

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED 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 and~~
2 ~~an autism spectrum disorder voucher program; to provide for a department of human services~~
3 ~~study and report to the legislative management~~expansion of the autism spectrum disorder
4 medicaid waiver; and to provide an appropriation.

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

6 ~~SECTION 1.~~

7 ~~Autism spectrum disorder database - Rulemaking - Confidentiality.~~

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

14 ~~2. The state department of health shall establish criteria regarding who is qualified to~~
15 ~~report a case of autism spectrum disorder to the database. In establishing this criteria,~~
16 ~~the department shall require that the reporter be a doctoral-level professional and be~~
17 ~~appropriately licensed, credentialed, and experienced in the field of autism spectrum~~
18 ~~disorder, including intellectual testing and other formal evidenced-based assessments~~
19 ~~for autism spectrum disorders. The department shall consult with experts in~~
20 ~~establishing this criteria.~~

21 ~~3. The database established under this section must:~~

22 ~~a. Include the reported individual's diagnoses under the American psychiatric~~
23 ~~association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition;~~
24 ~~and~~

1 ~~_____ b. Include a complete physical evaluation of the reported individual, performed by a~~
2 ~~licensed physician.~~

3 ~~_____ 4. The state health council shall adopt rules to provide for mandatory reporting to the~~
4 ~~autism spectrum disorder database and to establish reporting requirements, including~~
5 ~~timeliness requirements.~~

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

13 ~~_____ **SECTION 2.**~~

14 ~~_____ **Autism spectrum disorder voucher program – Appeal.**~~

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

27 ~~_____ 2. The department shall adopt rules addressing management of this voucher program~~
28 ~~and establishing the eligibility requirements and exclusions for this voucher program.~~
29 ~~The program may not provide a voucher for early intensive behavioral intervention,~~
30 ~~including applied behavioral analysis, intensive early interventional behavioral therapy,~~
31 ~~intensive behavioral intervention, the Lovaas method, the Denver model, LEAP,~~

1 ~~(learning experiences – an alternative program for preschoolers and parents),~~
2 ~~TEACCH (treatment and education of autistic and related communication handicapped~~
3 ~~children), pivotal response training, or discrete trial training.~~

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

6 ~~**SECTION 3. DEPARTMENT OF HUMAN SERVICES AUTISM SPECTRUM DISORDER**~~
7 ~~**STUDY AND REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2013-14 interim, in~~
8 ~~consultation with clinicians who have expertise in the evaluation, diagnosis, and treatment of~~
9 ~~autism spectrum disorder, the department of human services shall study autism spectrum~~
10 ~~disorder services, including the most feasible service delivery system for individuals not served~~
11 ~~in the developmental disability system who have an autism spectrum disorder. Before August 1,~~
12 ~~2014, the department of human services shall report to the legislative management the~~
13 ~~outcome and recommendations of this study.~~

14 ~~**SECTION 4. APPROPRIATION -- STATE DEPARTMENT OF HEALTH -- AUTISM**~~
15 ~~**SPECTRUM DISORDER DATABASE.** There is appropriated out of any moneys in the general~~
16 ~~fund in the state treasury, not otherwise appropriated, the sum of \$200,648, or so much of the~~
17 ~~sum as may be necessary, to the state department of health for the purpose of establishing and~~
18 ~~administering an autism spectrum disorder database, for the biennium beginning July 1, 2013,~~
19 ~~and ending June 30, 2015. The state department of health is authorized one full-time equivalent~~
20 ~~position for this purpose.~~

21 **SECTION 1. DEPARTMENT OF HUMAN SERVICES AUTISM SPECTRUM DISORDER**
22 **MEDICAID WAIVER.** The department of human services, during the biennium beginning July 1,
23 2013, and ending June 30, 2015, shall seek approval from the federal centers for medicare and
24 medicaid services to expand the department's autism spectrum disorder medicaid waiver to
25 cover thirty-five additional individuals from birth through age five. The expansion to the waiver
26 must become effective on or after January 1, 2014, and must include appropriate behavior
27 intervention and treatment services that may include evidence-based and promising practices,
28 case management services, technology and technology-based support, in-home support,
29 equipment and supplies, home monitoring, respite care, residential supports and services, and
30 behavioral consultation.

1 **SECTION 2. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATE**

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

11 **SECTION 3. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATEWIDE**

12 **AUTISM SPECTRUM DISORDER TRAINING EFFORT.** There is appropriated out of any
13 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
14 \$500,000, or so much of the sum as may be necessary, to the department of human services
15 for the purpose of implementing a statewide autism spectrum disorder training effort, including
16 physician training; regional training; school staff training; ~~and parent training;~~ training to
17 support behavior analyst certification; training to improve independent living skills,
18 preemployment opportunities, and executive and social skills; training and educational materials
19 for parents; and parenting education for the biennium beginning July 1, 2013, and ending
20 June 30, 2015.