

PROPOSED AMENDMENTS TO SENATE BILL NO. 2012

Page 1, line 2, after "exemption" insert "; to amend and reenact sections 50-06-42, 50-24.1-26, and 50-29-04 of the North Dakota Century Code, relating to the substance use disorder treatment voucher system, Medicaid in-home services, and the children's health insurance program; to repeal section 50-06-32.1 of the North Dakota Century Code, relating to the autism voucher; to provide a statement of legislative intent; to provide for a study"

Page 1, line 2, remove the second "and"

Page 1, line 3, after "report" insert "; and to provide an effective date"

Page 1, remove lines 13 through 24

Page 2, remove lines 1 through 30

Page 3, replace lines 1 through 6 with:

"

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$21,363,556	\$3,045,900	\$24,409,456
Operating expenses	151,161,924	89,904,000	241,065,924
Capital assets	75,000	0	75,000
Total all funds	\$172,600,480	\$92,949,900	\$265,550,380
Less estimated income	92,905,426	93,255,417	186,160,843
Total general fund	\$79,695,054	(\$305,517)	\$79,389,537

Subdivision 2.

PROGRAM AND POLICY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$122,081,310	\$19,537,197	\$141,618,507
Operating expenses	176,078,719	55,722,549	231,801,268
Capital assets	10,000	0	10,000
Grants	467,144,387	190,506,682	657,651,069
Grants - medical assistance	3,028,666,463	556,176,867	3,584,843,330
Opioid prevention	0	2,000,000	2,000,000
Total all funds	\$3,793,980,879	\$823,943,295	\$4,617,924,174
Less estimated income	2,499,452,627	489,283,991	2,988,736,618
Total general fund	\$1,294,528,252	\$334,659,304	\$1,629,187,556

Subdivision 3.

FIELD SERVICES

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Human service centers	\$163,213,829	\$26,160,626	\$189,374,455
Institutions	130,383,428	33,139,340	163,522,768

Total all funds	\$293,597,257	\$59,299,966	\$352,897,223
Less estimated income	<u>114,273,300</u>	<u>(18,574,719)</u>	<u>95,698,581</u>
Total general fund	\$179,323,957	\$77,874,685	\$257,198,642

Subdivision 4.

COUNTY SOCIAL SERVICE FINANCING

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
County social services	\$189,917,386	\$35,444,200	\$225,361,586
Total all funds	\$189,917,386	\$35,444,200	\$225,361,586
Less estimated income	<u>188,676,995</u>	<u>35,333,519</u>	<u>224,010,514</u>
Total general fund	\$1,240,391	\$110,681	\$1,351,072

Subdivision 5.

TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$1,554,787,654	\$412,339,153	\$1,967,126,807
Grant total special funds	<u>2,895,308,348</u>	<u>599,298,208</u>	<u>3,494,606,556</u>
Grant total all funds	\$4,450,096,002	\$1,011,637,361	\$5,461,733,363
Full-time equivalent positions	2,265.33	94.00	2,359.33"

Page 3, replace line 10 with:

"Technology projects	\$67,596,372	\$72,000,000"
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Page 3, replace line 14 with:

"Human service center projects	724,000	735,154"
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Page 3, replace lines 16 through 19 with:

"Special session one-time appropriations	138,389,558	0
State hospital design	0	5,000,000
Operating inflation	0	20,564,344
Field services revenue replacement	0	36,028,141
Program integrity audits	0	4,500,000
Pregnant and parenting residential	0	1,000,000
Workforce initiative	<u>0</u>	<u>13,000,000</u>
Total all funds	\$216,080,305	\$152,827,639
Less estimated income	<u>191,847,089</u>	<u>97,267,326</u>
Total general fund	\$24,233,216	\$55,560,313"

Page 3, line 23, after "Act" insert ", section 1 of House Bill No. 1004 as approved by the sixty-eighth legislative assembly, and any remaining appropriation authority for the department of health and human services approved by the sixty-eighth legislative assembly"

Page 3, line 24, after the period insert "Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority from line items within subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill No. 1004 as approved by the sixty-eighth legislative assembly and any remaining appropriation

authority for the department of health and human services approved by the sixty-eighth legislative assembly to subdivision 4 of section 1 of this Act for the biennium beginning July 1, 2023, and ending June 30, 2025, as requested by the department of health and human services."

Page 3, remove lines 29 through 31

Page 4, replace lines 1 through 6 with:

**"SECTION 4. TRANSFER OF APPROPRIATION AUTHORITY.** Section 1 of this Act and section 1 of House Bill No. 1004 include appropriation authority for the department of health and human services for the biennium beginning July 1, 2023, and ending June 30, 2025. On July 1, 2023, the office of management and budget shall combine the appropriation authority contained in section 1 of this Act and section 1 of House Bill No. 1004, and any other appropriation authority for the department of health and human services in other bills approved by the sixty-eighth legislative assembly, into one budget for the department of health and human services. The department of health and human services shall submit one budget request for the biennium beginning July 1, 2025, and ending June 30, 2027.

