

**Senate Bill 2012**

Senate Appropriations Committee – HR Section  
Senator Dever, Chairman

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Developmental Disabilities, Tina Bay, Director  
February 3, 2023

NORTH  
**Dakota** | Health & Human Services  
Be Legendary.



# 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.



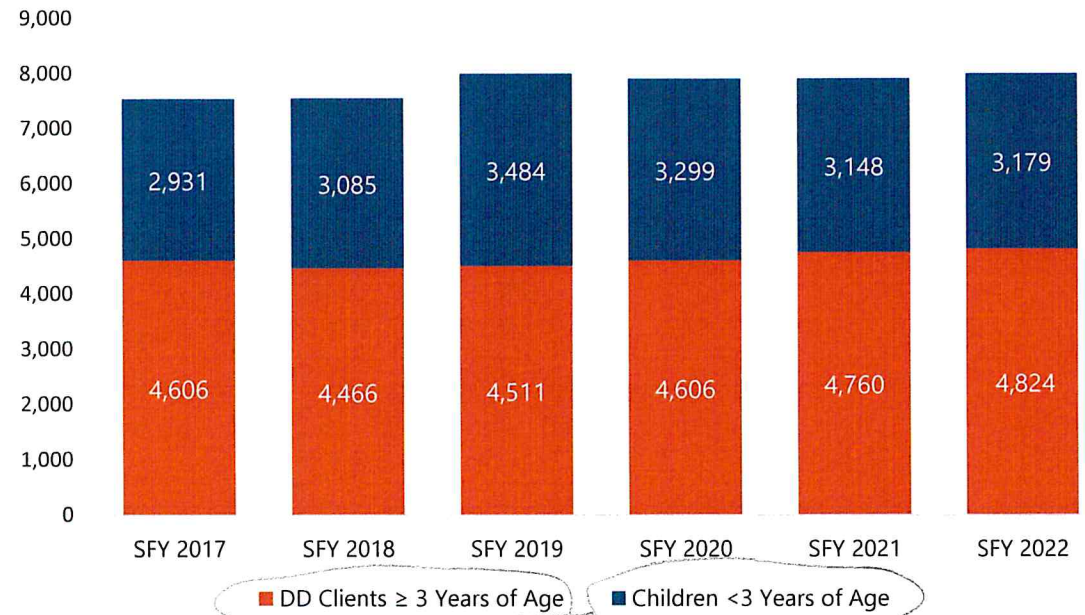
Chapter	Chapter Name
25-01.2	Developmental Disability
25-16	Residential Care and Services for Developmentally Disabled
25-16.1	Receivers for Developmentally Disabled Facilities



