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# Testimony
# Senate Bill No. 2052
# House Human Services Committee
# Representative Robin Weisz, Chairman
# March 1, 2023

Chairman Weisz, members of the House Human Services Committee, I am Heather Jenkins, Superintendent of the Life Skills and Transition Center, Department of Health and Human Services (Department). I am here today to register the Department's support for Senate Bill No. 2052, which was introduced on behalf of the Department.

Life Skills and Transition Center (LSTC) has been serving people with developmental disabilities since 1904. Over the last century, and particularly over the last 40 years, the role of LSTC in North Dakota's system of care for people with intellectual and developmental disabilities has changed significantly.

In 1980 LSTC (known at that time as the Grafton State School), was considered a permanent home for 794 children and adults with intellectual and developmental disabilities. In January 2023, there were 58 children and adults living at LSTC.

Today LSTC serves as a specialized resource to the network of approximately 120 private residential facilities and thousands of families who have a loved one with an intellectual or developmental disability for whom they are a caregiver or guardian. LSTC's goal is to serve as a specialty care and support resource for people experiencing crisis or who need stabilization, to work together with guardians to identify opportunities for each person to live in a community setting of their choice wherever and whenever possible; as well as providing individualized information regarding community options in ways designed to help effectively engage guardians and people served with new ideas. I

have attached, for your reference, a one-page description of LSTC's services and supports.

This Bill endeavors to modernize the language in North Dakota Century Code and to align state law to the present-day purpose and service practices of LSTC, and to codify modern-day practices related to person-centered team decision making and care planning. I will walk through each section of North Dakota Century Code referenced in the Bill and describe the proposed changes.

**Section 1.** The proposed changes in Section 1 of this Bill amends section 25-01-03 of the North Dakota Century Code regarding appointment of the superintendent of LSTC. By exempting the position from this section of code the role of Superintendent of LSTC changes from an appointed, or non-classified, position to a classified position, and is subject to state hiring laws and practices.

**Section 2.** The proposed changes in Section 2 of this Bill amend section 25-04-00.1 of the North Dakota Century Code by further clarifying definitions applicable to LSTC. This Bill adds definitions for several key terms that are central to LSTCs work, including a definition of what it means to be "Eligible" for services at LSTC, and a definition that clarifies the differences between "Residential Services" and "Non-Residential Services". Additionally, this section adopts consistent person-centered language, referring to "Individuals served". You will notice that this nomenclature is updated throughout the proposed Bill.

**Section 3.** The proposed changes in Section 3 of this Bill amend section 25-04-01 of the North Dakota Century Code by removing reference to who is eligible to be served as that is addressed in Section 6.

**Section 4.** The proposed changes to Section 4 of this Bill amend section 25-04-02 of the North Dakota Century Code to update the

purpose of the LSTC to align to the role that LSTC has in the state's system of care, further clarifying services that are delivered by LSTC.

There are several items of significance in the proposed language change, including the clear acknowledgement of the centrality of rehabilitative and support services, both residential and nonresidential, that are delivered to prepare individuals served to live in the most integrated, independent settings possible.

**Section 5.** The proposed changes in Section 5 of this Bill amend section 25-04-02.1 of the North Dakota Century Code to update language relating to the accreditation and certification of LSTC to better assure alignment between accreditation and certification requirements and the array of services being provided by LSTC and to update terminology.

**Sections 6.** The proposed changes in Section 6 of this Bill amend section 25-04-04 of the North Dakota Century Code to update language that describes individuals who will benefit from services provided by LSTC. In subdivision a of subsection 1 the proposed changes include reference to "eligible" individuals and updates to language that more accurately reflect the services provided, replacing "instruction" with "care, treatment, training, rehabilitation, or supervision". Subdivision b of subsection 1 clarifies that the individual's need is for stabilization supports as evidenced by an inability to receive proper care in their family home or other available community setting. Subdivision c of subsection 1 replaces the terms "onsite and offsite" with "residential or nonresidential" services.

**Section 7.** The proposed changes in Section 7 of this Bill amend section 25-04-04.1 of the North Dakota Century Code, replacing the term "residing" with "receiving residential services" to align to service definitions established in Section 1 of this Bill.

