



**Senate Bill 2012**

Senate Appropriations Committee  
Senator Brad Bekkedahl, Chairman

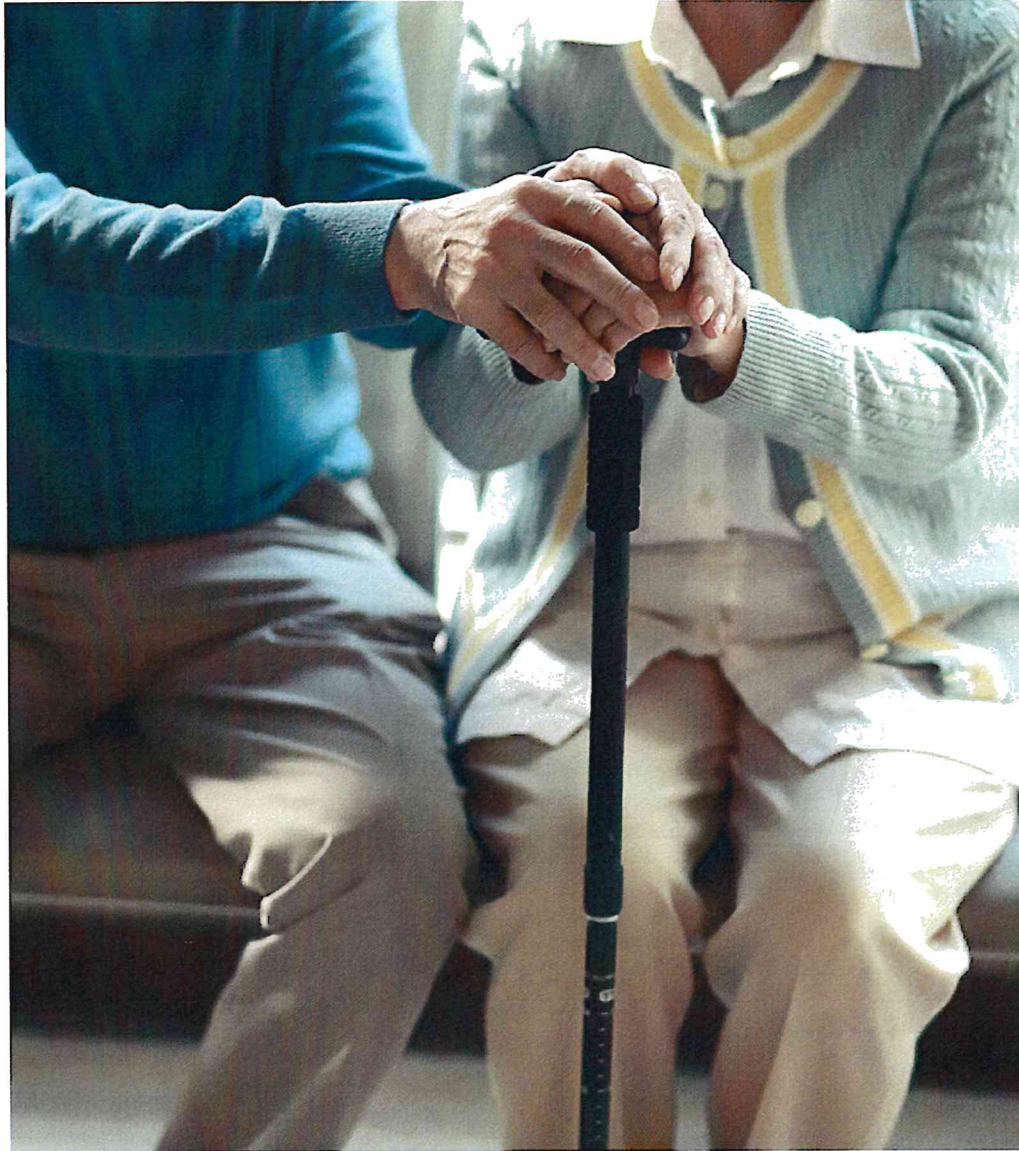
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Adult and Aging Services Section | January 16, 2023

NORTH  
**Dakota**  
Be Legendary.

| Health & Human Services



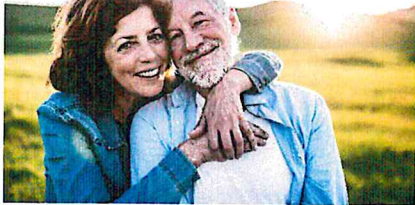


## Who we serve

The Adult and Aging Services Section administers and delivers more than 40 in-home and community-based services to eligible North Dakotans.

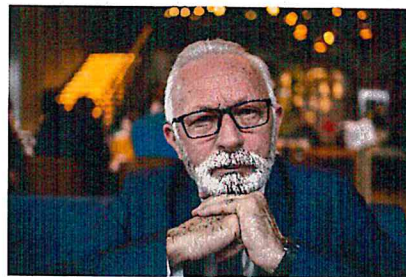
We also protect the health, safety, welfare and rights of vulnerable adults in the community and long-term care residents.