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



Unduplicated Count of Clients Receiving DD Program Management Services

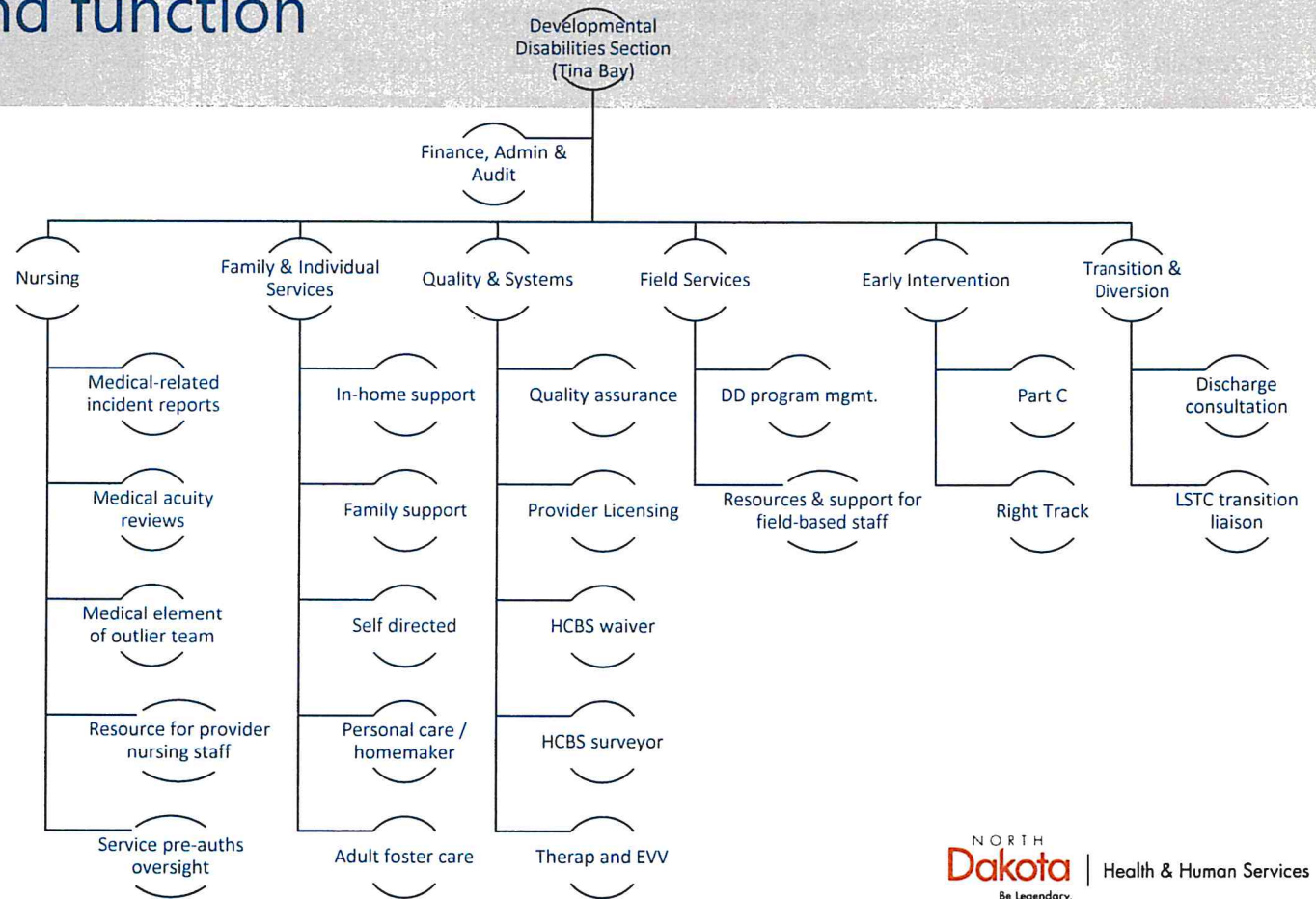




# Developmental Disabilities Section: Team structure and function

Developmental Disabilities		
21-23 Authorized FTE Base	23-25 Executive Budget FTE	12-31-22 Vacancies
127.12	131.12	1.0

Avg Age	Avg Yrs of Service	Turnover 2021	Turnover 2022
<b>43</b>	<b>11</b>	<b>15.2%</b>	<b>4.7%</b>

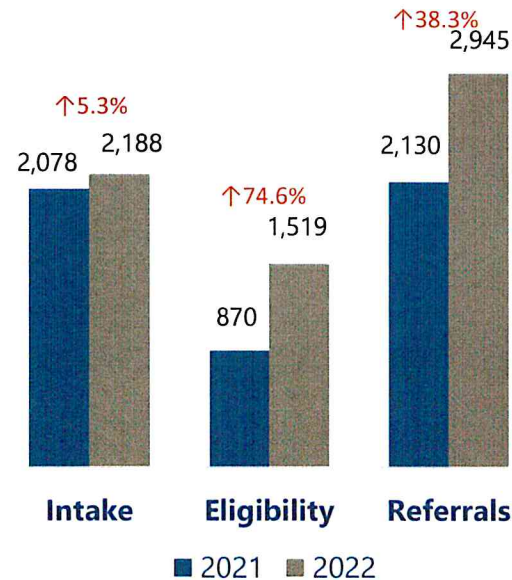




# Developmental Disabilities Program Management (DDPM) is a foundation of the state's system of care

- 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 determ volume





# 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





## Included in 2023-25 Executive Budget Request Guardianship Establishment Fund for non-corporate guardians

The Executive Budget Request creates an alternative to corporate guardianship for people with developmental disabilities.

