

SENATE BILL NO. 2193

Introduced by

Senators Heckaman, Mathern, Nelson

Representatives Kiefert, Muscha, Oversen

1 A BILL ~~for an Act to provide for the establishment of an autism spectrum disorder database; to~~
2 ~~direct the department of human services to seek an autism spectrum disorder medicaid waiver;~~
3 ~~to provide an appropriation to the state department of health; and to provide appropriations to~~
4 ~~the department of human services for autism spectrum disorder services.~~ for an Act to provide
5 for the establishment of an autism spectrum disorder database and an autism spectrum
6 disorder voucher program; to provide for a department of human services study and report to
7 the legislative management; and to provide an appropriation.

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

9 ~~—~~ **SECTION 1.**

10 ~~—~~ **Autism spectrum disorder database.**

11 ~~—~~ The state department of health shall establish and administer an autism spectrum disorder
12 database. The database must include a record of all reported cases of autism spectrum
13 disorder in the state and any other information deemed relevant and appropriate by the
14 department in order to complete epidemiologic surveys of the autism spectrum disorder, enable
15 analysis of the autism spectrum disorder, and provide services to individuals with an autism
16 spectrum disorder.

17 ~~—~~ **SECTION 2. APPROPRIATION -- STATE DEPARTMENT OF HEALTH -- AUTISM**

18 **SPECTRUM DISORDER DATABASE.** ~~There is appropriated out of any moneys in the general-~~
19 ~~fund in the state treasury, not otherwise appropriated, the sum of \$200,648, or so much of the~~
20 ~~sum as may be necessary, to the state department of health for the purpose of establishing and~~
21 ~~administering an autism spectrum disorder database, for the biennium beginning July 1, 2013,~~
22 ~~and ending June 30, 2015. The state department of health is authorized one full-time equivalent~~
23 ~~position for this purpose.~~

1 ~~— SECTION 3. DEPARTMENT OF HUMAN SERVICES' AUTISM SPECTRUM DISORDER-~~

2 ~~MEDICAID WAIVER.~~ The department of human services, by January 1, 2014, shall seek
3 approval from the federal centers for medicare and medicaid services to expand the
4 department's autism spectrum disorder medicaid waiver to cover individuals from age three to
5 end of life and to provide appropriate services that may include evidence-based practices,
6 intervention coordination, in-home support, equipment and supplies, home monitoring,
7 residential supports and services, extended vocational supports, or behavioral consultation.

8 ~~— SECTION 4. APPROPRIATION -- DEPARTMENT OF HUMAN SERVICES -- STATE-~~

9 ~~AUTISM COORDINATOR.~~ There is appropriated out of any moneys in the general fund in the
10 state treasury, not otherwise appropriated, the sum of \$494,135, or so much of the sum as may
11 be necessary, to the department of human services for the purpose of hiring a state autism
12 coordinator and an assistant who would be responsible for implementing a resource and service
13 center to provide information and services for individuals with autism spectrum disorder,
14 developing a statewide outreach plan, conducting regional meetings and an annual conference,
15 and developing a protocol for use after screenings, for the biennium beginning July 1, 2013, and
16 ending June 30, 2015. The department of human services is authorized two full-time equivalent
17 positions for this purpose.

18 ~~— SECTION 5. APPROPRIATION -- DEPARTMENT OF HUMAN SERVICES -- STATEWIDE-~~

19 ~~AUTISM SPECTRUM DISORDER TRAINING EFFORT.~~ There is appropriated out of any
20 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
21 \$158,032, or so much of the sum as may be necessary, to the department of human services
22 for the purpose of implementing a statewide autism spectrum disorder training effort, including
23 physician training, regional training, and parent training, for the biennium beginning July 1,
24 2013, and ending June 30, 2015.

25 ~~— SECTION 6. APPROPRIATION -- DEPARTMENT OF HUMAN SERVICES -- BEHAVIORAL-~~

26 ~~ANALYSTS.~~ There is appropriated out of any moneys in the general fund in the state treasury,
27 not otherwise appropriated, the sum of \$198,864, or so much of the sum as may be necessary,
28 to the department of human services for the purpose of providing funding support for individuals
29 to complete a board-certified behavioral analyst program, for the biennium beginning July 1,
30 2013, and ending June 30, 2015.

