



## ***Engrossed Senate Bill 2012***

House Appropriations Committee – HR Section  
Representative Nelson, Chairman

**Developmental Disabilities, Tina Bay, Director**

*March 7, 2023*

NORTH  
**Dakota**  
Be Legendary.

| Health & Human Services



# Developmental Disabilities Program Purpose and ND Century Code Reference(s)

The purpose of the Developmental Disabilities Section is to support the delivery of services to children and adults with developmental and intellectual disabilities and their families. These services are designed to:

- Maximize community inclusion, independence and self-sufficiency,
- Prevent institutionalization, and
- Enable individuals to transition from institutions to community living.

Chapter	Chapter Name
25-01.2	Developmental Disability
25-16	Residential Care and Services for Developmentally Disabled
25-16.1	Receivers for Developmentally Disabled Facilities



# Developmental Disabilities programs and services help people with developmental disabilities grow and thrive in their home community



## Program Management

Provides information, referral and support to eligible individuals so they can access services and achieve their outcomes.



## Intermediate Care Facilities

Residential facility that provides health or rehabilitative services for individuals who require active treatment.



## Early Intervention

Services in a family's home, teaching parents' hands-on activities that they can do with their child (birth through age 2) to promote child development.



## Corporate Guardianship

Support vulnerable individuals 18 years and older who need assistance making life choices.



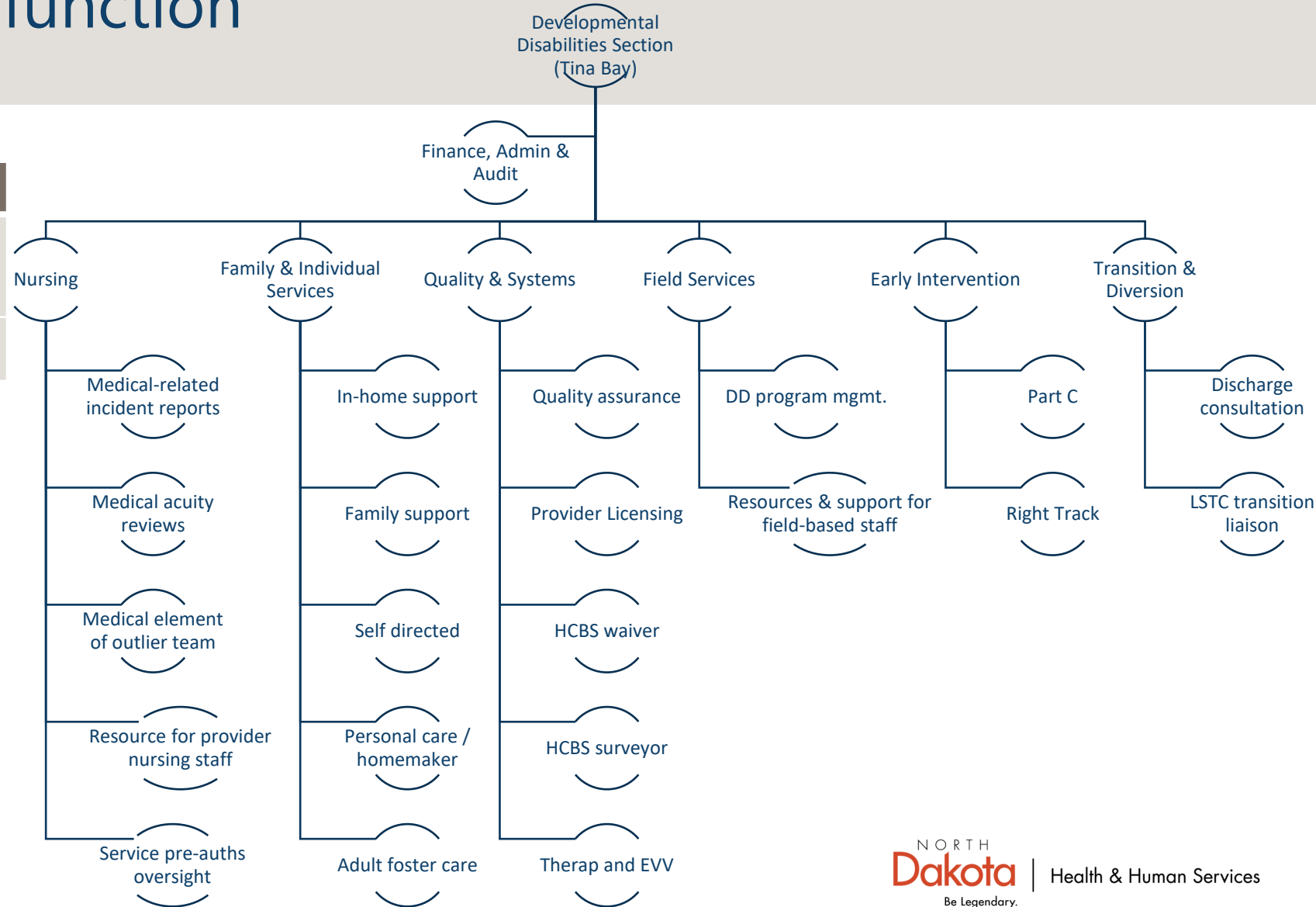
## Home and Community Based Waiver Services

Provides individuals the opportunity to receive services in their own home and community rather than an institution.