# Providing programs that help adults access services closer to home



## Support caregivers

- Family Caregiver Support Program
- Lifespan Respite
- Dementia Care Services



## Protect vulnerable adults

- Long-term Care Ombudsman
- Vulnerable Adult Protective Services
- Guardianship Establishment Fund



## Administer Older Americans Act services

- Contract with local providers for nutrition services, health maintenance and assistive technology
- Legal assistance, falls prevention classes, companionship services



## Support in-home and community-based living

- Service Payments to the Elderly and Disabled (SPED)
- Expanded Service Payments to the Elderly and Disabled (Ex-SPED)
- HCBS Medicaid Waiver/ State Plan-Personal Care, Money Follows the Person



# Supporting North Dakota's Family Caregivers

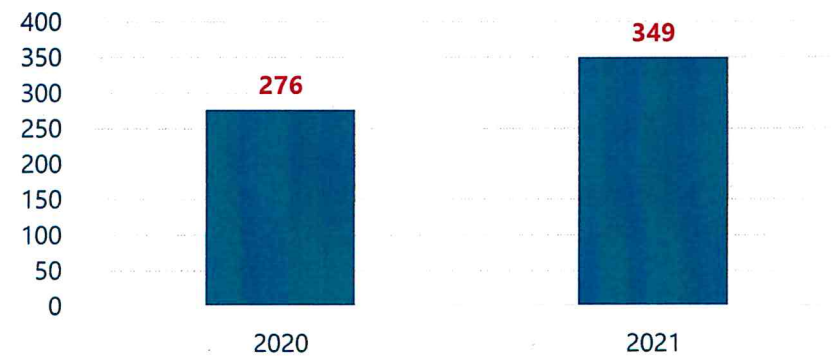
## Dementia Care Services – Alzheimer's Association

- Care consultations for family caregivers and facility staff
- Information and assistance services
- Public and professional training



*19,000 caregivers support 15,000 individuals 65+ who are living with Alzheimer's in North Dakota*

## FCSP Consumer Volume



Most utilized service is respite care - short break for caregivers.



# ADULT & AGING SERVICES

## Long-Term Care Ombudsman Program

### ND Long-Term Care System

5,244	Nursing Facility Beds*
659	Swing Beds
2,097	Basic Care Beds
3,149	Assisted Living Units

*\*In 248 facilities statewide*

### Most Common Complaints

#### Nursing Homes/Swing Bed Facilities

- Autonomy, Choice, Exercise of Rights
- Care
- Admission, transfer, discharge, eviction