- State would provide funds to cover petitioning costs for up to 100 eligible adults
- 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
- Program would mirror what is available in the Adult & Aging Services section for older adults and people with physical disabilities
- Max petitioning cost of \$3,000 per person

Total	General	Other
\$300,000	\$300,000	\$0





# Developmental Disabilities: Overview of budget changes

Description	2021 - 2023 Budget Base	Increase/ (Decrease)	2023 - 2025 Executive Budget
Salaries and Benefits	\$ 23,102,938	\$ 3,133,221	\$ 26,236,159
Operating	8,686,711	2,256,593	10,943,304
IT Services	2,743	104,107	106,850
Capital Asset Expense	-	-	-
Capital Assets	10,000	-	10,000
Grants	716,917,931	17,625,633	734,543,564
<b>Total</b>	<b>\$ 748,720,323</b>	<b>\$ 23,119,554</b>	<b>\$ 771,839,877</b>

<b>General Fund</b>	<b>\$ 349,648,645</b>	<b>\$ 18,598,723</b>	<b>\$ 368,247,368</b>
<b>Federal Funds</b>	<b>399,071,678</b>	<b>4,520,831</b>	<b>403,592,509</b>
<b>Other Funds</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>

Full Time Equivalent (FTE)	127.12	4.00	131.12
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# 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
ICF/ID	215,772,291	3,683,001	-		3,683,001	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
Residential Habilitation	266,635,994	545,074	-		545,074	267,181,068		-	267,181,068
Day Programs	108,969,522	1,577,723	-		1,577,723	110,547,245		-	110,547,245
Infant Development	35,219,498	(518,864)	-		(518,864)	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
Remaining Services*	42,303,194	(4,808,892)	-	-	(4,808,892)	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)
Provider Inflation							39,337,714	39,337,714	39,337,714
<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>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>

**\*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

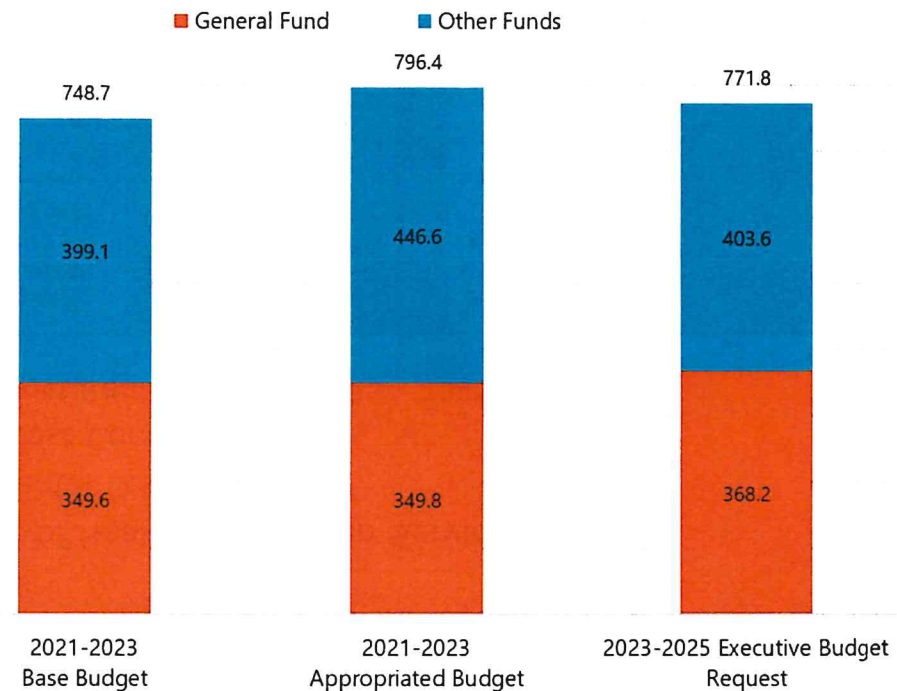
Program	12 Month Average in Units (April 2021 - March 2022)	Monthly average units for EBR 2023-2025	Change from EBR to 12 mo Avg units	12 Month Average in Cost per Unit (April 2021 - March 2022)	Monthly average cost per unit for EBR 2023-2025	Change from EBR to 12 mo Avg cost per unit	Monthly average 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