# Developmental Disabilities Section: Team structure and function

Developmental Disabilities			
23-25 Authorized FTE Base	23-25 Executive Budget FTE	23-25 Engrossed SB 2012 FTE	# Vacancies 1-14-23
127.12	131.12	129.12	1.0

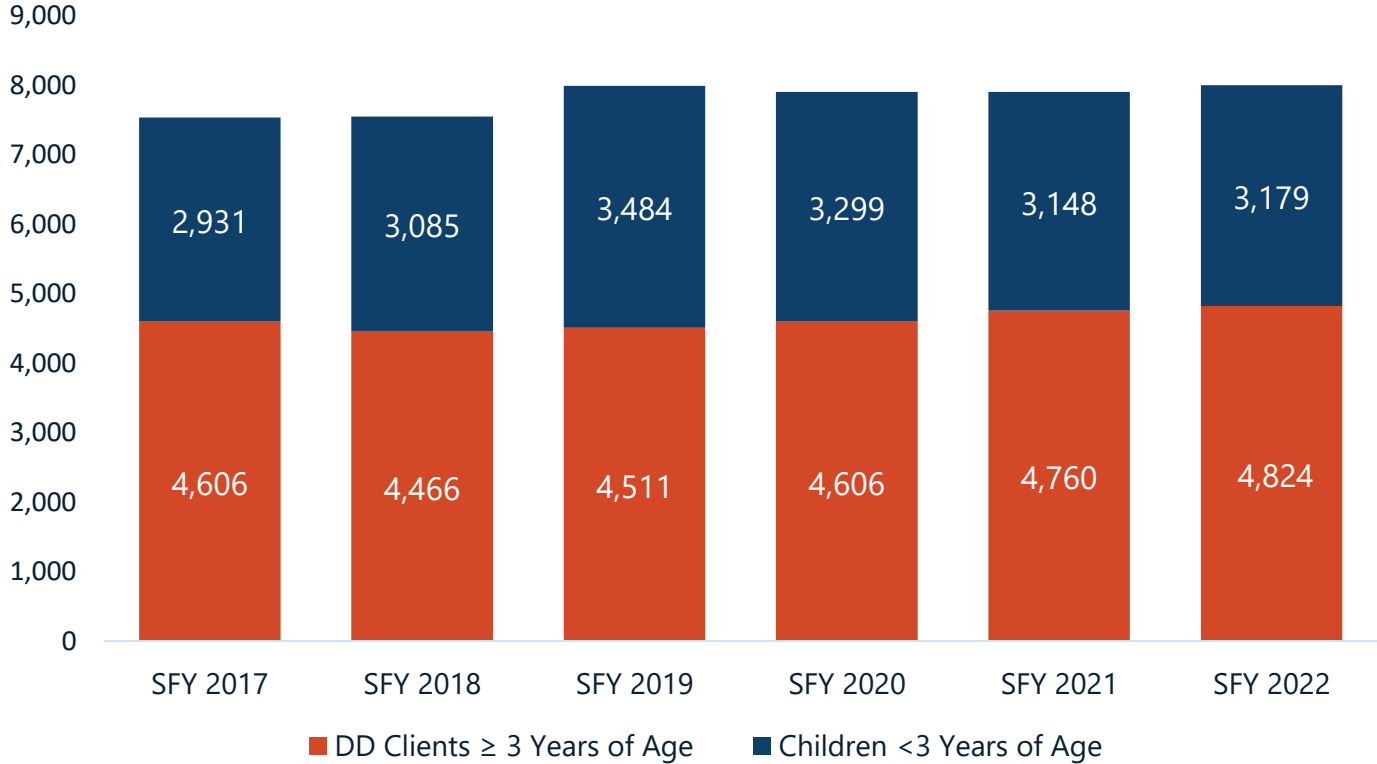
Avg Age **43**    Avg Yrs of Service **11**    Turnover 2021 **15.2%**    Turnover 2022 **4.7%**



# Developmental Disabilities Program Managers served almost 8,000 children and adults in SFY22



Unduplicated Count of Clients Receiving DD Program Management Services

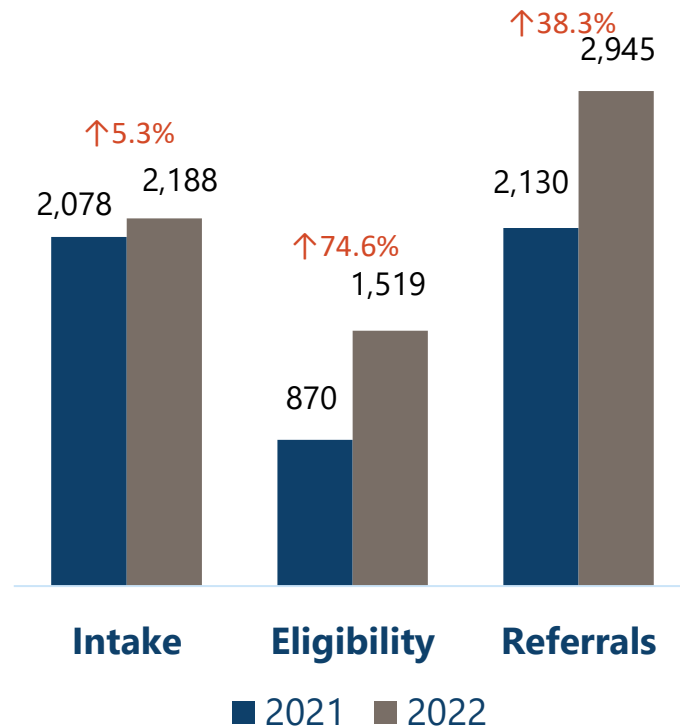




# Developmental Disabilities Program Management (DDPM) is a foundation of the state's system of care

- Assist clients, families, and guardians navigate the system of services available.
- Focus is to help clients stay healthy and safe and achieve their goals.
- Approximately 110 DD program managers located throughout the state.