**SECTION 5. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - HUMAN SERVICE FINANCE FUND.** The office of management and budget shall transfer the sum of \$21,600,000 from the strategic investment and improvements fund to the human service finance fund during the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 4, line 8, replace "\$187,223,092" with "\$221,600,000"

Page 4, line 12, replace "\$31,500,000" with "\$20,400,000"

Page 4, line 13, replace "in the medical services division" with "of the child support computer replacement project"

Page 4, replace lines 14 through 17 with:

**"SECTION 8. ESTIMATED INCOME - LEGACY EARNINGS FUND.** The estimated income line item in subdivision 2 of section 1 of this Act includes the sum of \$7,000,000 from the legacy earnings fund for defraying expenses for the child care assistance programs.

**SECTION 9. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** The estimated income line item in subdivision 5 of section 1 of this Act includes the sum of \$17,735,154 from the strategic investment and improvements fund for the following purposes:

1. The sum of \$11,000,000 for the procurement and grants management system;
2. The sum of \$5,000,000 for the design of a new state hospital;
3. The sum of \$1,000,000 for pregnant and parenting women residential facilities; and
4. The sum of \$735,154 for projects at the southeast human service center.

**SECTION 10. CAPITAL PAYMENTS.** During the biennium beginning July 1, 2023, and ending June 30, 2025, the department of health and human services is

authorized to expend funds for the payment of special assessments at the state hospital and life skills and transition center. Pursuant to section 3 of this Act, the director of the office of management and budget may transfer appropriation authority between line items within subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill No. 1004, and any remaining appropriation authority for the department of health and human services approved by the sixty-eighth legislative assembly. The department may transfer funds for the payment of special assessments at the state hospital and life skills and transition center ahead of the special assessments schedule. Notwithstanding section 54-27-12, the department may spend funds for the payment of special assessments at the state hospital and life skills and transition center.

#### **SECTION 11. CAPITAL PROJECTS - EMERGENCY COMMISSION**

**APPROVAL.** During the biennium beginning July 1, 2023, and ending June 30, 2025, the department of health and human services is authorized to proceed with the demolition of the administrative building and employee building and associated tunnels at the state hospital. Pursuant to section 3 of this Act, the director of the office of management and budget may transfer appropriation authority between line items within subdivisions 1, 2, and 3 of section 1 of this Act, section 1 of House Bill No. 1004, and any remaining appropriation authority for the department of health and human services approved by the sixty-eighth legislative assembly. The department may transfer funds for the demolition of the identified buildings and associated tunnels and for emergency capital projects. Notwithstanding section 54-27-12, the department of health and human services may spend up to \$5,000,000 for emergency projects under this section and may seek emergency commission approval to spend more than \$5,000,000 under this section.

#### **SECTION 12. CHILD CARE FINANCIAL ASSISTANCE - DIRECT PAYMENTS.**

Subdivision 2 of section 1 of this Act includes the sum of \$1,000,000 for the purpose of financial assistance and direct payments for child care services for the biennium beginning July 1, 2023, and ending June 30, 2025. Notwithstanding subsection 3 of section 50-11.1-14.1, the department may provide financial assistance to beneficiaries related to child care services. The requirements of chapter 54-44.4 do not apply to this subsection, including the selection of recipients and the disbursement of funds.

**SECTION 13. PERMANENT SUPPORTIVE HOUSING GRANTS.** Subdivision 2 of section 1 of this Act includes the sum of \$4,672,536 from the general fund for permanent supportive housing grants. The department of health and human services shall develop a funding methodology to distribute the funding to qualified entities that utilize best practices for permanent supportive housing, provide recovery-oriented and person-centered services, submit process and outcome measures to the department, and authorize the department to conduct onsite visits to review program operations.

**SECTION 14. STATE HOSPITAL PROJECT - COMMUNITY ACUTE PSYCHIATRY - REPORT.** Subdivision 3 of section 1 of this Act includes the sum of \$5,000,000 from the strategic investment and improvements fund for the design of a new state hospital. As part of the design process, the department of health and human services shall consider statewide acute psychiatric needs, including the establishment of acute psychiatric facilities in Dickinson, Williston, Minot, Devils Lake, and Grand Forks and shall consider collaborating and entering partnerships with local mental health and substance use disorder providers. The department shall present a report to the sixty-ninth legislative assembly regarding options for a new state hospital.

