

**Testimony**  
**House Bill 1012 – Department of Human Services Budget**  
**Senate Appropriations Committee**  
**Senator Ray Holmberg, Chairman**  
March 9, 2021

Chairman Holmberg and Members of the Senate Appropriations Committee:

I am Holly Johnson, a Licensed Board Certified Behavior Analyst, and the appointed Behavioral Specialist member of the Governor's Autism Spectrum Disorder Task Force (ASDTF). I live in Minot, and I've been working with children and families in the Autistic community in a variety of capacities over the past 15 years. I am here today on representing the ASDTF to advocate continuation of funding for the Autism Spectrum Disorder (ASD) Voucher.

This program was created 'to address the gaps in non-therapy related services and to provide education and support to families who may not qualify for other help', as disseminated in the DHS program brochure (attached). However, screening eligible for the Voucher indicates that the person is not eligible for the Waiver. Reducing funding for the ASD Voucher now will mean these families will have to compete for slots on the ASD Waiver, which has had a waitlist of 50+ children since its inception.

DHS, through SB 2089, sought to eliminate the ASD Voucher in its entirety, taking the position that it was "repurposing" the General Fund money from the ASD Voucher to the ASD Waiver, which is matched with Medicaid dollars. This was done with no notice to, or discussion with, the ASDTF. While DHS is tasked with cutting 15% of its General Funds by the Governor, this should not mean a 100% cut of the ASD Voucher, and an overall 50% reduction of the ASD-related service funding. DHS is not only "repurposing" the full amount it stripped from the ASD Voucher into the ASD Waiver, it is also reducing the amount allocated to the ASD Waiver from the 2019-2021 biennium.

As an Autism Task Force, we want to know where that money goes. This should inarguably be reevaluated after the legislative management study, as is currently engrossed in SB 2089. We urge this Committee to put the full prior appropriation amount back (\$1.325M). Then, through the study during the 21-23 biennium, determine if the ASD Voucher program's budget needs to be reduced. This "repurposing" will end up excluding children in need from services.

There are issues with the Department's assumption that ASD Voucher-eligible individuals can be served by the ASD Waiver.

- The child must be screened at an ICF/institutional level of care for the ASD Waiver. Many children on the ASD Voucher will not be eligible for the ASD Waiver, leaving them with no services. There is no guarantee they will qualify. Testimony to the Senate Human Services Committee indicated, "people who are eligible for the Voucher are not eligible for Medicaid or a Medicaid waiver," and, "a good portion of them (kids on the Autism Voucher) would (lose services)."

- Diverted ASD Voucher children who actually qualify for ASD Waiver services may lose four years of eligibility for services. Children must be under the age of 13 to qualify for ASD Waiver services, with the hope it will be increased by 2 years this legislative session, in SB 2085. If over this age, they will not qualify for the ASD Waiver. Additionally, there is up to a two year waitlist to access the ASD Waiver, so those being serviced by the ASD Voucher, who manage to meet heightened ASD Waiver eligibility requirements, may be left waiting for services. There is no other safety net.

ASD Waiver/Voucher during the first half of the legislative session:

- The original text of SB 2089, introduced by DHS, repealed the ASD Voucher.
- HB 1012 begins hearing testimony on DHS Budget.
- On 2/8/2021, through amendments to SB 2089, Senate Human Services restored the ASD Voucher along with \$300,000 for the 2021-2023 biennium, and included a study of the Autism Voucher, Autism Waiver, and Autism Task Force.
- On 2/12/2021, SB 2089 passed in the Senate.

- On 2/22/2021, DHS' budget (HB 1012) passed the House with the removal of the ASD Voucher. Opposition testimony was provided on 1/25/2021 by the ND Autism Advocacy Coalition during public commentary to House Appropriations – Human Resources Division, and explicitly identified the DHS budget line item regarding the ASD Voucher.

- During amendment discussions between House Appropriations and DHS in mid-February, the budget math was not fully explained. The testimony to House Appropriations was that the Department is not eliminating services for children with autism, they are eliminating a program, but increasing ASD Waiver slots to pick up the people in the ASD Voucher.