Program Management expectations doubled in eligibility determination volume



# DDPMs are the gateway to services for thousands of North Dakotans with disabilities



21-22 legislative study (known as the Alvarez Report, overseen by legislative management, authorized in SB2256) provided in part, the following comments & recommendations for program management:

- Current utilization of temporary employees to comply with the ratio creates risk of overturn, disrupting continuity of relationships and knowledge base for people and families.
- Recommends re-examining current caseload as the caseload was established when people were receiving residential and day services in larger congregate settings.

Full report can be viewed here: [https://ndlegis.gov/files/committees/67-2021/23\\_5168\\_03000\\_appendixf.pdf](https://ndlegis.gov/files/committees/67-2021/23_5168_03000_appendixf.pdf)



NDAC establishes  
expectation for DDPM  
caseload ratio of 1:60

# DD Program Administrators serve as a critical connector between providers, guardians, DD program managers and compliance staff

Network with  
community  
providers

Intake for referrals

Appeals

Approval of service  
authorization

Quality case  
reviews

On-site  
environmental  
scans of all licensed  
group homes

Crisis support  
planning

Supervision of  
DDPMs





# The Developmental Disabilities program administration team helps make delivery of services possible by serving as the state's primary liaison to the federal funder

## Administration

- Provider licensing
- Provider enrollment
- Technical assistance
- Policy development
- Contract management
- Waiver administration
- Service authorization
- Guardianship
- Appeals

## Program Integrity

- Quality assurance
  - Council on Quality Leadership (CQL)
  - National Core Indicators (NCI)
  - Home and Community Based Services (HCBS) Survey
- Regulatory compliance
- Provider audits
- Case reviews
- Federal & State Audits

## Partnerships

- Community Providers
- North Dakota Interagency Coordinating Council
- State Rehabilitation Council
- Transition Task Force
- Money Follows the Person

# Service delivery requires a network of connectors

The number of people receiving services from the DD system of care has grown by **6.2%** since 2017.

- Children younger than age 3 = 8.5% (+248 children)
- Children age 3 through adulthood = 4.7% (+218 people)
- Increasing caseloads require investment across all infrastructure – including but not limited to case mgmt.
  - Ex. Service Authorizations. 1,500 people received In home supports in 2022. Services are authorized on a quarterly basis. = 6,000 service authorizations to review/approve each year for one service
  - Supporting the delivery of services across the DD continuum is both relationship-based and volume-driven. More people receiving services requires more people to open the door to those services.



# Included in 2023-25 Executive Budget Request

## Staff to support delivery of DD services across ND's system of care

HHS staff in the DD section serve as a link between people served and services that are available to them. Without adequate staff to support the delivery of services:

- People will not have the support they need to develop their plans and explore options available to them. Families will experience delays in eligibility determination and introduction to services.
- Providers will experience delays in payment processing, service authorizations.
- Face to face contacts with clients, which are crucial to monitoring client's health and safety, will not be done as frequently as required
- Ability to respond to crisis situations will be diminished. More clients are experiencing the loss of provider staff which means DDPMs need to fill that void for critical activities such as banking, medical, ensuring food in home, etc.

The Executive Budget Request invests in DD system infrastructure by adding 4 FTE (2 DD Program Management, 1 Early Intervention, 1 Compliance/Quality Assurance)

Total	General	Other
\$757,952	\$375,458	\$382,494





# Early Intervention is often a family's very first opportunity to interact with support services that are specially designed to help their child thrive



Early Intervention Services are offered to children **birth to age three** who have a **high-risk condition** or a **developmental delay**.

Funding provided through:  
Medicaid 1915(c)  
Traditional IID/DD Home Based Services Waiver  
Office of Special Education Part C of Individuals with Disabilities Education Improvement Act (IDEA)

## Right Track

5,936 visits

Oct 2021 – Sept 2023

- ✓ “Child find” program that helps identify infants and toddlers who may be at risk for developmental delays.
- ✓ Free developmental screenings provide ongoing monitoring and support to families who want more information and support about the child’s development.

## Infant Development

- ✓ Family-focused service that provides information, support and training to assist the primary caregiver(s) in maximizing the child's development utilizing a parent-coaching model