~~SECTION 7. APPROPRIATION -- DEPARTMENT OF HUMAN SERVICES -- AUTISM~~

~~SPECTRUM DISORDER DIAGNOSTIC TEAMS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$433,280, or so much of the sum as may be necessary, to the department of human services for the purpose of providing for autism spectrum disorder evaluation, diagnostic, and service planning teams, for the biennium beginning July 1, 2013, and ending June 30, 2015.~~

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 American psychiatric association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition; and
 - b. Include a complete physical evaluation of the reported individual, performed by a licensed physician.
4. The state health council shall adopt rules to provide for mandatory reporting to the autism spectrum disorder database and to establish reporting requirements, including timeliness requirements.

1 5. The state department of health shall keep confidential all records of the database
2 which could be used to identify a reported individual; however, the department may
3 provide these records to other state agencies as necessary to effect the purposes of
4 this database without regard to the confidential nature of the records. If the
5 department provides confidential records of the database to a state agency, the
6 department shall notify the receiving agency of the confidential nature of the records
7 and the receiving agency shall treat these records as confidential.

8 **SECTION 2.**

9 **Autism spectrum disorder voucher program - Appeal.**

10 1. The department of human services shall establish a voucher program to assist in
11 funding equipment and general educational needs related to autism spectrum disorder
12 for individuals under age twenty-two who have been diagnosed with autism spectrum
13 disorder. The program may include funding for assistive technology; video modeling
14 videos or equipment; language-generating devices; training and educational material
15 for parents; parenting education; sensory equipment; tutors; safety equipment; travel
16 tools; self-care equipment; timers; visual representation systems; language
17 comprehension equipment; and registration and related expenses for workshops and
18 training to improve independent living skills, employment opportunities, and other
19 executive or social skills. In determining the amount of a voucher for which an
20 applicant may be determined eligible under this section, the department shall consider
21 the applicant's level of functioning.

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

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

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

2 **STUDY AND REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2013-14 interim, in
3 consultation with clinicians who have expertise in the evaluation, diagnosis, and treatment of
4 autism spectrum disorder, the department of human services shall study autism spectrum
5 disorder services, including the most feasible service delivery system for individuals not served
6 in the developmental disability system who have an autism spectrum disorder. Before August 1,
7 2014, the department of human services shall report to the legislative management the
8 outcome and recommendations of this study.

9 **SECTION 4. APPROPRIATION - STATE DEPARTMENT OF HEALTH - AUTISM**

10 **SPECTRUM DISORDER DATABASE.** There is appropriated out of any moneys in the general
11 fund in the state treasury, not otherwise appropriated, the sum of \$200,648, or so much of the
12 sum as may be necessary, to the state department of health for the purpose of establishing and
13 administering an autism spectrum disorder database, for the biennium beginning July 1, 2013,
14 and ending June 30, 2015. The state department of health is authorized one full-time equivalent
15 position for this purpose.

16 **SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATE**

17 **AUTISM COORDINATOR.** There is appropriated out of any moneys in the general fund in the
18 state treasury, not otherwise appropriated, the sum of \$400,000, or so much of the sum as may
19 be necessary, to the department of human services for the purpose of hiring a state autism
20 coordinator who would be responsible for implementing a resource and service center to
21 provide information and services for individuals with autism spectrum disorder, developing a
22 statewide outreach plan, conducting regional meetings and an annual conference, and
23 developing a protocol for use after screenings, for the biennium beginning July 1, 2013, and
24 ending June 30, 2015. The department of human services is authorized one full-time equivalent
25 position for this purpose.

26 **SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATEWIDE**

27 **AUTISM SPECTRUM DISORDER TRAINING EFFORT.** There is appropriated out of any
28 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
29 \$500,000, or so much of the sum as may be necessary, to the department of human services
30 for the purpose of implementing a statewide autism spectrum disorder training effort, including

Sixty-third
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- 1 physician training, regional training, school staff training, and parent training, for the biennium
- 2 beginning July 1, 2013, and ending June 30, 2015.