#### Basic Care & Assisted Living Facilities

- Autonomy, Choice, Preference, Exercise of Rights
- Care
- Environment

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**1,249**  
Consultations

**397**  
Complaints  
Received

**274**  
Cases  
Closed

# ADULT & AGING SERVICES

## Vulnerable Adult Protective Service (VAPS)

**1,641** investigations

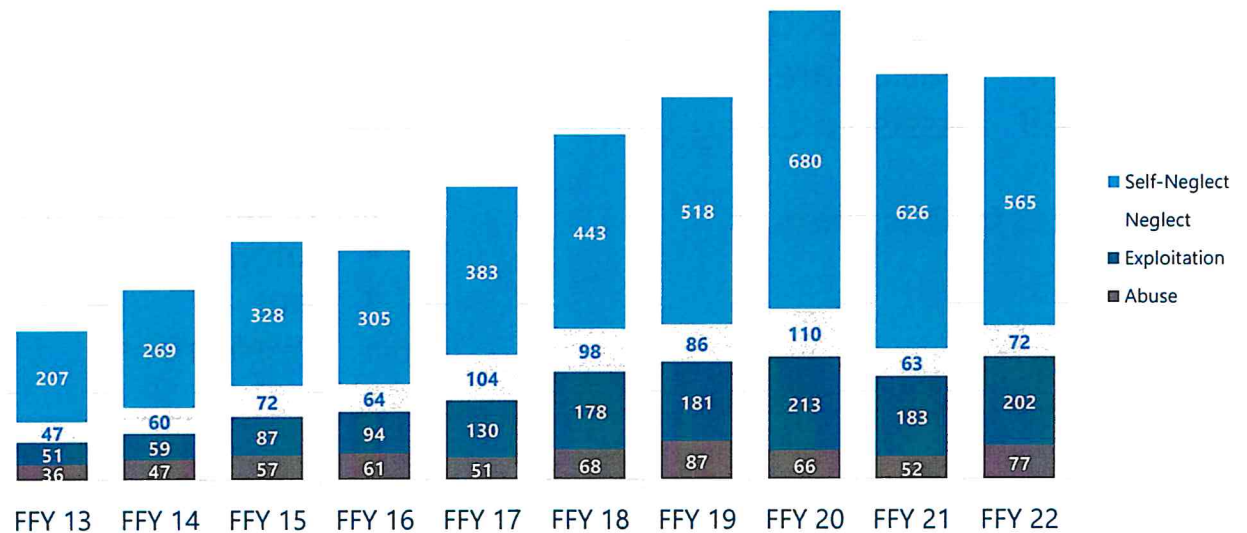
**1,676** allegations

**916** substantiated

Most common allegations:  
**Self Neglect**  
**Financial Exploitation**

### Substantiated Allegations

FFY 2013 – FFY 2022





# ADULT & AGING SERVICES

## Guardianship Establishment Fund

Fund covers most  
petitioning costs for eligible  
incapacitated adults

**179**

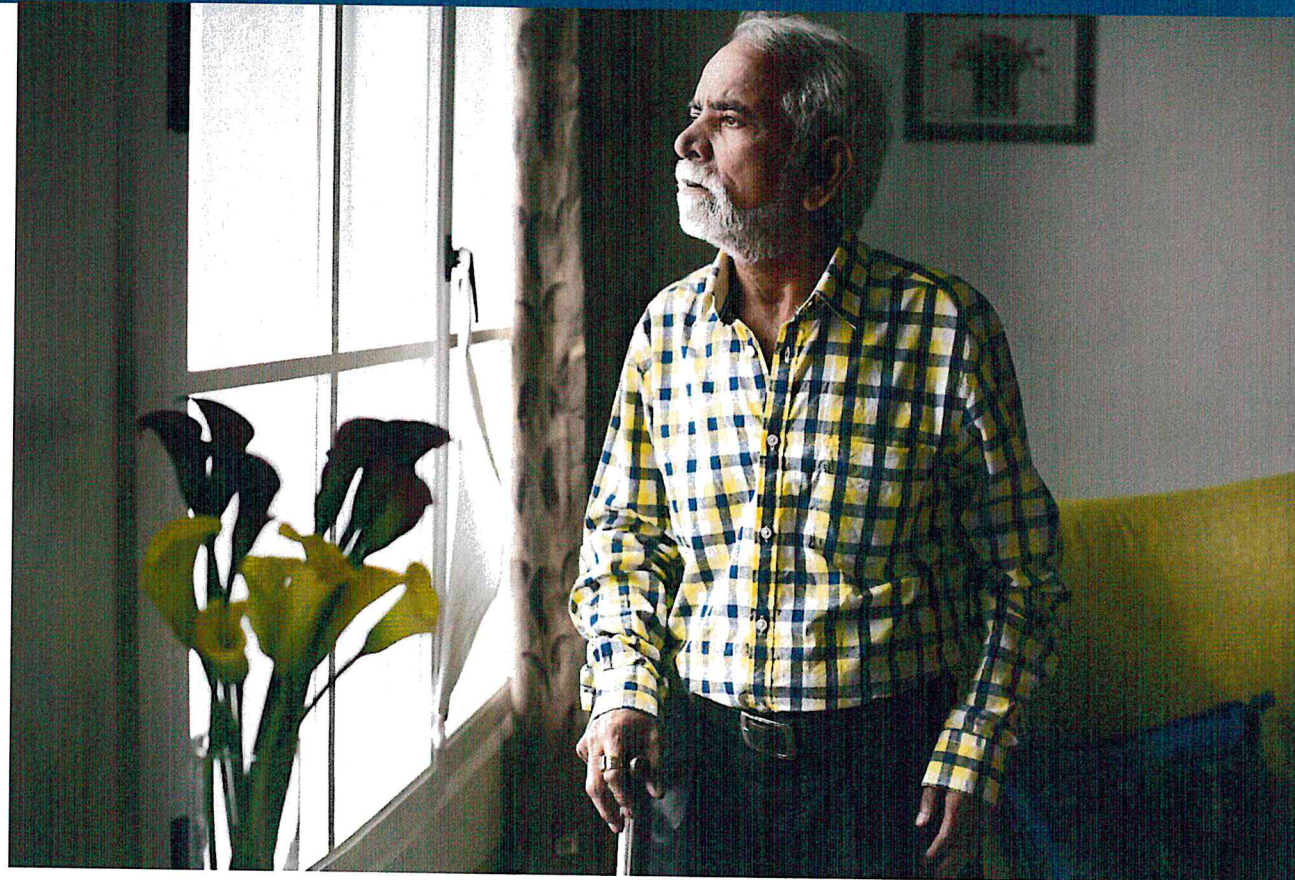
incapacitated adults served  
July 2021 – Dec 2022

**\$2,500**

Max petitioning cost per person

Executive budget request

**increase \$3,000**





# ADULT & AGING SERVICES

## Older Americans Act (OAA) Services

**30,554**

Older adults served in FFY2021  
30% increase since FFY 2020

**Serves people age 60+**  
*No income limits*

Voluntary contribution  
Cannot deny service due to  
unwillingness or inability to  
contribute

Federal, state, and local funds





# ADULT & AGING SERVICES

## Nutrition Services

The pandemic changed the **way meals are delivered** to older adults. The **cost** to prepare and deliver a meal has increased.