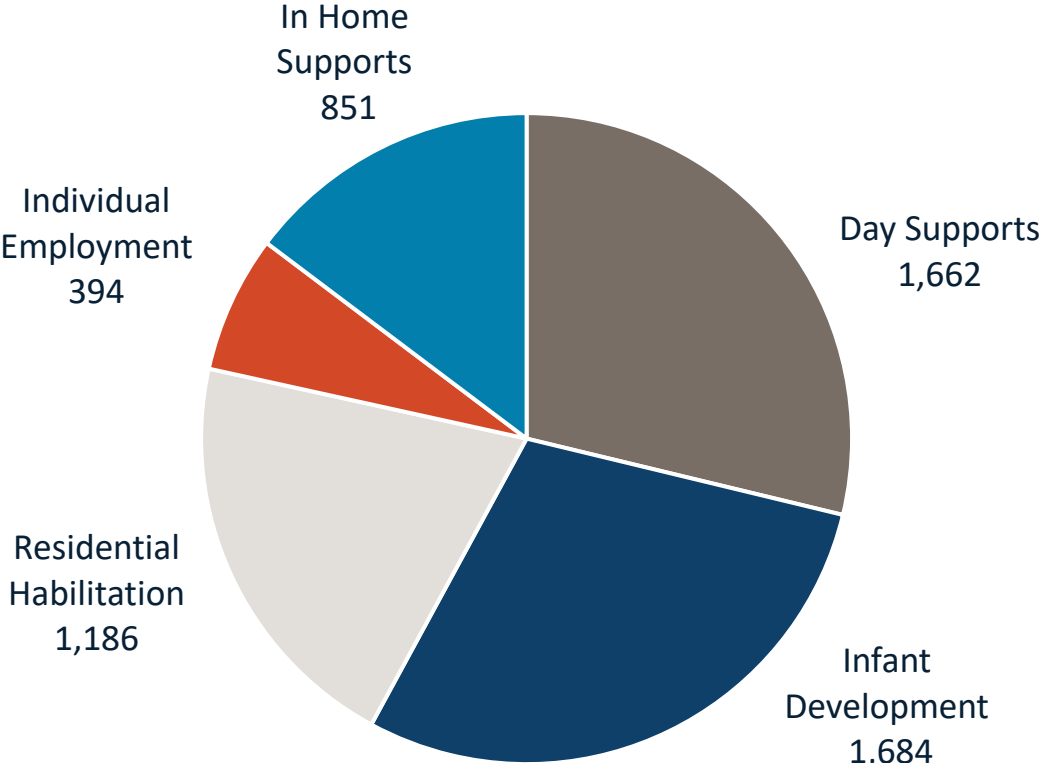
# The Medicaid 1915(c) Traditional ID/DD Home and Community Based Services Waiver (aka "DD Waiver") has approximately 5,700 people enrolled in waiver services.

## The DD waiver:

- Serves individuals throughout their life span
- Offers a variety of services that are based on the person's needs and preferences

Private licensed provider agencies support people receiving DD Waiver services.

Staff at these provider agencies are crucial to the delivery of services as they help people learn, improve and keep skills necessary to remain in their community.



# Guardianship Services are an essential resource for individuals with developmental disabilities



## **Corporate Guardianship – Catholic Charities North Dakota**

- Provides guardianship services for individuals who have intellectual disabilities who are 18 years of age or older.
- All referrals must come directly from the DD Program Manager.
- Contracted to serve 499 people - wait list of 107.
- 23/25 budget request is \$3,679,797, which includes a rate increase but no increase in the number of people served.
- Engrossed SB 2012 includes additional \$809,000 (30 new slots, \$75,000 petitioning for new slots, and daily rate increase).

## **NEW REQUEST - Guardianship Establishment Fund (creates an alternative to corporate guardianship)**

- Would support family and friends who are willing to serve as guardian but may not have financial resources to complete the legal process that is required
- Funds to cover petitioning costs for up to 100 eligible adults
- Program would mirror what is available in the Adult & Aging Services section for older adults and people with physical disabilities
- Max petitioning cost per person \$3,000





# 2023-2025 Budget request

The **program, systems and workforce support** necessary to continue to serve North Dakotans

# Comparison of 2023-2025 budgets and related funding

## By major expense

Description	2023 - 2025 Budget Base	Increase / (Decrease)	2023 - 2025 Executive Budget	Increase / (Decrease)	Engrossed SB 2012
Salaries and Benefits	\$ 23,102,938	\$ 3,133,220	\$ 26,236,158	\$ (595,570)	\$ 25,640,588
Operating	8,686,711	2,256,594	10,943,305	1,596,690	12,539,995
IT Services	2,743	104,107	106,850	-	106,850
Capital Asset Expense	-	-	-	-	-
Capital Assets	10,000	-	10,000	-	10,000
Grants	716,917,931	17,625,633	734,543,564	25,282,593	759,826,157
<b>Total</b>	<b>\$ 748,720,323</b>	<b>\$ 23,119,554</b>	<b>\$ 771,839,877</b>	<b>\$ 26,283,713</b>	<b>\$ 798,123,590</b>

<b>General Fund</b>	<b>\$ 349,648,645</b>	<b>\$ 18,598,723</b>	<b>\$ 368,247,368</b>	<b>\$ 12,502,089</b>	<b>\$ 380,749,457</b>
<b>Federal Funds</b>	<b>399,071,678</b>	<b>4,520,831</b>	<b>403,592,509</b>	<b>13,781,624</b>	<b>417,374,133</b>
<b>Other Funds</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Funds</b>	<b>\$ 748,720,323</b>	<b>\$ 23,119,554</b>	<b>\$ 771,839,877</b>	<b>\$ 26,283,713</b>	<b>\$ 798,123,590</b>