**SECTION 15. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL ASSISTANCE EXPANSION PROGRAM - APPLICATION.**

1. Subdivision 2 of section 1 of this Act includes the sum of \$942,550,279, of which \$94,225,028 is from the general fund, for the medical assistance expansion program for the biennium beginning July 1, 2023, and ending June 30, 2025. The expenditures for individuals eligible for the medical assistance expansion program may not exceed this amount.
2. The department of health and human services may exceed appropriations for increases in medical assistance expansion program caseload, for the addition of coverage consistent with the traditional Medicaid 1915(i) state plan, utilization rates, and unwinding of the federal Medicaid continuous enrollment requirement, and reduction in federal medical assistance percentage.
3. The managed care organization under contract with the department to manage the medical assistance expansion program shall reimburse providers within the same provider type and specialty at consistent levels and with consistent methodology and may not provide incentive, quality, or supplemental payments to providers, unless part of a value-based program approved by the department. The managed care organization shall reimburse all North Dakota substance use providers of American society of addiction medicine level 2.5 at consistent levels and with consistent methodology. The managed care organization may consider urban and rural providers as different provider types. Critical access hospitals may not be paid less than one hundred percent of Medicare allowable costs.
4. The managed care organization and the department of health and human services shall ensure payments to Indian or Tribal 638 health care providers, federally qualified health centers, and rural health clinics meet the federally required minimum levels of reimbursement.
5. The department of health and human services shall ensure providers within the same provider type and specialty are reimbursed at consistent levels and with consistent methodology and shall ensure the capitation rates under risk contracts are actuarially sound and are adequate to meet managed care organization contractual requirements regarding availability of services, assurance of adequate capacity and services, and coordination and continuity of care.

**SECTION 16. AMENDMENT.** Section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

**50-06-42. Substance use disorder treatment voucher system. (~~Retroactive application~~ - [See note](#))**

1. The department shall establish and administer, within the limits of legislative appropriations, a voucher system to address underserved areas and gaps in the state's substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs, excluding regional human service centers, and hospital- or medical clinic-based programs for medical management of withdrawal, ~~and any institution for mental diseases in~~

~~accordance with subsection 2.~~ An out-of-state licensed substance abuse treatment program located within a bordering state may participate in the voucher program to serve an underserved area of this state pursuant to the rules adopted by the department. The department shall develop rules to include processes and requirements for an out-of-state provider to receive reimbursement only for outpatient and community-based services upon a provider completing an assessment of need and receiving approval from the department.

- ~~2.~~ The department shall deny a licensed substance abuse treatment program's substance use disorder treatment voucher system application and deny reimbursement by the substance use disorder treatment voucher system if the licensed substance abuse treatment program is an institution for mental diseases and reimbursement is requested for residential beds added on or after July 1, 2020.
- ~~3.~~ Services eligible for the voucher program include only those levels of care recognized by the American society of addiction medicine, with particular emphasis given to underserved areas and programs. The department shall ensure that a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers collects and reports process and outcome measures.
- ~~4.3.~~ The department shall develop requirements and provide training and technical assistance to a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers. A licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers shall provide evidence-based services.
- ~~5.4.~~ The department shall allocate funding appropriated for the substance use disorder treatment voucher as follows:
  - a. No more than forty-five percent of the appropriated amount may be allocated for residential substance use disorder services administered by licensed substance abuse treatment programs with more than sixteen beds.
  - b. The remaining appropriation must be allocated for residential programs with sixteen or fewer beds, nonresidential outpatient, and ancillary substance use disorder services administered by licensed substance abuse treatment programs.

**SECTION 17. AMENDMENT.** Section 50-24.1-26 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.1-26. Medicaid waivers - In-home services.**

The department shall administer Medicaid waivers to provide in-home services to children with extraordinary medical needs and to children up to the age of ~~sixteen~~sixteen diagnosed with an autism spectrum disorder who would otherwise meet institutional level of care. The department may prioritize applicants for the waiver for children with extraordinary medical needs by degree of need.

**SECTION 18. AMENDMENT.** Section 50-29-04 of the North Dakota Century Code is amended and reenacted as follows:

#### **50-29-04. Plan requirements.**

The plan:

1. Must be consistent with coverage provided to children eligible for medical assistance in the state; and
2. Must provide:
  - a. A modified adjusted gross income eligibility limit of ~~one~~two hundred ~~seventy-five~~ten percent of the poverty line; and
  - b. Current eligibility may be established from the first day of the month in which the application was received. Retroactive eligibility may be established for the three calendar months that immediately preceded the month in which the application was received even if there is no eligibility in the month of application. Eligibility can be established if all factors of eligibility are met during each month.

**SECTION 19. REPEAL.** Section 50-06-32.1 of the North Dakota Century Code is repealed.

**SECTION 20. BUILDING PROJECT - LEASE.** The department of health and human services is authorized to enter into agreements with vendors to build two buildings for the department to lease for the lake region human service center and northwest human service center for the biennium beginning July 1, 2023, and ending June 30, 2025.

**SECTION 21. LEASE OF LAND - STATE HOSPITAL.** The department of health and human services and national guard may enter an agreement to lease up to twenty acres of real property associated with the state hospital for the national guard to construct a new training and storage facility.

**SECTION 22. PROVIDER PROCESS AND OUTCOME MEASURES.** Providers that receive funding from the department of health and human services shall submit process and outcome measures, as required by the department, to the department for programs and services supported by state funding during the biennium beginning July 1, 2023, and ending June 30, 2025, for the department to evaluate the administration of the programs and services using the appropriation for the program or service.