### Meals options:

- Home delivered
- Pre-packaged grab-and-go
- Curbside pickup
- Frozen meal options

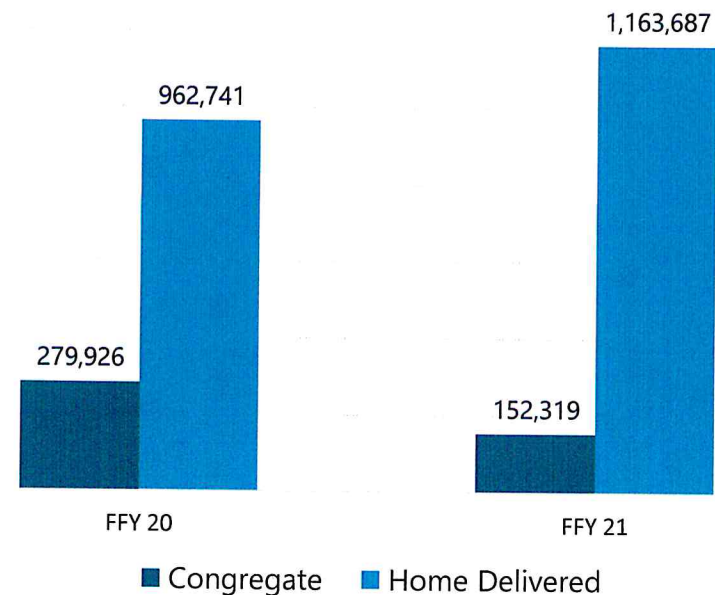
**1,316,006**

Meals served FFY2021

**21,008**

Consumers served

Nutrition services shifted toward home-delivered meals during COVID-19



# Older Americans Act (OAA) North Dakota Nutrition Sites



## MAP LEGEND:

- Congregate Nutrition Sites Only
- Home Delivered Meals (HDM) Only
- Both Congregate and HDM Options
- Café 60 Nutrition Sites

## STATE TOTAL:

# 214

- 07 Congregate Nutrition Sites Only
- 53 Home Delivered Meals (HDM) Only
- 149 Both Congregate and HDM Options
- 05 Café 60 Nutrition Sites

UPDATED 11-10-2022



# ADULT & AGING SERVICES

## Nutrition Services

### Home-Delivered Meals & Congregate Meals

Current contracts (July 1, 2022, through June 30, 2023): all meals are reimbursed at \$6 per meal

Executive Budget Request increase meal rate to \$7.62 congregate, and \$8.89 for home-delivered meals



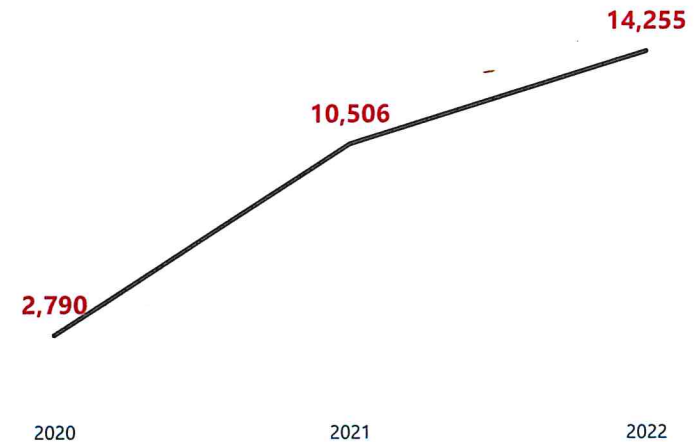


# ADULT & AGING SERVICES

## ADRL Centralized Intake

- **Process to receive services referrals**
- Based on “no wrong door” approach
- Network built to support individuals needing long-term care services by simplifying and streamlining access to information and services
- 6 FTE dedicated to centralized intake
- Fully implemented January 2021

ADRL Call Volume



**7 in 10**

*Americans 65+ will need  
LTC services for an average  
of 3 years*



# ADULT & AGING SERVICES

## Individuals receiving HCBS services (Dec 2022)

**3,158**

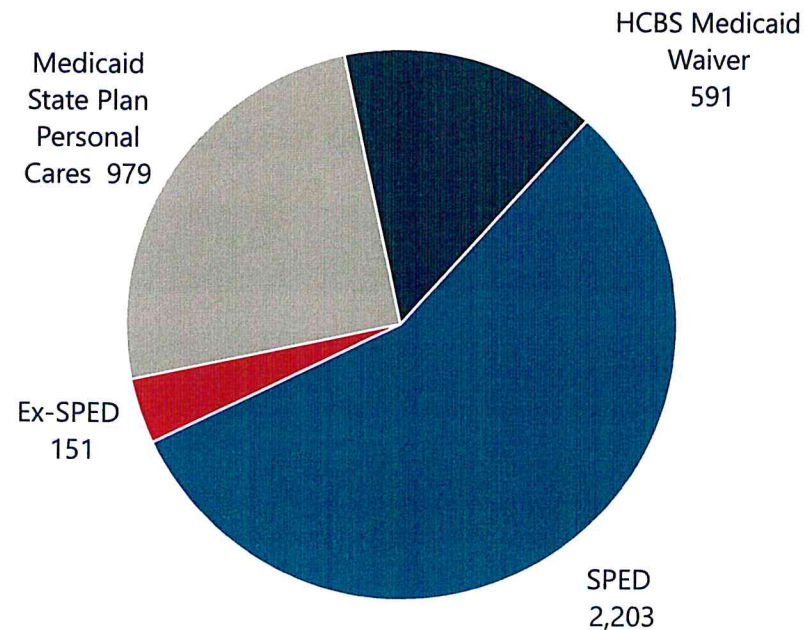


6% increase since 2021

Number of unduplicated recipients supported by HCBS in CY2022

- Primarily serves older adults and individuals with physical disabilities
- Recipients must be both functionally and financially eligible
- May have client cost share based on income
- Federal and state funds
- Recipients range in age from 15-104 years old
- Case Management conducted by 66 FTE

