

Sixty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2247

Introduced by

Senators Hogan, J. Lee, Luick

Representatives Rohr, Schneider, Westlind

1 A BILL for an Act to amend and reenact section 50-06-37 of the North Dakota Century Code,  
2 relating to the developmental disabilities system reimbursement project; to provide a statement  
3 of legislative intent; and to provide for a legislative management report.

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

5 **SECTION 1. AMENDMENT.** Section 50-06-37 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **50-06-37. Developmental disabilities system reimbursement project.**

8 The department of human services, in conjunction with developmental disabilities  
9 ~~service~~community providers, shall ~~develop~~maintain a prospective ~~or related~~ payment system  
10 ~~with an independent rate model utilizing the support intensity scale~~based on a state-approved  
11 assessment.

12 1. The department shall ~~establish~~maintain a steering committee consisting of  
13 representatives from all interested providers ~~and~~ clients, the department  
14 representatives, and the North Dakota protection and advocacy project. The steering-  
15 committee shall guide the development of the new payment system including assisting  
16 a consultant to conceptualize, develop, design, implement, and evaluate a new-  
17 payment system.

18 2. The department shall ~~shall~~may contract with a consultant by ~~September 1, 2011,~~ to  
19 ~~develop~~continuously improve, in collaboration with the steering committee, the  
20 payment system and the resource allocation model tying funding to ~~support intensity~~  
21 ~~scale assessed needs of clients aged sixteen and older and to a state-approved~~  
22 ~~assessment that assesses needs of clients younger than sixteen years of age~~ the  
23 state-approved assessment.

1       3. ~~After the prospective or related payment system rates are developed, the new rates~~  
2       ~~must be tested on a sampling of clients and providers, the sample to be determined by~~  
3       ~~the steering committee, allowing sufficient time to capture provider cost, client realized~~  
4       ~~need, and service provision data. The consultant shall provide the appropriate~~  
5       ~~sampling number to sufficiently test the rates, types of services, and needs of clients~~  
6       ~~with the intent to include as many providers as fiscally feasible.~~

7       4.3. ~~The department shall contract with a team of support intensity scale assessors by~~  
8       ~~September 1, 2011. The team shall begin assessing immediately the identified client~~  
9       ~~pilot group identified by the consultant contracted in subsection 2~~vendor to complete  
10      assessments based on the state-approved assessment.

11      5. ~~Once testing is complete, the data~~

12      4. Data ~~must be analyzed by the consultant~~steering committee, and the  
13      ~~consultant~~steering committee shall makerecommend to the department any needed  
14      ~~rate adjustments, resource allocation modifications, or process assumptions,~~ including  
15      the state-approved assessment.

16      6. ~~Beginning in June 2012, the~~

17      5. The department and the steering committee shall report development activities and  
18      status information to an interim legislative committee.

19      7. ~~Implementation of any system developed under this chapter may not occur before the~~  
20      ~~implementation of the department's new Medicaid management information system.~~

21      **SECTION 2. LEGISLATIVE INTENT - ONGOING IMPROVEMENTS.** It is the intent of the  
22      sixty-sixth Legislative Assembly that the department of human services continue to work with  
23      community providers to consider revising administrative requirements regarding developmental  
24      disability service providers to minimize disruption and maximize effectiveness of direct services  
25      to clients.

26      **SECTION 3. LEGISLATIVE INTENT - COMMUNITY PROVIDER CAPACITY -**  
27      **INTELLECTUAL DISABILITY SYSTEM - REPORT TO LEGISLATIVE MANAGEMENT.** It is the  
28      intent of the sixty-sixth legislative assembly that the department of human services continue to  
29      work with community providers to continuously improve community provider capacity to serve  
30      clients in the least restrictive appropriate setting. The department shall provide the legislative  
31      management a status report on the ongoing work of the department to improve community

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- 1 provider capacity, together with any barriers encountered. The department shall also provide a
- 2 report to legislative management regarding the system of services for individuals with an
- 3 intellectual or developmental disability, including a review of the existing service system,
- 4 funding, and unmet needs.