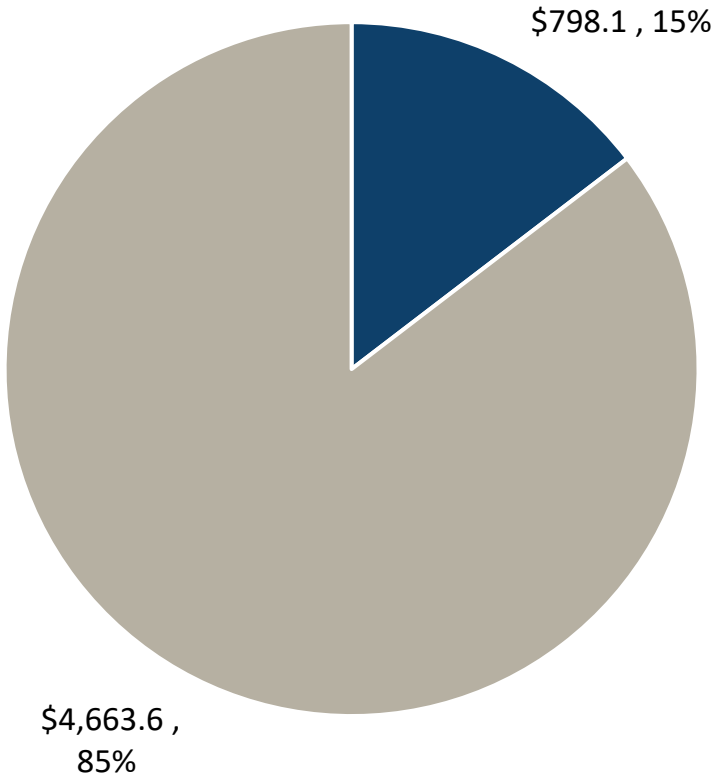
Full Time Equivalent (FTE)	127.12	4.00	131.12	(2.00)	129.12
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# Developmental Disabilities Section budget compared to Engrossed SB 2012 (in millions)

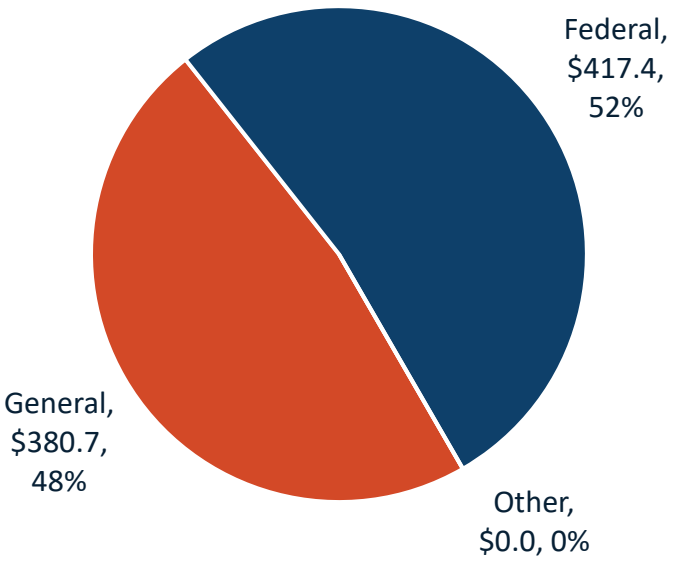
Represents 15% of SB 2012, \$798.1 million

## 2023-2025 Engrossed SB 2012

■ DEVELOPMENTAL DISABILITIES ■ OTHER SECTIONS



## Developmental Disabilities Budget by Source



**95%** of the **\$798.1** million is paid directly to **DD providers** to provide **direct services** to eligible **clients**.

**5%** of the **\$798.1** million is used for the administration of the DD system. This includes **staff salaries**, **rent**, contracts to **vendors** and IT expenses.