- However, in the savings plan document, the word “voucher” is not even identified. It specifically states, ‘Eliminate and shift dollars into existing waiver and state plan services for ASD to draw down a match,’ is described as ‘Programmatic Efficiency Savings,’ which is misleading.

- Total Savings = \$425,617
- General Fund Savings = (\$528,706)
- Federal Fund Savings = \$954,323

- In reality, DHS is cutting the ASD Voucher entirely AND reducing the budget for the ASD Waiver by (\$356,324). A summary of this diversion can be referenced in the ‘Budget & Spending Breakdown’ document (attached).

Moving into the second half of legislative session, here’s what is happening:

- On 3/3/2021, the ASDTF presented proposed amendments drawn up by Legislative Council (attached) to the House Human Service Committee. The goal with the amendments is to make the ASD Voucher more usable and impactful for children with autism and their families; so the funding is actually spent on services, which include in-home and community-based supports. In order for this to be a reality, the ASD Voucher would have to retain its funding. In this hearing, DHS continued to support the repeal of the ASD Voucher.

Today, the ASDTF wants to educate Senate Appropriations on what “repurposing” means in the DHS savings plan for the ASD Voucher, and that full funding for the ASD Voucher (\$1,325,000) should continue along with the Autism Task Force’s proposed amendments provided to House Human Services to improve the program.

- The ASDTF is advocating for the 52 children approved for ASD Voucher funds in 2017-2018, 39 children in 2018-2019, 48 children in 2019-2020, and 42 children in 2020-2021 who would be losing services (~90 children each biennium). Even with the addition this legislative session of 54 slots to the current 96 slots in the ASD Waiver (150 total slots), we will not be able to serve the total number of children currently on the Waiver waitlist (reported at 70 during February 2021 ASDTF meeting). Potentially, we are adding 90 more children each biennium to the ASD Waiver waitlist, that is, if the ASD Voucher recipients are critical enough to qualify for the ASD Waiver based on institutional level of care.

- The budget for the ASD Waiver for the next biennium is less than this biennium, so “repurposing” these General Fund dollars is a surreptitious concept. It is not “budget neutral” as described in other testimony from DHS when discussing adding the 54 slots to the ASD Waiver.

- For the past 4 biennia, DHS has requested full funding of the ASD Waiver and ASD Voucher, with the expectation that because of program limitations, the funding would not be fully expended, and the leftover could be redistributed to other DHS programs. Now, the Department seeks to divert funding for individuals with autism to other budget areas. The ASDTF urges this committee to not rob Peter to pay Paul.

- ASD Waiver and ASD Voucher funding is necessary for the future vision proposed by DHS, as over 50% of those institutionalized at LSTC (youth and adults) have a diagnosis of autism. DHS is going to realize its program goal of reducing the LSTC census – where each individual costs the state over \$400,000 per year – means there must be an alternative set of services established in the community, except they are slashing those in-home and community-based services.

In summary, the ND Autism Spectrum Disorder Task Force, strongly opposes the attempt to repeal and entirely defund the Autism Spectrum Disorder (ASD) Voucher program. The ASD Voucher program should have the intent to reach as many families as possible, filling any gaps left by other ASD programs and services. We are asking for transparency, as we have not been given any chance to discuss this. Timing has not been in our favor, but now that we have the necessary information to work this through in the remainder of this legislative session, we ask the Senate Appropriations Committee to consider this budget item carefully and synchronize both sides. This is our opportunity to improve the ASD Voucher through the proposed amendments, and we appreciate the opportunity to ensure this program stays funded for the next biennium.

This concludes my testimony. This testimony has been provided on my personal time and in no way represents DHS or LSTC. Thank you for your time and consideration. If I can be of assistance during this time of deliberation, please contact me at [holly.johnson.bcba@outlook.com](mailto:holly.johnson.bcba@outlook.com). I am happy to answer any questions.

Sincerely,

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