# Overview of budget changes

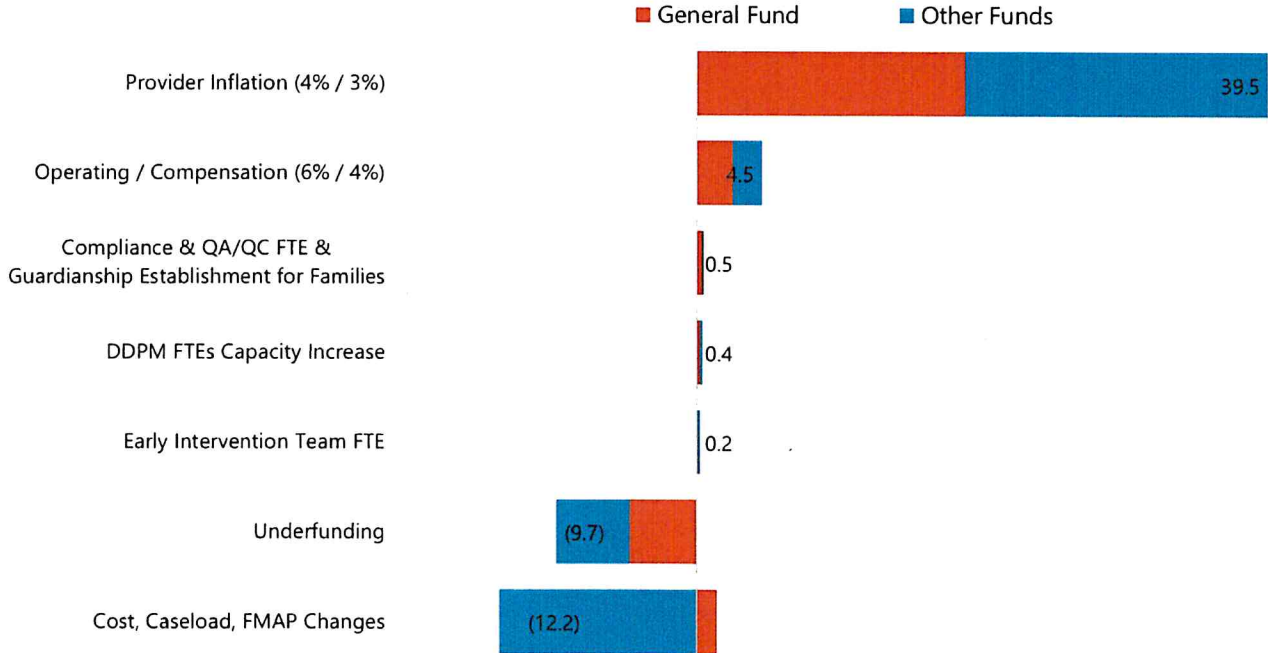
Increase from Base to Executive Budget Recommendation  
**\$23.1 million**

- DD Grants services and contract Grants increase of \$17.6M
- Increase in salaries and benefits of \$3.1M
- Increase in operating/IT costs of \$2.4M





# Overview of budget changes (IN MILLIONS)





# Developmental Disabilities: Overview of budget changes

## Budget Detail by Account

Description	2021 - 2023 Budget Base	Increase/ (Decrease)	2023 - 2025 Executive Budget
511x Salaries - Regular	\$ 14,817,282	\$ 1,838,139	\$ 16,655,421
513x Salaries Temp	767,248	255,619	1,022,867
514x Salaries Overtime	18,000	93,956	111,956
516x Salaries Benefits	7,500,407	945,508	8,445,915
<b>Total Salaries &amp; Benefits</b>	<b>\$ 23,102,938</b>	<b>\$ 3,133,221</b>	<b>\$ 26,236,159</b>
52x Travel	246,873	26,302	273,175
53x Supply	74,504	35,542	110,046
54x Postage & Printing	8,235	2,014	10,249
55x Equipment under \$5,000	5,000	(1,000)	4,000
58x Rent/Leases - Bldg/Equip	22,370	440,072	462,442
59x Repairs	28,000	16,951	44,951
61x Professional Development	58,708	3,796	62,504
62x Fees - Operating & Professional	8,243,021	1,732,917	9,975,938
53x Supplies	-	2,250	2,250
60x IT Expenses	2,743	101,857	104,600
69x Over	10,000	-	10,000
71x Grants, Benefits, & Claims	716,917,931	17,625,632	734,543,564
<b>Total Operating</b>	<b>\$ 725,617,385</b>	<b>\$ 19,986,333</b>	<b>\$ 745,603,718</b>
<b>Total</b>	<b>\$ 748,720,323</b>	<b>\$ 23,119,554</b>	<b>\$ 771,839,877</b>