Individuals Receiving HCBS in Dec 2022

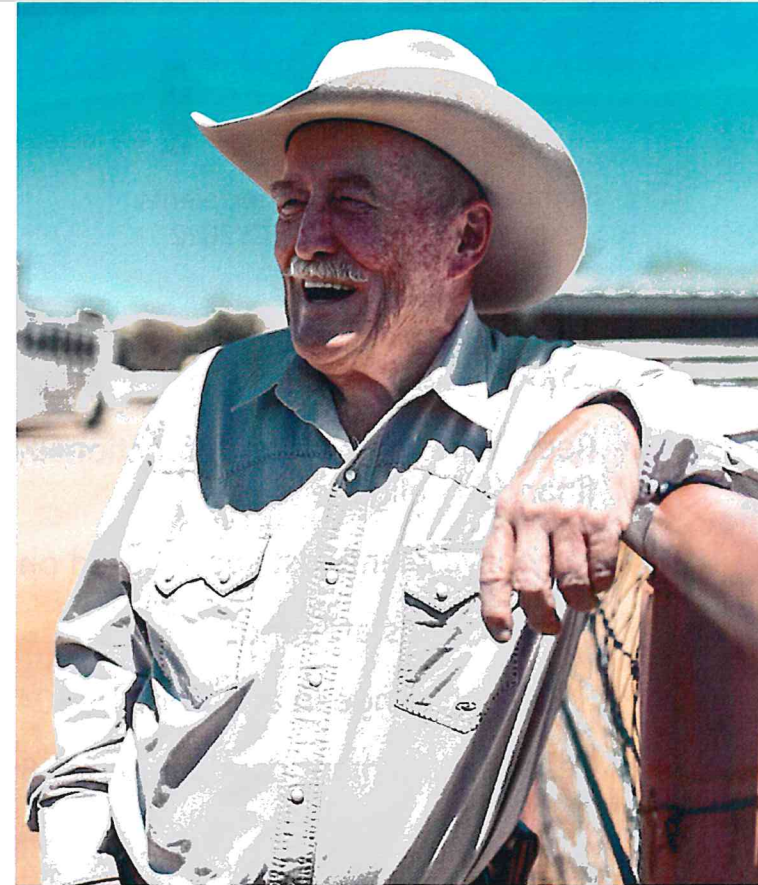
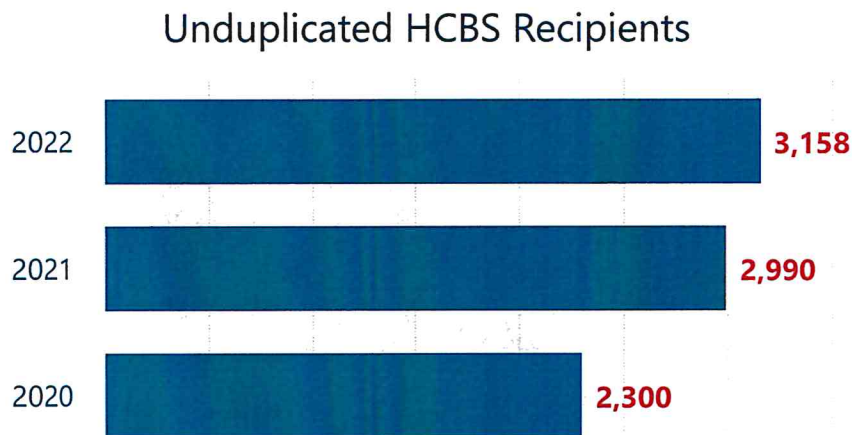


Source: DHS HCBS Caseload Data Nov 2022

# IMPROVING THE LIVES OF NORTH DAKOTANS

You voted for seniors to have more in-home care options in the communities where they live...

... and **more North Dakotans** are choosing in-home based community care options each year.





# ADULT & AGING SERVICES

## Types of **SUPPORT SERVICES** available via HCBS

- Adult Day Care
- **Adult Foster Care**
- Adult Residential Care
- Attendant Care
- Case Management
- Chore Service
- Community Support Services / Residential Habilitation
- Community Transition Services
- **Companionship**
- Emergency Response System
- Environmental Modification
- Extended Personal Care
- Emergency Response System
- Environmental Modification
- **Family Home Care** & Family Personal Care
- **Home-Delivered Meals**
- Homemaker Services
- Non-Medical Transportation
- Personal Care Services
- Respite Care
- Specialized Equipment
- Supervision
- Supported Employment
- Transitional Care

