training to
17 improve independent living skills, employment opportunities, and other executive or
18 social skills.

19 2. The department shall adopt rules addressing management of this voucher program
20 pilot project and establishing the eligibility requirements and exclusions for this
21 voucher program pilot project. The program may not provide a voucher for early
22 intensive behavioral intervention, including applied behavioral analysis, intensive early
23 interventional behavioral therapy, intensive behavioral intervention, the Lovaas
24 method, the Denver model, LEAP (learning experiences - an alternative program for
25 preschoolers and parents), TEACCH (treatment and education of autistic and related
26 communication handicapped children), pivotal response training, or discrete trial
27 training.

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

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

1 | **SECTION 3. DEPARTMENT OF HUMAN SERVICES AUTISM SPECTRUM DISORDER**

2 **MEDICAID WAIVER.** The department of human services, during the biennium beginning July 1,
3 2013, and ending June 30, 2015, shall seek approval from the federal centers for medicare and
4 medicaid services to expand the department's autism spectrum disorder medicaid waiver to
5 cover seventeen additional individuals from birth through age seven. The expansion to the
6 waiver must become effective on or after January 1, 2014, and must include appropriate
7 behavior intervention and treatment services that may include evidence-based and promising
8 practices, case management services, technology and technology-based support, in-home
9 support, equipment and supplies, home monitoring, respite care, residential supports and
10 services, and behavioral consultation.

11 | **SECTION 4. LEGISLATIVE MANAGEMENT STUDY - AUTISM SPECTRUM DISORDER**

12 **SERVICES.** The legislative management shall consider studying, during the 2013-14 interim,
13 autism spectrum disorder services, including the most feasible service delivery system for
14 individuals not served in the developmental disability system who have an autism spectrum
15 disorder. As part of the study, the legislative management may consult with clinicians who have
16 expertise in the evaluation, diagnosis, and treatment of autism spectrum disorder. The
17 legislative management shall report its findings and recommendations, together with any
18 legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

19 | **SECTION 5. APPROPRIATION - STATE DEPARTMENT OF HEALTH - AUTISM**

20 **SPECTRUM DISORDER DATABASE.** There is appropriated out of any moneys in the general
21 fund in the state treasury, not otherwise appropriated, the sum of \$235,732, or so much of the
22 sum as may be necessary, to the state department of health for the purpose of establishing and
23 administering an autism spectrum disorder database, for the biennium beginning July 1, 2013,
24 and ending June 30, 2015. The state department of health is authorized one full-time equivalent
25 position for this purpose.

26 | **SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATE**

27 **AUTISM COORDINATOR.** There is appropriated out of any moneys in the general fund in the
28 state treasury, not otherwise appropriated, the sum of \$132,568, or so much of the sum as may
29 be necessary, and from special funds derived from federal funds and other income, the sum of
30 \$132,568, or so much of the sum as may be necessary, to the department of human services
31 for the purpose of hiring a state autism coordinator who would be responsible for implementing

1 a resource and service center to provide information and services for individuals with autism
2 spectrum disorder, developing a statewide outreach plan, conducting regional meetings and a
3 conference, and developing a protocol for use after screenings, for the biennium beginning
4 July 1, 2013, and ending June 30, 2015. The department of human services is authorized one
5 full-time equivalent position for this purpose.

6 **SECTION 7. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATEWIDE**
7 **AUTISM SPECTRUM DISORDER TRAINING PROGRAM.** There is appropriated out of any
8 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
9 \$80,000, or so much of the sum as may be necessary, and from special funds derived from
10 federal funds and other income, the sum of \$80,000, or so much of the sum as may be
11 necessary, to the department of human services for the purpose of implementing a statewide
12 autism spectrum disorder training program. The department of human services shall collaborate
13 with the state department of health and the superintendent of public instruction to implement a
14 training program, including training of medical and behavior health providers, education staff,
15 childcare providers, and parents for the biennium beginning July 1, 2013, and ending June 30,
16 2015.

17 **SECTION 8. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - AUTISM**
18 **SPECTRUM DISORDER VOUCHER PROGRAM PILOT PROJECT.** There is appropriated out
19 of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
20 \$539,186, or so much of the sum as may be necessary, to the department of human services
21 for the purpose of issuing vouchers as part of the autism spectrum disorder voucher program
22 pilot project, for the second year of the biennium beginning July 1, 2013, and ending June 30,
23 2015. The department shall allocate up to \$12,500 per year to each individual enrolled in the
24 voucher program for paying the costs of eligible services.

25 **SECTION 9. DEPARTMENT OF HUMAN SERVICES - APPROPRIATION - AUTISM**
26 **SPECTRUM DISORDER MEDICAID WAIVER.** There is appropriated out of any moneys in the
27 general fund in the state treasury, not otherwise appropriated, the sum of \$449,973, or so much
28 of the sum as may be necessary, and from special funds derived from federal funds and other
29 income, the sum of \$449,973, or so much of the sum as may be necessary, to the department
30 of human services for the purpose of expanding the department's autism spectrum disorder
31 medicaid waiver program, for the biennium beginning July 1, 2013, and ending June 30, 2015.

1 **SECTION 10. EXPIRATION DATE.** Section 2 of this Act is effective through June 30, 2015,
2 and after that date is ineffective.