**SECTION 23. HUMAN SERVICE CENTERS - CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS - CONTINGENT FULL-TIME EQUIVALENT POSITIONS - REPORT.** Beginning with the effective date of this Act, the department of health and human services shall select three human service centers to begin the process of becoming a certified community behavioral health clinic to provide continuous community-based behavioral health services for children and adults. The department shall pursue additional federal funding as available. Subject to the availability of generated income, the department may add up to fifty full-time equivalent positions for field services to provide direct services for the period beginning with the effective date of this Act and ending June 30, 2025. The department shall report to the office of management and budget and legislative council each time a position is added.

**SECTION 24. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025:

1. The sum of \$750,000 appropriated from the general fund for suicide prevention grants in chapter 37 of the 2019 Session Laws;
2. The sum of \$1,776,000 appropriated from the strategic investment and improvements fund and the sum of \$5,328,000 appropriated from federal funds for the Medicaid management information system technology stack upgrade in chapter 37 of the 2019 Session Laws;
3. The sum of \$600,000 appropriated from the general fund and the sum of \$1,800,000 appropriated from federal funds for the Medicaid management information system technology stack upgrade in chapter 12 of the 2021 Session Laws;
4. The sum of \$4,326,686 appropriated from the general fund and the sum of \$30,673,314 appropriated from federal funds for the Medicaid management information system modularization technology project in chapter 12 of the 2021 Session Laws;
5. Any amounts appropriated to the department of health and human services in chapter 549 of the 2021 Special Session Session Laws of which the amount appropriated for medical assistance percentage adjustments may be used for the home- and community-based services 10 percent enhancement plan;
6. Any amounts appropriated to the department of health and human services in chapter 550 of the 2021 Special Session Session Laws;
7. Any amounts appropriated to the department of health and human services for COVID-19 relief in chapters 27 and 28 of the 2021 Session Laws;
8. The amount appropriated for the modification of the department of human services' eligibility systems in chapter 578 of the 2011 Special Session Session Laws which was continued into the 2013-15 biennium, then the 2015-17 biennium, then the 2017-19 biennium, then the 2019-21 biennium, and then 2021-23 biennium; and
9. The sum of \$2,000,000 appropriated for substance use disorder voucher system grants in chapter 12 of the 2021 Session Laws which may be continued and spent pursuant to section 50-06-42.1.

**SECTION 25. EXEMPTION - EARLY CHILDHOOD INFORMATION SYSTEM.** The requirements of chapter 54-44.4 do not apply to the selection of a vendor, the procurement award, or payments made under this section regarding an early childhood workforce and professional development information system or an early childhood resource and referral information system for the biennium beginning July 1, 2023, and ending June 30, 2025.

**SECTION 26. EXEMPTION - PURCHASE OF CONSUMABLES.** The requirements of chapter 54-44.4 do not apply to the purchase of consumables at the department of health and human services continuously staffed residential units during



low-census time periods for the biennium beginning July 1, 2023, and ending June 30, 2025.

**SECTION 27. LEGISLATIVE INTENT - UTILIZATION RATE ADJUSTMENT.** It is the intent of the sixty-eighth legislative assembly that the department of health and human services seeks a deficiency appropriation from the sixty-ninth legislative assembly for any expenditures that exceed appropriated amounts as a result of utilization rates, discontinuation of the federal Medicaid continuous enrollment requirement, value-based purchasing for nursing facilities, and reduction in federal medical assistance percentage, during the biennium beginning July 1, 2023, and ending June 30, 2025, if funding is not sufficient to pay actual expenses.

**SECTION 28. LEGISLATIVE INTENT - PROVIDER RATE INCREASE.** Except as otherwise noted, section 1 of this Act includes funding for human service provider inflation increases of four percent for each year of the biennium beginning July 1, 2023, and ending June 30, 2025. Section 1 of this Act includes funding for developmental disability service payment inflation increases of seven percent the first year of the biennium and four percent the second year of the biennium beginning July 1, 2023, and ending June 30, 2025. The provider inflation increase in this section does not apply to nursing and basic care facilities.

**SECTION 29. FEDERAL FUNDING APPEAL LIMITATION.** Except as otherwise specifically provided by federal law, a person may not appeal a denial, revocation, reduction in services or payment, or the termination of a program or service by the department of health and human services due to the unavailability of federal coronavirus funding received under federal law resulting from the federal coronavirus pandemic emergency declaration for the biennium beginning July 1, 2023, and ending June 30, 2025.

**SECTION 30. LEGISLATIVE MANAGEMENT STUDY - EARLY CHILDHOOD PROGRAMS AND SERVICES.** During the 2023-24 interim, the legislative management shall consider studying the early child care programs and child care services to identify major needs and systemic approaches to stabilize child care infrastructure. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 31. LEGISLATIVE MANAGEMENT REPORT - EARLY CHILDHOOD PROGRAMS.** During the 2023-24 interim, the department of health and human services shall provide reports to the legislative management regarding the status of early childhood programs managed by the department.