# ADULT & AGING SERVICES HCBS Delivery System

**1,147**

Qualified Services Providers (QSPs) provide services

**66**

HCBS case managers supervised by Adult & Aging Services

**158 and 86**

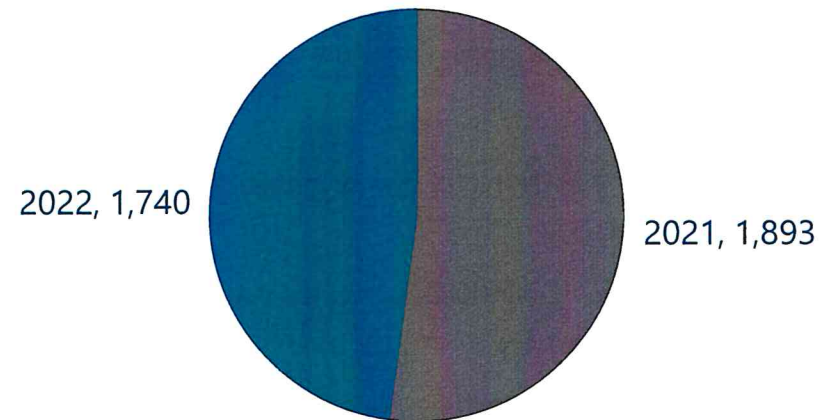
On average, 158 new referrals and 86 new cases opened for HCBS each month

Executive budget request includes additional

**14 FTE**

HCBS Case Management/support/quality

## HCBS Case Management Referrals



CY Nov 2022 caseload data



# ADULT & AGING SERVICES

## HCBS Case Management Services

Since the pandemic, the **demand** for in-home and community-based services has continued to **increase**



Increased demand has increased the **average caseload** per HCBS Case Manager

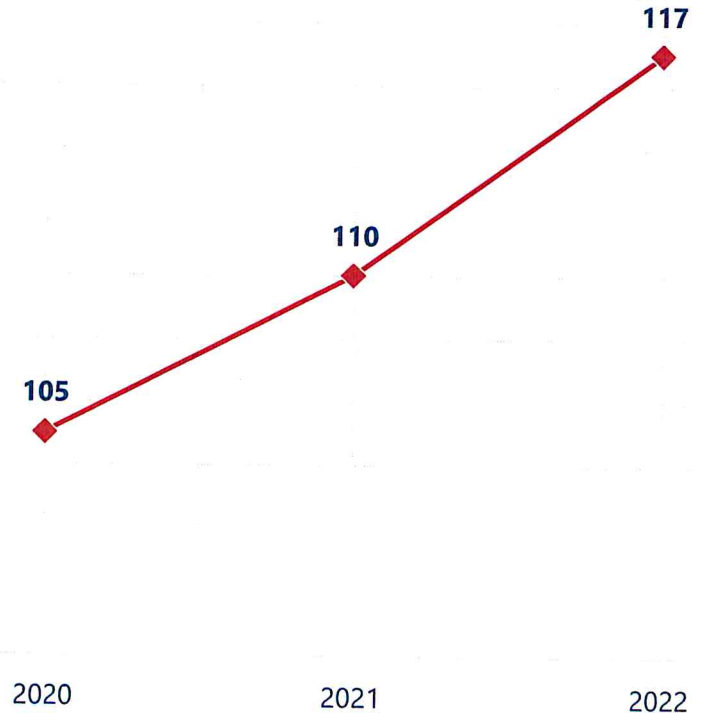


**Many HCBS participants have complex needs** (medical and behavioral health needs) that increase the amount of time it takes to provide quality case management services