**Section 8.** The proposed changes in Section 8 of this Bill amend section 25-04-05 of the North Dakota Century Code to update the factors considered by the Superintendent when considering admission for services. Subsection 1 outlines considerations related to delivery of Residential Services.

Subdivision a of subsection 1 replaces the application process outlined in current law with consideration of LSTCs "ability to provide the appropriate level of care based on the individual's need". The proposed change recognizes the fact that almost all residential services provided by LSTC are urgent admissions that come after significant review and consultation by all the members of the individual served's care team and LSTC together.

Subdivision b of subsection 1 removes the requirement that a comprehensive evaluation be completed before admission to residential services at LSTC, recognizing the evaluation and assessment are completed as part of LSTCs delivery of residential services. The proposed amendment to this subdivision adds the recognition that the Superintendent must consider the "health and safety" of "both the individual served and other individuals currently being served" by LSTC.

Subsection 2 outlines considerations related to delivery of Nonresidential services.

Subdivision a of subsection 2 establishes the requirement for an application. Subdivision b of subsection 2 makes clear that the information provided to the Superintendent must provide rationale for why the nonresidential stabilization services offered by LSTC will help "avoid institutionalization or further destabilization of the individual's living situation".

Subsections 3 and 4 reflect updates to terminology as described in previous sections, including reference to “individual served”, “individual”, and “eligible”.

**Section 9.** The proposed changes in Section 9 of this Bill amend section 25-04-05.1 of the North Dakota Century Code to update language regarding transfer and discharge. Subsection 1 removes language related to transfers between state facilities as this is no longer relevant to practice. Subsections 2, 3 and 4 add references to “legal custodian” and replaces the word “release” with “discharge”.

**Section 10.** The proposed changes in Section 10 of this Bill amend section 25-04-06 of the North Dakota Century Code to clarify language regarding juvenile court order for “assessment of dependent, neglected, or delinquent” child with developmental disability. The amended language replaces an order “committing the child to” LSTC with an order “for assessment of the child by the LSTC for developmental disability determination” and replaces the term “a candidate for” with “eligible for”.

Subsection 2 removes the court’s ability to “commit” a child to LSTC “for observation” if they are “in doubt as to whether the child is a candidate for services” and instead clarifies that if upon assessment, the child is found eligible for residential services and the child qualifies to access services, LSTC will report such information to the court.

Additionally, the proposed language clarifies that any admission for residential services at LSTC “must follow the procedures established by the department and in accordance with section 25-04-04 and subsection 1 of section 25-04-05”. It further clarifies that “any orders for assessment may be accomplished without admission for residential services or transportation to life skills and transition center”.

The changes in Section 10 still permit the court to issue an order for assessment by the Life Skills and Transition Center as the language

just states "any orders for assessment may be accomplished without admission for residential services or transportation to the life skills and transition center." The best medical practice is to conduct the assessment in the environment that the individual is currently in. The language brings awareness that an assessment can be conducted by the Life Skills and Transition Center in the individual's community, reducing unnecessary stressors on the individual.

**Section 11.** The proposed changes in Section 11 of this Bill amend 25-04-08 of the North Dakota Century Code to update language related to discharge of individual served from residential services provided by LSTC. The amendments include several updated references to "individual" and "individual served" and add reference to "residential services". Additionally, the amendment adds language related to the practice of parent, guardian, legal custodian and care team consultation and adds reference to "legal custodian".

**Section 12.** The proposed changes in Section 12 of this Bill amend section 25-04-08.1 of the North Dakota Century Code to update language related to notification before discharge to reflect practices of consultation with parents, guardians, care teams and legal custodians, and clarifies notification expectations when a court is involved.

**Sections 13 through 19**. The changes proposed in Sections 13 through 19 of this Bill include updates to terms used in several sections of North Dakota Century Code as consistent with changes outlined in previous sections of this Bill, including replacing reference to "resident" or "patient" with "individual served", and replacing "sent" with "admitted".

**Section 20.** The proposed changes in Section 20 of this Bill amend section 25-04-19 of the North Dakota Century Code to clarify confidentiality of information generated by or made available for internal quality assurance review.