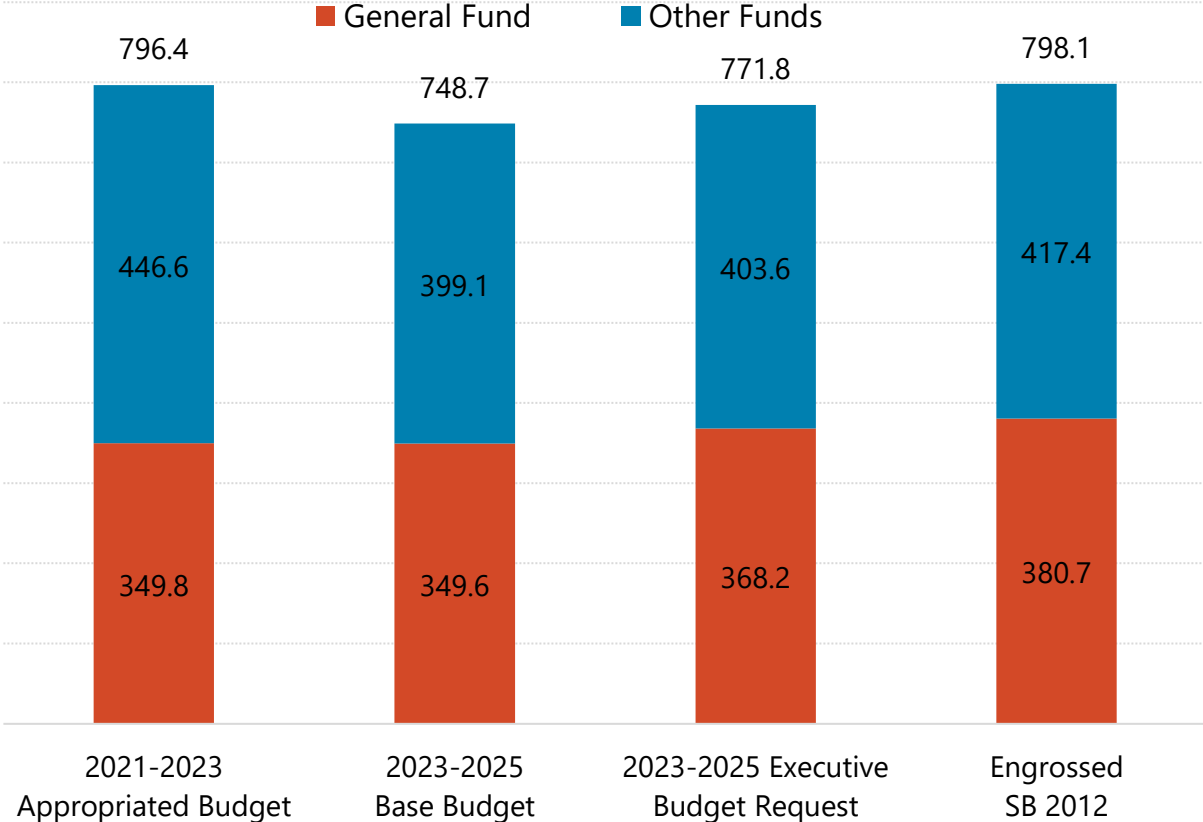


# Comparison of total budget with funding (in millions)

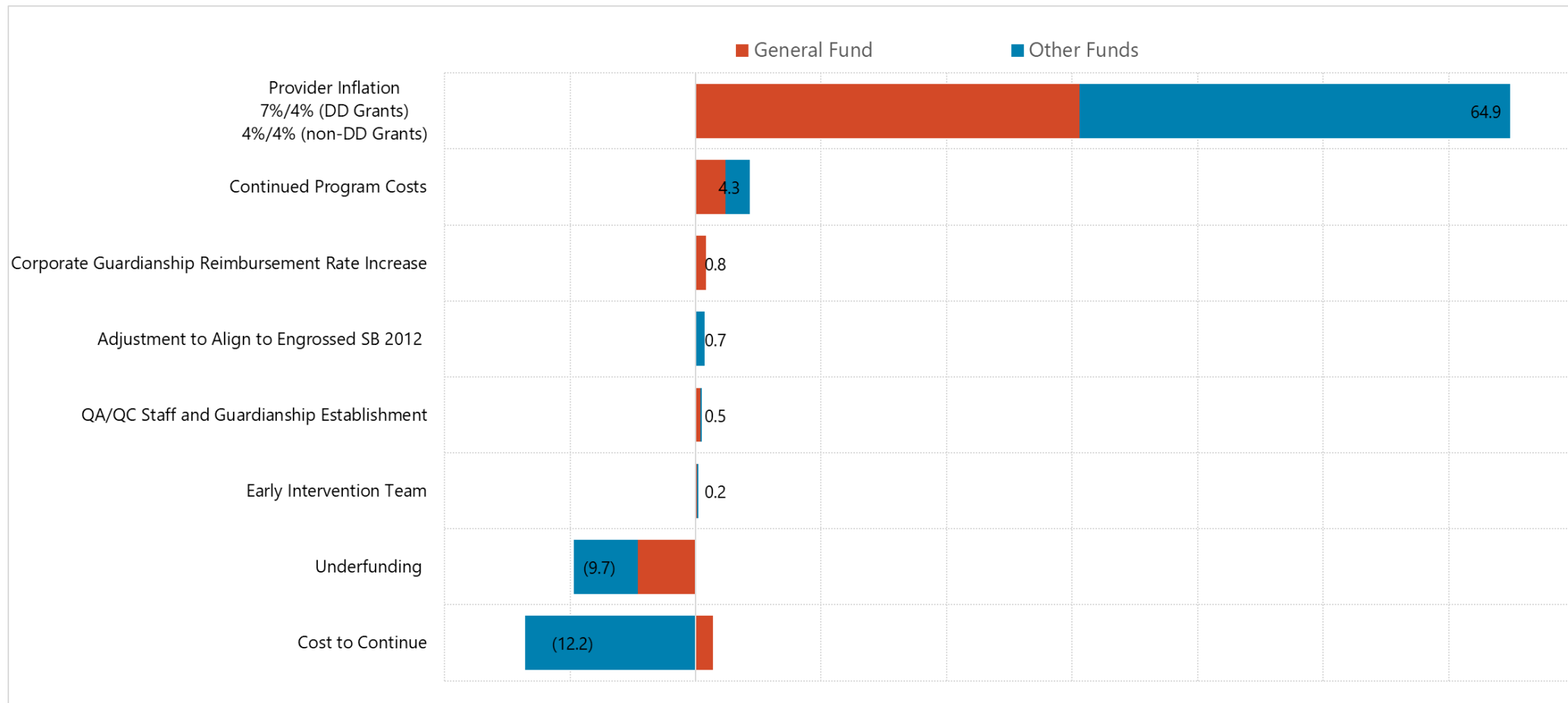
## Appropriated budget is larger than base

### INCREASE FROM BASE TO **ENGROSSED SB** 2012 \$49.4 MILLION

- DD Grants services and contract Grants increase of \$42.9M
- Increase in salaries and benefits of \$2.5M
- Increase in operating/IT costs of \$4.0M