# 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: Overview of budget changes by Funding Source

Description	2021 - 2023 Budget Base	Increase/ (Decrease)	2023 - 2025 Executive Budget
<b>General Fund</b>	\$ 349,648,645	\$ 18,598,723	\$ 368,247,368
<b>Federal Funds</b>	399,071,678	4,520,831	403,592,509
<b>Other Funds</b>	-	-	-
<b>Total Funds</b>	\$ 748,720,323	\$ 23,119,554	\$ 771,839,877

# 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)



# Establishing each individualized rate in the ND DD system is a multi-step process

## Assessment

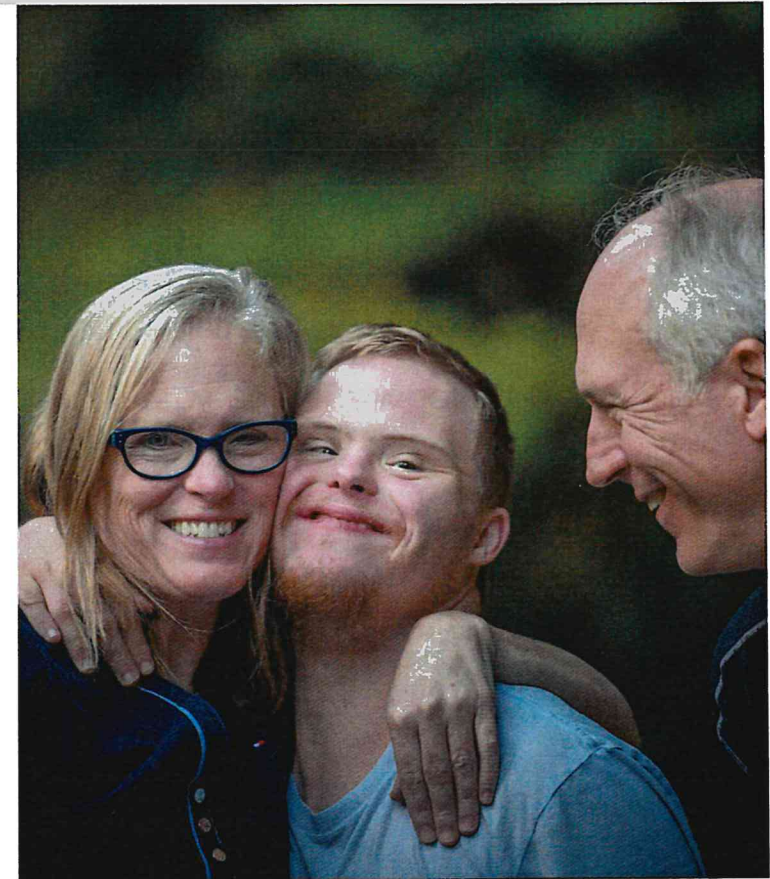
- Standardized assessment completed by 3<sup>rd</sup> party vendor (SIS/ICAP)

## Authorized Hours

- Assessment score converted to avg support service hours/month
- Convert hours/month to hours/day

## Calculated Rate

- Multiply hours per day by the established rate (i.e., rate matrix) = daily rate for person supported



# DD Rate Matrix

<https://www.hhs.nd.gov/sites/www/files/documents/DHS%20Legacy/rate-matrix.pdf>

- Column D – Direct Service Staff Wage
- Column E – Employment Related Expenditures
- Column H – Relief Staff
- Column K – Program Related Expenditures
- Column N – General & Administrative Expenditures
- Column O – Absence Factor