**Section 21.** The proposed changes in Section 21 of this Bill amend section 54-44.3-20 of the North Dakota Century Code regarding categories of positions in the state service to align with the change in classification status of the Superintendent position outlined in Section 1 of this Bill.

Taken all together, the language changes proposed in Senate Bill No. 2052 will support the role that the team at LSTC plays in helping to stabilize individuals with developmental disabilities who are struggling to maintain their living situation, and further support the state's goal of helping people live successfully in the most integrated community setting available.

This concludes my testimony. I would be happy to answer any questions the committee may have.

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# Life Skills and Transition Center

LSTC serves as a specialized resource to the network of approximately 120 private residential facilities and thousands of families who have a loved one with an intellectual or developmental disability for whom they are a caregiver or guardian. LSTC's goal is to:

- Operate as a **specialty care and support resource** for people experiencing crisis and/or who need stabilization;
- Work together with guardians **to identify opportunities** for each person to live in a community setting of their choice wherever and whenever possible;
- Provide **individualized** information and advisement regarding community-based care **options**, **supports** and **approaches** to help the person served and their care teams explore ideas and opportunities that may help the person served be able to realize their goals.

## LSTC offers both residential and non-residential services for youth and adults

### Crisis/Stabilization Residential
(Specialized ICF)

- Crisis Residential
- Short-term Stabilization Residential
- Transitioning to Community Residential
- Vocational Services
- Long-term specialized residential

### Statewide Stabilization Supports

- Applied Behavioral Analysts
- Statewide crisis/stabilization team
- Therapeutic Clinic
- Adaptive Equipment Center

**280** LSTC team members

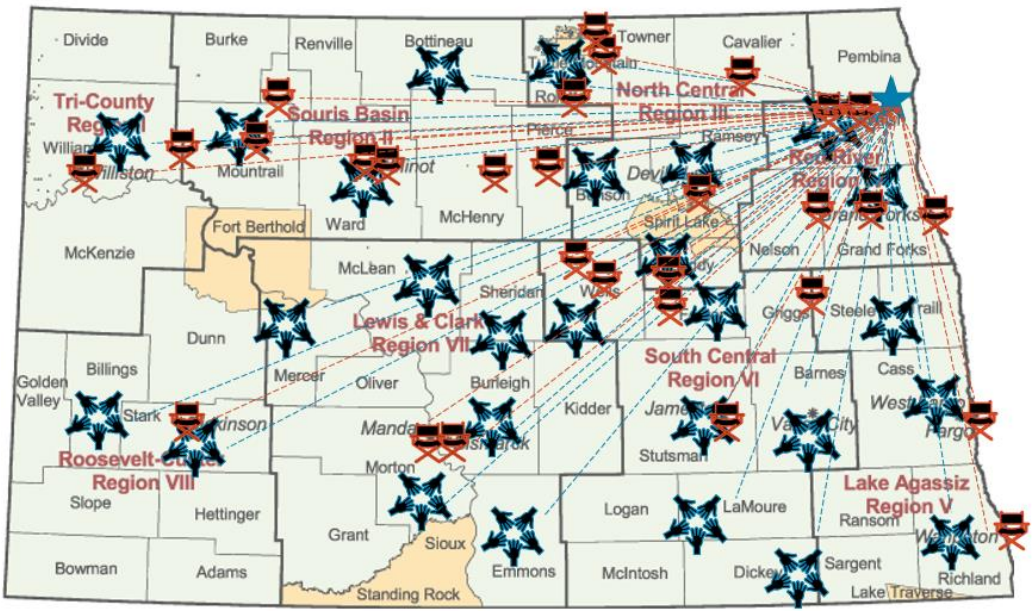
**24/7** Round-the-clock services

**61** People receiving LSTC residential services (point in time Jan 23)

**150+** People living with family or served by other providers - LSTC non-residential svc

In the first 18 months of the 2021-23 biennium (Jul 21 - Dec 22), LSTC provided in-community / in-home, transition and stabilization support to 150+ people living in 50 different communities.

During that same time period, LSTC residential services accepted **13** Crisis admissions and successfully completed **17** transitions. The team, together with public and private partners, diverted **24** requested admissions to LSTC and was prepared to complete an additional **7** transitions that were put on hold or ultimately cancelled by the transition partner.




*Last updated January 2023*