

Senate Appropriations

Sixty-seventh Legislative Assembly of North Dakota

House Bill No. 1012

March 11, 2021

Good afternoon, Chairman Holmberg, and Members of Senate Appropriations. I am Pam Mack, Director of Program 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. P&A concurs with the long-range goal of the Department of Human Services to purposefully focus on the need for crisis services at the Life Skills & Transition Center (LSTC). At the same time, DHS is working on transitioning 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 encourages the Committee to thoroughly examine the transfer of funds

through this process to ensure that adequate funding is provided to community providers in this process.

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 Committee may also need to examine the intent to create a cost-neutral budget a number of years ago when this process started and whether the level of acuity and whether the needs of the current clients served in the community have changed. The rate adjustments that are proposed as part of the current budget may not be appropriate if the acuity needs are creating increasing costs versus a reimbursement rate that needs to be adjusted.

The current budget proposal eliminates the Section 11 grant funds from the DHS budget. These monies provide program management services, and in some cases limited 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 does recommend that these funds be reinstated fully in the Department's budget to ensure that we do not have people with developmental disabilities that are falling through the cracks.

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 and is not a duplication of other quality assurance efforts. The cost associated with this may be difficult for providers that are smaller and do not have the array of revenue options to cover this cost with CQL Accreditation.

P&A is also concerned with the intended cuts in funding for early intervention supports through the Experienced Parent and Family Support programs. These early intervention supports provide valuable services to parents and families who are beginning to navigate the complex system within our state. P&A would recommend that the \$260,000 be restored to the Department's budget to continue these early intervention services.

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

Lastly, P&A would encourage the Committee to consider increasing the funding for corporate guardianship for individuals with disabilities. Currently, the contract with Catholic Charities of ND (CCND) provides for valuable services for individuals who do not have other supports available and require a guardian to assist with personal decision making. P&A is concerned about the waiting list for these services and encourages increased funding to CCND to address this need.

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.