**SECTION 32. EFFECTIVE DATE.** Section 19 of this Act becomes effective on January 1, 2024."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2012 - Summary of Senate Action**

	Base Budget	Senate Changes	Senate Version
DHHS - Management			
Total all funds	\$172,600,480	\$92,949,900	\$265,550,380
Less estimated income	92,905,426	93,255,417	186,160,843
General fund	\$79,695,054	(\$305,517)	\$79,389,537

FTE	97.85	16.05	113.90
DHHS - Program/Policy			
Total all funds	\$3,793,980,879	\$823,943,295	\$4,617,924,174
Less estimated income	<u>2,499,452,627</u>	<u>489,283,991</u>	<u>2,988,736,618</u>
General fund	\$1,294,528,252	\$334,659,304	\$1,629,187,556
FTE	666.17	21.15	687.32
DHHS - County Social Services Financing			
Total all funds	\$189,917,386	\$35,444,200	\$225,361,586
Less estimated income	<u>188,676,995</u>	<u>35,333,519</u>	<u>224,010,514</u>
General fund	\$1,240,391	\$110,681	\$1,351,072
FTE	159.00	5.00	164.00
DHHS - Field Services			
Total all funds	\$293,597,257	\$59,299,966	\$352,897,223
Less estimated income	<u>114,273,300</u>	<u>(18,574,719)</u>	<u>95,698,581</u>
General fund	\$179,323,957	\$77,874,685	\$257,198,642
FTE	1,342.31	51.80	1,394.11
Bill total			
Total all funds	\$4,450,096,002	\$1,011,637,361	\$5,461,733,363
Less estimated income	<u>2,895,308,348</u>	<u>599,298,208</u>	<u>3,494,606,556</u>
General fund	\$1,554,787,654	\$412,339,153	\$1,967,126,807
FTE	2,265.33	94.00	2,359.33

**Senate Bill No. 2012 - DHHS - Management - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$21,363,556	\$3,045,900	\$24,409,456
Operating expenses	151,161,924	89,904,000	241,065,924
Capital assets	<u>75,000</u>		<u>75,000</u>
Total all funds	\$172,600,480	\$92,949,900	\$265,550,380
Less estimated income	<u>92,905,426</u>	<u>93,255,417</u>	<u>186,160,843</u>
General fund	\$79,695,054	(\$305,517)	\$79,389,537
FTE	97.85	16.05	113.90

**Department 326 - DHHS - Management - Detail of Senate Changes**

	Adjusts Funding for Management <sup>1</sup>	Total Senate Changes
Salaries and wages	\$3,045,900	\$3,045,900
Operating expenses	89,904,000	89,904,000
Capital assets		
Total all funds	\$92,949,900	\$92,949,900
Less estimated income	<u>93,255,417</u>	<u>93,255,417</u>
General fund	(\$305,517)	(\$305,517)
FTE	16.05	16.05

<sup>1</sup> Funding for management is adjusted as follows:

2023-25 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Adjusts funding for base payroll and budget changes	14.55	\$5,995,189	\$11,524,138	\$17,519,327
Adds funding for salary increases of 4 percent on July 1, 2023, and July 1, 2024		\$862,063	\$283,496	\$1,145,559

Adds funding for increases in monthly health insurance rates from \$1,429 to \$1,648 per month		436,667	139,099	575,766
Converts 1 temporary position and adds an additional 0.50 FTE position for criminal background check processing	1.50	120,780	26,512	147,292
Adds funding for Americans with Disabilities Act coordination		55,200		55,200
Adds funding for a new Capitol space rent model		842,674		842,674
Reduces funding for overall agency operations		(19,900,262)		(19,900,262)
<b>Total ongoing funding changes</b>	<b>16.05</b>	<b>(\$11,587,689)</b>	<b>\$11,973,245</b>	<b>\$385,556</b>
<b>One-Time Funding Items</b>				
Adds one-time funding to continue to automate the criminal background check process		\$1,000,000		\$1,000,000
Provides one-time funding for operating inflation		10,282,172	\$10,282,172	20,564,344
Adds one-time funding from the strategic investment and improvements fund for a procurement and grants software project			11,000,000	11,000,000
Provides one-time funding of \$60.0 million, of which \$20.4 million is from the community health trust fund and \$39.6 million is from federal funds to replace the child support case management system			60,000,000	60,000,000
<b>Total one-time funding changes</b>	<b>0.00</b>	<b>\$11,282,172</b>	<b>\$81,282,172</b>	<b>\$92,564,344</b>
<b>Total changes to base level funding</b>	<b>16.05</b>	<b>(\$305,517)</b>	<b>\$93,255,417</b>	<b>\$92,949,900</b>

### Senate Bill No. 2012 - DHHS - Program/Policy - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$122,081,310	\$19,537,197	\$141,618,507
Operating expenses	176,078,719	55,722,549	231,801,268
Capital assets	10,000		10,000
Grants	467,144,387	190,506,682	657,651,069
Grants - Medical assistance	3,028,666,463	556,176,867	3,584,843,330
Opioid prevention		2,000,000	2,000,000
<b>Total all funds</b>	<b>\$3,793,980,879</b>	<b>\$823,943,295</b>	<b>\$4,617,924,174</b>
Less estimated income	2,499,452,627	489,283,991	2,988,736,618
<b>General fund</b>	<b>\$1,294,528,252</b>	<b>\$334,659,304</b>	<b>\$1,629,187,556</b>
FTE	666.17	21.15	687.32