State of North Dakota Rate Matrix Fully Loaded Hour Value: "The Brick"													Effective January 1, 2023	2% Vacancy	
Column Reference :	O	D	E	F	G	H	I	J	K	L	M	N	O	F	At
Component Driven Service		Wage	ERE	DX E ERE \$	D + F Sub	Relief Staff	G x H Relief \$	G + I Sub	PS	Dx K PS \$	J + L Sub	Gross * 10%	With V Factor	%	Funded %
<b>Residential Services</b>															
ICF-ID	d	\$18.26	35.1%	\$6.41	\$24.67	14.0%	\$3.45	\$28.12	87.2%	\$15.92	\$44.04	\$48.93	\$49.93	89.7%	\$44.79
ICF-ID Medically Involved	d	\$18.26	35.1%	\$6.41	\$24.67	14.0%	\$3.44	\$28.11	166.0%	\$30.31	\$58.42	\$64.91	\$66.23	89.7%	\$59.41
ICF-ID Medically Intensive	d	\$18.26	35.1%	\$6.41	\$24.67	14.0%	\$3.44	\$28.11	244.0%	\$44.55	\$72.66	\$80.73	\$82.38	89.7%	\$73.89
Residential Habilitation	d	\$18.34	35.1%	\$6.44	\$24.78	14.0%	\$3.47	\$28.25	39.6%	\$7.26	\$35.51	\$39.45	\$40.26	91.5%	\$36.83
*Res Medical Acuity - Level 1	d	\$18.34	35.1%	\$6.44	\$24.78	14.0%	\$3.47	\$28.25	42.7%	\$7.83	\$36.08	\$40.09	\$40.91	91.5%	\$37.43
*Res Medical Acuity - Level 2	d	\$18.34	35.1%	\$6.44	\$24.78	14.0%	\$3.47	\$28.25	64.7%	\$11.87	\$40.12	\$44.57	\$45.48	91.5%	\$41.61
*Res Medical Acuity - Level 3	d	\$18.34	35.1%	\$6.44	\$24.78	14.0%	\$3.47	\$28.25	92.1%	\$16.89	\$45.14	\$50.15	\$51.17	91.5%	\$46.82
Independent Habilitation	h	\$18.37	35.1%	\$6.45	\$24.82	14.0%	\$3.47	\$28.29	36.1%	\$6.63	\$34.92	\$38.80	\$38.80	100.0%	\$38.80
<b>Vocational/Day Services</b>															
Day Habilitation	h	\$18.32	35.1%	\$6.43	\$24.75	14.0%	\$3.47	\$28.22	56.7%	\$10.39	\$38.61	\$42.90	\$42.90	100.0%	\$42.90
Prevocational Services	h	\$18.32	35.1%	\$6.43	\$24.75	14.0%	\$3.47	\$28.22	56.7%	\$10.39	\$38.61	\$42.90	\$42.90	100.0%	\$42.90
Small Group Employment Supports	h	\$18.32	35.1%	\$6.43	\$24.75	14.0%	\$3.47	\$28.22	56.7%	\$10.39	\$38.61	\$42.90	\$42.90	100.0%	\$42.90
*Day/Voc Medical Acuity - Level 1	h	\$18.32	35.1%	\$6.43	\$24.75	14.0%	\$3.47	\$28.22	63.6%	\$11.65	\$39.87	\$44.30	\$44.30	100.0%	\$44.30
*Day/Voc Medical Acuity - Level 2	h	\$18.32	35.1%	\$6.43	\$24.75	14.0%	\$3.47	\$28.22	69.4%	\$12.71	\$40.93	\$45.48	\$45.48	100.0%	\$45.48
*Day/Voc Medical Acuity - Level 3	h	\$18.32	35.1%	\$6.43	\$24.75	14.0%	\$3.47	\$28.22	77.8%	\$14.25	\$42.47	\$47.19	\$47.19	100.0%	\$47.19
Individual Employment Supports	h	\$24.36	35.1%	\$8.55	\$32.91	14.0%	\$4.61	\$37.52	23.1%	\$5.63	\$43.15	\$47.94	\$47.94	100.0%	\$47.94
<b>* Medical Acuity Tiers may be applied to individuals with a SIS Medical Score of 15 or higher and is available to a qualifying provider in Residential Habilitation, Day Habilitation, Prevocational Services, and Small Group Employment Supports only.</b>															
<b>1/1/2023 - As directed by the legislature the Residential Habilitation rate has been adjusted through the funded percentage.</b>															



# Follow Up to Public Comment during SB2012 Hearing

## Developmental Disabilities Provider Inflation Request

*As per legislative request, HHS prepared a fiscal note to quantify the request forwarded by the ND Association of Community Providers (NDACP) during SB 2012 public comment period.*