# Comparison of base budget to Engrossed SB 2012 (in millions)



# Comparison of 2023-2025 budgets and related funding

## By detailed expense

Description	2023 - 2025 Budget Base	Increase / (Decrease)	2023 - 2025 Executive Budget	Increase / (Decrease)	Engrossed SB 2012
511x Salaries - Regular	\$ 14,817,282	\$ 1,838,139	\$ 16,655,421	\$ (578,091)	\$ 16,077,331
512x Salaries - Other	-	-	-	-	-
513x Salaries Temp	767,248	255,619	1,022,867	-	1,022,867
514x Salaries Overtime	18,000	93,956	111,956	-	111,956
516x Salaries Benefits	7,500,407	945,508	8,445,915	(17,480)	8,428,435
<b>Total Salaries &amp; Benefits</b>	<b>\$ 23,102,938</b>	<b>\$ 3,133,221</b>	<b>\$ 26,236,159</b>	<b>\$ (595,571)</b>	<b>\$ 25,640,588</b>
52x Travel	246,873	26,302	273,175	-	273,175
53x Supply	74,504	35,542	110,046	-	110,046
54x Postage & Printing	8,235	2,014	10,249	-	10,249
55x Equipment under \$5,000	5,000	(1,000)	4,000	-	4,000
56x Utilities	-	-	-	-	-
57x Insurance	-	-	-	-	-
58x Rent/Leases - Bldg/Equip	22,370	440,072	462,442	-	462,442
59x Repairs	28,000	16,951	44,951	-	44,951
61x Professional Development	58,708	3,796	62,504	-	62,504
62x Fees - Operating & Professional	8,243,021	1,732,917	9,975,938	1,596,690	11,572,628
67x Expenses	-	-	-	-	-
53x Supplies	-	2,250	2,250	-	2,250
60x IT Expenses	2,743	101,857	104,600	-	104,600
68x Land, Building, Other Capital	-	-	-	-	-
69x Over	10,000	-	10,000	-	10,000
69x Equipment Over \$5,000	-	-	-	-	-
71x Grants, Benefits, & Claims	716,917,931	17,625,632	734,543,564	25,282,593	759,826,157
72x Transfers	-	-	-	-	-
<b>Total Operating</b>	<b>\$ 725,617,385</b>	<b>\$ 19,986,333</b>	<b>\$ 745,603,718</b>	<b>\$ 26,879,284</b>	<b>\$ 772,483,002</b>
<b>Total</b>	<b>\$ 748,720,323</b>	<b>\$ 23,119,554</b>	<b>\$ 771,839,877</b>	<b>\$ 26,283,713</b>	<b>\$ 798,123,590</b>



# Comparison of 2023-2025 funding

Description	2022 - 2025 Budget Base	Increase / (Decrease)	2023 - 2025 Executive Budget	Increase / (Decrease)	Engrossed SB 2012
<b>General Fund</b>	\$ 349,648,645	\$ 18,598,723	\$ 368,247,368	\$ 12,502,089	\$ 380,749,457
<b>Federal Funds</b>	399,071,678	4,520,831	403,592,509	13,781,624	417,374,133
<b>Other Funds</b>	-	-	-	-	-
<b>Total Funds</b>	\$ 748,720,323	\$ 23,119,554	\$ 771,839,877	\$ 26,283,713	\$ 798,123,590

# Developmental Disabilities: 23-25 Grants Walkthrough

	2021-2023 Legislatively Approved Budget	Cost to Continue	Underfunding	FMAP	Total Changes	To Governor	Inflation (4/3)	Executive Changes	To Chamber 1	Inflation (7/4)	Chamber 1 Changes	To Chamber 2
ICF/ID	215,772,291	3,683,001	-		3,683,001	219,455,292		-	219,455,292		-	219,455,292
<u>DD Home and Community Base Services</u>	500,707,150	(16,190,250)	-	-	(16,190,250)	484,516,900	-	-	484,516,900		-	484,516,900
Residential Habilitation	266,635,994	545,074	-		545,074	267,181,068		-	267,181,068		-	267,181,068
Day Programs	108,969,522	1,577,723	-		1,577,723	110,547,245		-	110,547,245		-	110,547,245
Infant Development	35,219,498	(518,864)	-		(518,864)	34,700,634		-	34,700,634		-	34,700,634
Family Support Services - In Home Supports	47,578,942	(12,985,291)	-		(12,985,291)	34,593,651		-	34,593,651		-	34,593,651
Remaining Services*	42,303,194	(4,808,892)	-	-	(4,808,892)	37,494,302		-	37,494,302		-	37,494,302
Cost Settle, Disc Serv, & Underfunding	(320,837)	320,837	(9,736,312)		(9,415,475)	(9,736,312)		-	(9,736,312)		-	(9,736,312)
Provider Inflation							39,337,714	39,337,714	39,337,714	25,282,593	25,282,593	64,620,307
<b>Total</b>	<b>716,158,604</b>	<b>(12,186,412)</b>	<b>(9,736,312)</b>	<b>-</b>	<b>(21,922,725)</b>	<b>694,235,879</b>	<b>39,337,714</b>	<b>39,337,714</b>	<b>733,573,594</b>	<b>25,282,593</b>	<b>25,282,593</b>	<b>758,856,187</b>
<b>General Fund</b>	<b>331,156,724</b>	<b>(4,381,435)</b>	<b>(4,615,012)</b>	<b>6,895,538</b>	<b>(2,100,909)</b>	<b>329,055,815</b>	<b>18,628,674</b>	<b>18,628,674</b>	<b>347,684,489</b>	<b>11,981,083</b>	<b>11,981,083</b>	<b>359,665,572</b>