**Department 328 - DHHS - Program/Policy - Detail of Senate Changes**

	<b>Adjusts Funding for Program and Policy<sup>1</sup></b>	<b>Total Senate Changes</b>
Salaries and wages	\$19,537,197	\$19,537,197
Operating expenses	55,722,549	55,722,549
Capital assets		
Grants	190,506,682	190,506,682
Grants - Medical assistance	556,176,867	556,176,867
Opioid prevention	<u>2,000,000</u>	<u>2,000,000</u>
Total all funds	\$823,943,295	\$823,943,295
Less estimated income	<u>489,283,991</u>	<u>489,283,991</u>
General fund	\$334,659,304	\$334,659,304
FTE	21.15	21.15

<sup>1</sup> Funding for program and policy is adjusted as follows:

<b>2023-25 Ongoing Funding Changes</b>	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Adjusts funding for base payroll and budget changes	9.15	\$11,576,010	\$9,505,488	\$21,081,498
Adds funding for salary increases of 4 percent on July 1, 2023, and July 1, 2024		2,661,463	3,528,496	6,189,959
Adds funding for increases in monthly health insurance rates from \$1,429 to \$1,648 per month		1,338,470	1,865,110	3,203,580
Adds funding for estimated cost and caseload increases		122,273,747	381,790,377	504,064,124
Adds funding for annual provider inflation increases of 4 percent		47,443,941	50,139,879	97,583,820
Adds funding for federal medical assistance percentage adjustments based on a rate of 52.50 percent for federal fiscal years 2024 and 2025.		21,621,657	(21,621,657)	0
<b>Economic Assistance</b>				
Transfers temporary assistance for needy families funding currently used for foster care funding			7,496,368	7,496,368
Adds funding to increase the utilization of the child care assistance program for children ages 0 to 3		22,000,000		22,000,000
Adds funding to improve the ability of low-income parents to obtain child care		12,900,000		12,900,000
Increases federal funds authority for the child care and development fund (\$2,491,435) and the low-income home energy assistance program (\$12,700,000)			15,191,435	15,191,435
<b>Medical Services</b>				
Adds positions to provide assistance to Medicaid providers that employ direct care workers	2.00	48,642	266,995	315,637
Increases the eligibility level for the children's health insurance program from 170 to 210 percent of the federal poverty level		1,389,270	2,878,042	4,267,312
Increases the eligibility level for medically needy individuals from 83 to 90 percent of the federal poverty level		6,300,000	4,200,000	10,500,000

<b>Long-Term Care</b>				
Increases funding for home- and community-based services, including an increase in the personal needs allowance, an increase in adult foster care rates, increasing the family home care rate to \$72.50 per day, and other enhancements		8,288,319	2,402,565	10,690,884
Eliminates the autism spectrum disorder voucher program and increases funding for the autism waiver program		4,168,959	4,607,797	8,776,756
Increases the maximum benefit level and available slots for the medically fragile waiver		186,400	206,022	392,422
<b>Aging Services</b>				
Adds 2 FTE home- and community-based services navigator positions and 1 FTE home- and community-based services generalist position	3.00	143,912	143,912	287,824
Increases senior meal rates from \$4.60 to \$8.89 for home-delivered meals and from \$4.60 to \$7.62 for congregate meals and provides for up to two home-delivered meals per day		12,992,444		12,992,444
Adds funding to increase aging services guardianship rates		70,500		70,500
Adds an FTE position for compliance and quality assurance	1.00	103,868	103,868	207,736
Adds an FTE position using existing federal funds for services to be provided due to a federal Department of Justice lawsuit	1.00			0
Increases funding for dementia care services grants to provide a total of \$1.6 million		305,000		305,000
<b>Children and Family Services</b>				
Adds general fund support for foster care to allow temporary assistance for needy families funding to be redirected to economic assistance programs		7,496,368	(7,496,368)	0
Increases funding for children's advocacy centers to provide total funding of \$4.1 million		2,500,000		2,500,000
Adds funding to provide assistance to unlicensed kin caregivers		960,000		960,000
Adds funding for grants to organizations that provide family-to-family support services		175,000		175,000
<b>Behavioral Health</b>				
Adds 1 FTE service navigator position and 1 FTE voucher processor position	2.00	223,946		223,946
Increases funding for the free through recovery program for funds to be received from the Department of Corrections and Rehabilitation for the program to provide total funding of \$15.5 million			8,326,380	8,326,380
Increases funding for the community connect program to provide total funding of \$15 million		7,019,514		7,019,514
Adds funding related to an opioid settlement			2,000,000	2,000,000