Rate adjustment for Developmental Disabilities grants and direct service contracts  
 Effective dates of July 1, 2023, and July 1, 2024

Scenario	Total	General	Other
4% / 3% EBR	\$ 39,484,185	\$ 18,647,220	\$ 20,836,965
\$1.88 plus 5% / 5% ^	\$ 121,648,799	\$ 57,612,871	\$ 64,035,928
\$1.88 plus 6% / 4% ^	\$ 125,324,525	\$ 59,353,695	\$ 65,970,830

^ \$1.88 increase amounts by around 11% this was applied to five services

Services: Intermediate Care Facility, Residential Habilitation, Independent Habilitation, Day Programs, Individual Employment.

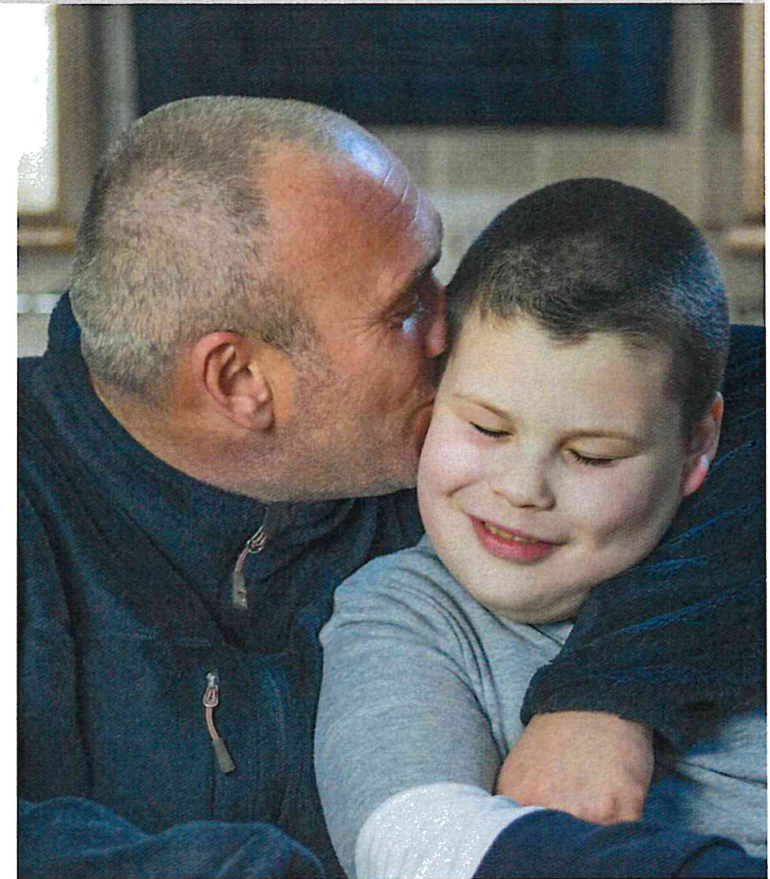
# Developmental Disabilities: Policy Bills with Budget Impact

		Federal	General	Status
HB 1035	Creates a cross disability <b>council</b> , design of a cross disability <b>children's waiver</b> and level of care redesign for the <b>DD waiver</b> .	\$726,813	\$726,813	Comm hearing 1/4/23
SB 2035	<b>Increases</b> the <b>rate</b> and the number of <b>clients</b> served by the <b>Corporate Guardianship</b> program. (amount only reflects portion to HHS)		\$500,000	Comm hearing 1/4/23
SB 2215	Grants for <b>recreation</b> services for individuals with <b>developmental disabilities</b> .		\$150,000	Do Pass (Sen HS)
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	Do Pass (Sen HS)
SB 2335	Creates a <b>fetal alcohol spectrum disorder</b> council, amend <b>Developmental Disability</b> definition and <b>training for foster parents</b> .		\$10,000	
SB 2345	Creates <b>guardianship task force</b> , FTE to judicial branch, and <b>increase</b> the <b>rate</b> and number of <b>clients</b> served for the <b>Corporate Guardianship</b> program. (amount only reflects portion to HHS)		\$577,579	Do Pass (Sen HS)



# 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







## Contact information

### **Tina Bay**

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<https://www.hhs.nd.gov/dd>