

House Appropriations – Human Resources Division
Sixty-seventh Legislative Assembly of North Dakota

House Bill No. 1012

January 25, 2021

Good afternoon, Chairman Nelson, and Members of the House Appropriations – Human Resources Division. I am Pam Mack, Director of Advocacy Services for the Protection & Advocacy Project (P&A).

P&A is an independent state agency. Its mission is to advocate for the human, civil, and legal rights of individuals with disabilities. P&A strives to ensure that every individual with a disability is treated with the same dignity and respect as all other ND citizens.

P&A is here today to support HB 1012 and the funding for services for individuals with developmental disabilities. The Department of Human Services has identified a long-range goal to purposefully focus on the need for crisis services at the Life Skills & Transition Center (LSTC). At the same time, it is working on transitioning for many of the current residents to the community, ultimately operating with a lower census. This is consistent with the Transition to the Community Task Force goals that have been established and the state's requirement to ensure that individuals with disabilities are able to live and work in the least restrictive environment.

P&A has been involved in the steering committee to collaboratively implement the reimbursement system for DD providers. The current

budget, as presented by the DD Division, includes a decrease in reimbursement rates for providers relative to the array of residential services. P&A recommends that the DD Division further determine whether the recommended residential reimbursement rates in the DD budget are adequate to provide for the level of acuity and support needs of the individuals who are transitioning out of the LSTC. This may require a need to compare the daily rate at the LSTC with current rates within community providers, the outlier process, and perhaps the establishment of tiers of service. For example, the per diem at LSTC is \$1,200. The average daily reimbursement for community ICF's/IDD is just over half that amount. We cannot set up the community providers to fail by not giving them sufficient resources to serve the same client.

The current budget proposal eliminates the Section 11 grant funds from the DHS budget. These monies provide program management services for individuals with developmental disabilities who are not eligible for other DD services. This is concerning as this helps to ensure all individuals with developmental disabilities receive appropriate treatment, services, and habilitation consistent with NDCC 25-01.2-02¹.

P&A is aware that the proposed budget for the DD Division shifts the cost for Accreditation with The Council on Quality Leadership, which is required for all DD providers, to the providers. This is a valuable mechanism to ensure that quality services are provided. The cost associated with this

¹ <https://www.legis.nd.gov/cencode/t25c01-2.pdf>

may be difficult for providers that are smaller and do not have the array of revenue options to cover this cost with CQL Accreditation.

Thank you for your consideration. I'm happy to answer questions. You are also welcome to contact me at pmack@nd.gov or by phone at (701) 328-3975.