Adds funding for pregnant and parenting women residential services		600,000		600,000
Adds funding for school behavioral health grants to provide total funding of \$6.5 million		3,500,000		3,500,000
Adds funding for recovery housing		1,300,000		1,300,000
Adds federal funds spending authority for the B-HERO program			400,000	400,000
Increases the Medicaid reimbursement rate for behavioral health practitioners from 75 to 100 percent of the Medicaid professional services fee schedule effective the 2 <sup>nd</sup> year of the 2023-25 biennium		1,362,070	1,505,446	2,867,516
<b>Developmental Disabilities</b>				
Adds funding for guardianship establishment		300,000		300,000
Adds 1 FTE position for compliance and quality assurance	1.00	103,868	103,868	207,736
Adds 1 FTE early intervention position	1.00	86,602	86,602	173,204
Adds additional funding to increase developmental disability provider rates by 7 percent the 1 <sup>st</sup> year of the biennium		10,223,681	11,403,366	21,627,047
Increases corporate guardianship slots by 30 to provide for 529 total slots and increases the daily reimbursement rate by 5 percent per year		808,748		808,748
<b>Early Childhood</b>				
Expands the best in class program		12,000,000		12,000,000
Adds funding for early childhood career grants		2,000,000		2,000,000
Adds 1 FTE program administrator for early childhood programs	1.00	236,905		236,905
<b>Total ongoing funding changes</b>	<b>21.15</b>	<b>\$326,709,304</b>	<b>\$479,033,991</b>	<b>\$805,743,295</b>
<b>One-Time Funding Items</b>				
Adds one-time funding for program integrity audits		\$2,250,000	\$2,250,000	\$4,500,000
Adjusts funding for autism programs		(300,000)		(300,000)
Adds funding from the strategic investment and improvements fund for a pregnant and parenting women facility			1,000,000	1,000,000
Add one-time funding to increase capacity for the early childhood rating infrastructure		3,000,000		3,000,000
Add one-time funding to create quality tiers in the child care reimbursement program		3,000,000		3,000,000
Expands public-private child care benefits using one-time funding from the legacy earnings fund			1,000,000	1,000,000
Provides child care business operating grants using one-time funding from the legacy earnings fund			5,000,000	5,000,000
Creates a pilot program for child care during nontraditional hours using one-time funding from the legacy earnings fund			1,000,000	1,000,000
<b>Total one-time funding changes</b>	<b>0.00</b>	<b>\$7,950,000</b>	<b>\$10,250,000</b>	<b>\$18,200,000</b>
<b>Total changes to base level funding</b>	<b>21.15</b>	<b>\$334,659,304</b>	<b>\$489,283,991</b>	<b>\$823,943,295</b>

**Senate Bill No. 2012 - DHHS - County Social Services Financing - Senate Action**

	<b>Base Budget</b>	<b>Senate Changes</b>	<b>Senate Version</b>
County social services	\$189,917,386	\$35,444,200	\$225,361,586
Total all funds	\$189,917,386	\$35,444,200	\$225,361,586
Less estimated income	188,676,995	35,333,519	224,010,514
General fund	\$1,240,391	\$110,681	\$1,351,072
FTE	159.00	5.00	164.00

**Department 333 - DHHS - County Social Services Financing - Detail of Senate Changes**

	<b>Adjusts Funding for County Social Services Program<sup>1</sup></b>	<b>Total Senate Changes</b>
County social services	\$35,444,200	\$35,444,200
Total all funds	\$35,444,200	\$35,444,200
Less estimated income	35,333,519	35,333,519
General fund	\$110,681	\$110,681
FTE	5.00	5.00

<sup>1</sup> Funding is adjusted for the county social services program as follows:

<b>2023-25 Ongoing Funding Changes</b>	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Adjusts funding for base payroll and budget changes	(2.00)	\$18,434	\$1,240,493	\$1,258,927
Adds funding for state employee salary increases of 4 percent on July 1, 2023, and July 1, 2024		61,440	1,486,858	1,548,298
Adds funding for increases in monthly health insurance rates from \$1,429 to \$1,648 per month		30,807	721,687	752,494
Adds funding for human service zone employee salary increases of 4 percent on July 1, 2023, and July 1, 2024			6,240,680	6,240,680
Adds funding for human services zone employee salary equity adjustments			1,000,000	1,000,000
Adjusts federal and special funds spending authority, including an additional \$20 million for human service zone operations and \$600,000 for increases in indigent burial assistance			23,541,770	23,541,770
Adds 4 FTE home- and community-based services management positions the 1 <sup>st</sup> year of the biennium and 3 FTE positions the 2 <sup>nd</sup> year of the biennium	7.00		1,102,031	1,102,031
<b>Total ongoing funding changes</b>	<b>5.00</b>	<b>\$110,681</b>	<b>\$35,333,519</b>	<b>\$35,444,200</b>

**Senate Bill No. 2012 - DHHS - Field Services - Senate Action**

	<b>Base Budget</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Human service centers	\$163,213,829	\$26,160,626	\$189,374,455
Institutions	130,383,428	33,139,340	163,522,768
Total all funds	\$293,597,257	\$59,299,966	\$352,897,223
Less estimated income	114,273,300	(18,574,719)	95,698,581
General fund	\$179,323,957	\$77,874,685	\$257,198,642
FTE	1,342.31	51.80	1,394.11