**\*Remaining Services includes the following services:**

Family Support Services - Family Care Option, Individual Employment Support Services,  
 Independent Habilitation, County Waivered Services, Self-Directed Supports, Extended Home  
 Health Care, Parenting Supports & Community Transitions

# Developmental Disabilities: Cost to Continue

North Dakota Department of Health and Human Services  
 Developmental Disabilities  
 Unit and Cost Comparison

12 Month Average to Executive Budget Request (EBR) 2023 - 2025 Biennium

Program	12 Month Average in Units (April 2021 - March 2022)	Monthly average units for EBR 2023-2025	Change from EBR to 12 mo Avg units	12 Month Average in Cost per Unit (April 2021 - March 2022)	Monthly average cost per unit for EBR 2023-2025	Change from EBR to 12 mo Avg cost per unit	Monthly average units for first 14 months of 21-23	Monthly average unit cost for first 14 months of 21-23	Unit
ICF/ID	12,771	13,176	405	\$655.97	\$693.99	\$38.02	12,804	\$657.96	Daily Rate
Residential Habilitation	35,212	37,056	1,844	\$299.88	\$300.42	\$0.54	36,231	\$299.17	Daily Rate
Day Programs	660,723	678,227	17,504	\$6.66	\$6.79	\$0.13	668,823	\$6.77	15 min
Infant Development	5,841	6,342	501	\$220.55	\$227.98	\$7.43	6,026	\$218.71	Fee for Service
Family Support Services - In Home Supports	148,766	154,823	6,057	\$9.19	\$9.31	\$0.12	146,217	\$9.25	15 min



# Developmental Disabilities

## - Additional requests not funded

		Funding request
3 FTE – DD Program Management <ul style="list-style-type: none"><li>• 2 FTE included in EBR (\$351,776 ) but removed in engrossed SB 2012</li></ul>	Growth due to increase capacity	\$495,936
1 FTE – DD Administrative Support	Transfer temp position to full-time	\$40,530
8 FTE – DD Program Management	Transfer temp positions to full-time	\$336,736



# Developmental Disabilities: Summary of Contracts

## General Program Contracts

- **Fiscal Agent** – responsible for processing background checks, payments & taxes on behalf of the participant receiving self directed services. (*Veridian*)
- **Corporate Guardianship** – support vulnerable individuals 18 years and older who need assistance making life choices. (*Catholic Charities*)
- **Training** – manages the self-instructional modules for licensed DD providers. (*Minot State University*)
- **SIS/ICAP Assessments** – completes assessments necessary to establish rate for services. (*Rushmore*)
- **Recreation/Leisure** – supports two programs that offer social programs for people in their community. (*LISTEN and Red River Human Services Foundation*)

## Early Intervention

- **Technical Assistance** – engage programs in correcting instances of noncompliance and assist state with writing the federal annual report and state systemic improvement plan. (*MTAC*)
- **Experienced Parents** – provide direct parent to parent emotional and information support to families with children birth to three years of age. (*Various providers*)
- **Right Track** – free developmental screening and follow-along program for ND Families with children birth to three years of age. (*Various providers*)



# Developmental Disabilities: COVID funding

## ARPA Funding

- Workforce Retention & Recruitment – DD Agency (\$5,264,101)
- Workforce Retention – DD Non-Agency (\$497,175)
- Capacity Grants (\$400,000)

## Part C ARPA Funding

- Workforce Retention - Early Intervention Providers (\$176,400)
- Outreach – create ND specific videos, media, photos to explain purpose of early intervention (\$50,000)
- Learning management system/Enhanced website (\$2,400)
- Routines Based Interval training (\$26,800)
- Translate Materials (\$21,500)



# Policy Bills with Budget Impact

## Bills under consideration at cross-over

Bill No.	Description	Federal	General
SB 2215	Grants for <b>recreation</b> services for individuals with <b>developmental disabilities</b> .		\$150,000
Engrossed SB 2276	Creates a <b>new service</b> in ND's Medicaid 1915(c) waivers that would enable a <b>primary caregiver</b> (legally responsible) to receive <b>reimbursement</b> for providing care due to the person's <b>extraordinary medical</b> needs.	\$4,953,502	\$4,366,159
Engrossed SB 2335	Creates <b>fetal alcohol spectrum disorder awareness day</b> , amend <b>Developmental Disability</b> definition, <b>cross disability council</b> and <b>training</b> for child welfare <b>providers</b> and <b>foster parents</b> .	\$38,820	\$48,820

# On the horizon for Developmental Disabilities

- Work with community providers to pilot community services for people with complex needs.
  - Youth host homes
  - Community Behavioral Support-Small Residential Settings
  - Provider Capacity Grants
- Diversion & Transition Planning
  - Align transition, diversion and discharge activity with stakeholders.
  - Flex Support Funds
- Home and Community Based Services Waiver amendment and 5-year renewal



# Summary and key takeaways

- The **DD** service delivery system **continues** to grow.
- It is **important** that we **continue to develop new service** options that will support **clients' needs** to ensure they can remain in their communities.
- It will take **investments** in the **workforce, infrastructure** and **all of us working together** to make this happen.







# Contact information

## Tina Bay

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