Increased **need** for **additional** HCBS case management **staff**

**Average Caseload per Case Manager**

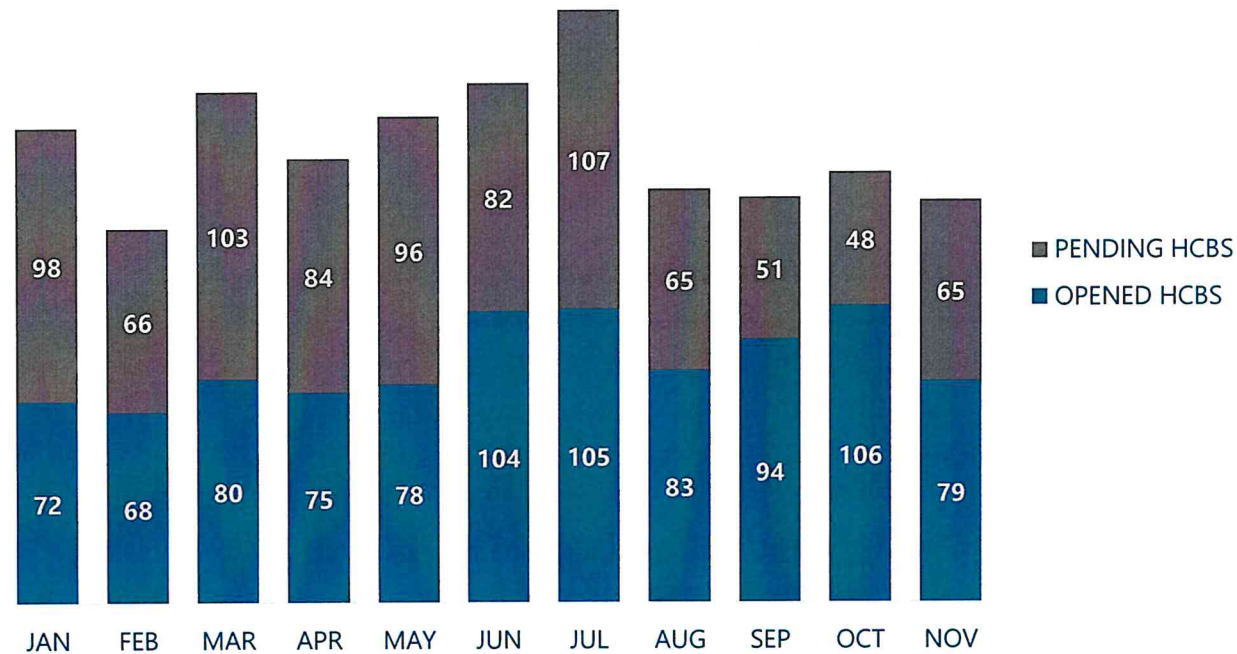


# ADULT & AGING SERVICES HCBS Case Summary

2022 HCBS Referral Summary

In addition to the HCBS Case Managers' caseload they are required to manage all pending cases, new referrals, and case closures each month

**Because of the population served, there are many cases opening and closing each month.**

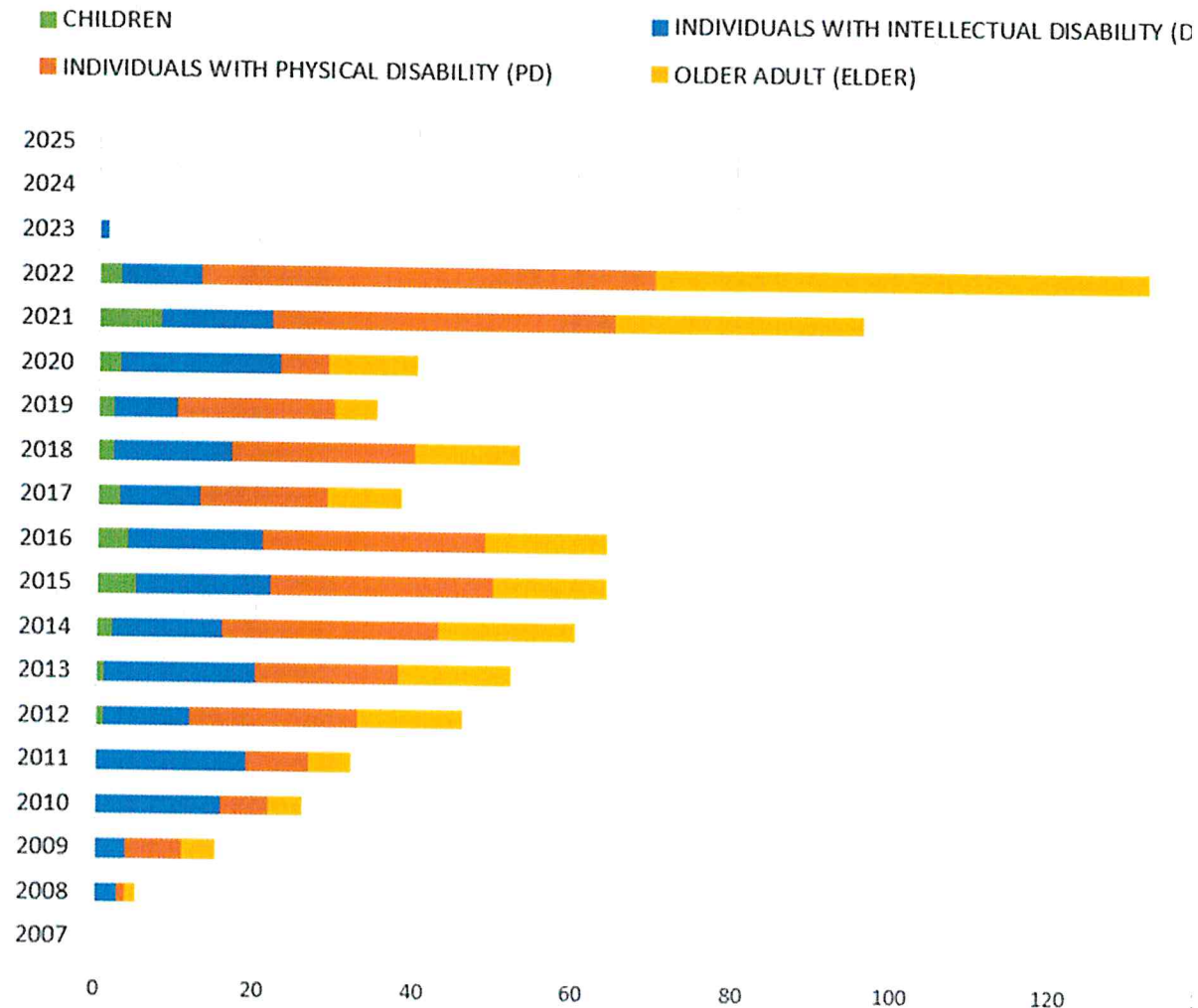




# Adult & Aging Services Money Follows the Person Grant

- Federal Grant designed to assist states to increase the use of HCBS to achieve Long Term Service (LTSS) and Supports System Rebalancing
- Eliminate barriers that prevent individuals from receiving LTSS in the setting of their choice
- MFP Grant started 2007 - \$8.9 million
- Award through 2022 \$47.8 million (fed) and \$4.3 (state)
- Transitioned 759 individuals over the past 15 years

RUNNING MFP TRANSITION SUMMARY PER YEAR



# Implementing the Settlement Agreement between U.S. DOJ & State of North Dakota

PURPOSE is to ensure that ND will **meet Americans with Disabilities Act (ADA) requirements** by providing services, programs, and activities for individuals with physical disabilities in the most integrated setting appropriate to their needs.