**Department 349 - DHHS - Field Services - Detail of Senate Changes**

	Adjusts Funding for Field Services <sup>1</sup>	Total Senate Changes
Human service centers	\$26,160,626	\$26,160,626
Institutions	33,139,340	33,139,340
Total all funds	\$59,299,966	\$59,299,966
Less estimated income	(18,574,719)	(18,574,719)
General fund	\$77,874,685	\$77,874,685
FTE	51.80	51.80

<sup>1</sup> Funding is adjusted for field services as follows:

2023-25 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Adjusts funding for base payroll and budget changes	(21.70)	\$5,365,003	\$7,438,385	\$12,803,388
Adds funding for salary increases of 4 percent on July 1, 2023, and July 1, 2024		8,926,423	2,830,652	11,757,075
Adds funding for increases in monthly health insurance rates from \$1,429 to \$1,648 per month		4,161,185	1,449,231	5,610,416
Converts 28.5 temporary human service center positions to FTE positions to provide behavioral health services	28.50	950,906		950,906
Increases funding for crisis support services to convert 16 temporary positions to FTE peer support positions, to add 1 FTE nurse for residential crisis services, to add 4 FTE mobile crisis positions, to increase funding for locum tenens contracts, and to increase funding for contracted providers	21.00	11,375,536		11,375,536
Adds funding for annual provider inflation increases of 4 percent		1,417,491		1,417,491
Adds funding for three human service centers to become certified community behavioral health clinics	24.00	9,650,000		9,650,000
<b>Total ongoing funding changes</b>	<b>51.80</b>	<b>\$41,846,544</b>	<b>\$11,718,268</b>	<b>\$53,564,812</b>
<b>One-Time Funding Items</b>				
Provides one-time funding from the strategic investment and improvements fund for the architectural design of a new state hospital			\$5,000,000	\$5,000,000
Provides one-time funding from the strategic investment and improvements fund to replace the fire alarm system and resurface the parking lot at the Southeast Human Service Center			735,154	735,154
Adds one-time funding to replace federal and special fund revenue with funding from the general fund due to decreased revenues and increased operating costs at human service centers and the State Hospital		\$36,028,141	(36,028,141)	0
<b>Total one-time funding changes</b>	<b>0.00</b>	<b>\$36,028,141</b>	<b>(\$30,292,987)</b>	<b>\$5,735,154</b>
<b>Total changes to base level</b>	<b>51.80</b>	<b>\$77,874,685</b>	<b>(\$18,574,719)</b>	<b>\$59,299,966</b>



## Senate Bill No. 2012 - Other Changes - Senate Action

This amendment also:

- Transfers \$21.6 million from the strategic investment and improvements fund to the human service finance fund.
- Identifies \$221.6 million from the human service finance fund for the county social services program.
- Identifies \$20.4 million from the community health trust fund for the child support case management system project.
- Identifies \$7 million from the legacy earnings fund for child care assistance program.
- Identifies \$17,735,154 from the strategic investment and improvements fund for the procurement and grants computer project (\$11,000,000), the design of a new state hospital (\$5,000,000), pregnant and parenting women residential facilities (\$1,000,000), and Southeast Human Service Center deferred maintenance projects (\$735,154).
- Authorizes capital payments for special assessment costs at the State Hospital and Life Skills and Transition Center.
- Authorizes the demolition of certain buildings at the State Hospital.
- Authorizes direct assistance for beneficiaries of child care assistance.
- Provides guidelines for the use of behavioral health facility grants.
- Identifies \$4,672,536 from the general fund for permanent supportive housing grants.
- Provides that expenditures for the Medicaid Expansion program may not exceed legislative appropriations.
- Amends North Dakota Century Code Section 50-06-42 to remove the moratorium on new substance use disorder voucher program providers.
- Amends Section 50-24.1-26 to increase the eligible age of the autism waiver program from 16 to 18.
- Amends Section 50-29-04 to increase the eligibility level of the children's health insurance program from 175 to 210 percent of the federal poverty level.
- Repeals Section 50-06-32.1 relating to the autism voucher.
- Authorizes DHHS to enter into agreements with vendors to build two human service center buildings.
- Authorizes DHHS to lease land at the State Hospital to the National Guard to construct a training and storage building.
- Requires providers receiving funding from DHHS to submit process and outcome measures.
- Provides guidelines for three human service centers to become certified behavioral health clinics.
- Provides exemptions to authorize unexpended appropriations to continue into the 2023-25 biennium.
- Provides an exemption for procurement requirements for an early childhood information system.
- Provides an exemption for procurement for consumables at department residential facilities during low-census time periods.
- Provides intent that DHHS seeks a deficiency appropriation from the 69<sup>th</sup> Legislative Assembly if utilization rates exceed estimates.
- Identifies provider inflation increases included in the amendment.
- Provides that an individual may not appeal a denial or reduction of service by DHHS if federal COVID-19 funding is no longer available.
- Provides for a Legislative Management study of early childhood programs.
- Provides for DHHS to provide reports to the Legislative Management regarding the status of early childhood programs.