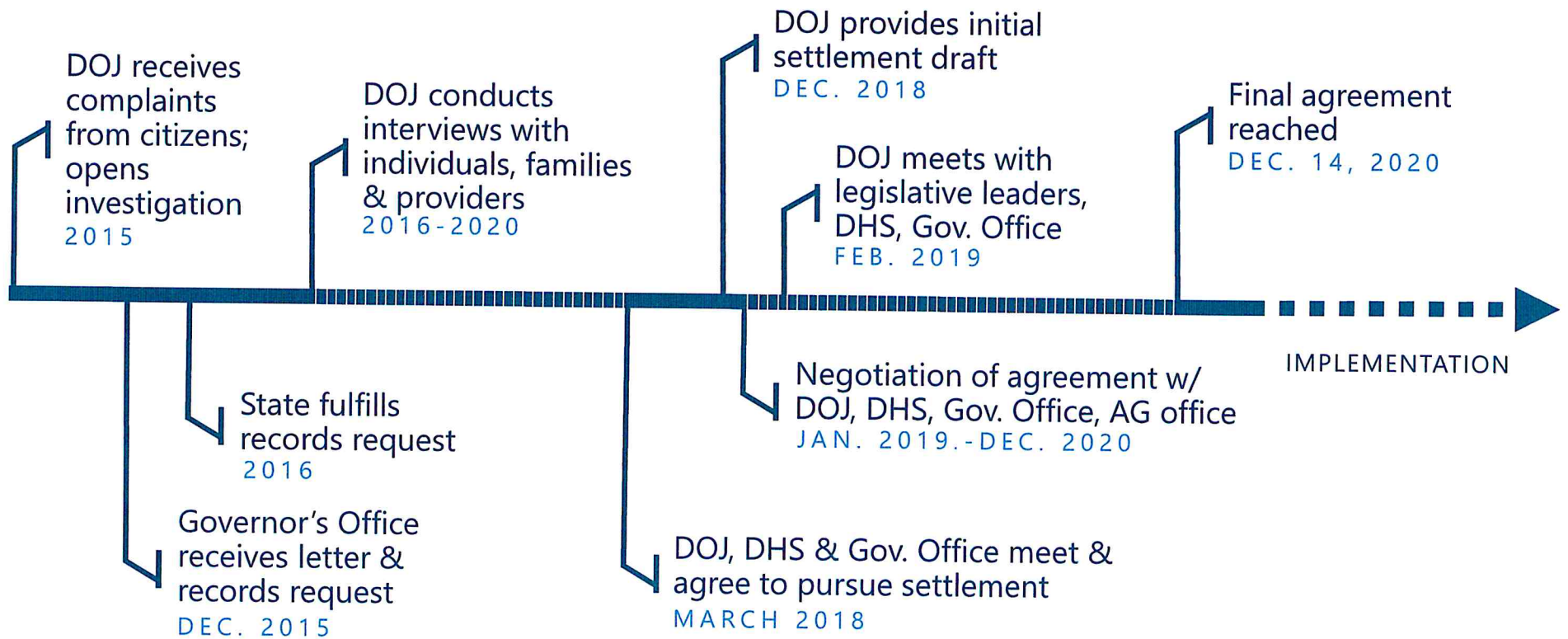
## **Effective Dec. 14, 2020**

*Agreement will terminate eight years after effective date if Parties agree that the state has attained substantial compliance with all provisions and maintained that compliance for a period of one year.*






# TIMELINE



# VARIETY OF CONCERNS

## EXAMPLES PROVIDED BY DOJ

 **Unnecessary segregation** of disabled individuals in skilled nursing facilities

Adults in skilled nursing facilities who would **rather be in their community**

 **Imbalance of funds** to skilled nursing facilities and community-based services

**Lack of awareness** about existing transition services and available tools



# KEY TERMS | DOJ Settlement Americans with Disabilities Act

The Americans with Disabilities Act (ADA) requires public agencies to **eliminate unnecessary segregation** of persons with disabilities and provide services in the **most integrated setting appropriate** to the needs of the individual.

In **1999** the Federal Supreme Court **Olmstead** decision **affirmed** the **ADA** requirements.





# WHO ARE WE TRYING TO REACH?

## Target population

### Basic Eligibility

- Individual with physical disability
- Over age 21
- Eligible or likely to become eligible to receive Medicaid long-term services and supports (LTSS)
- Is likely to require LTSS for at least 90 days.



### IF in skilled nursing setting

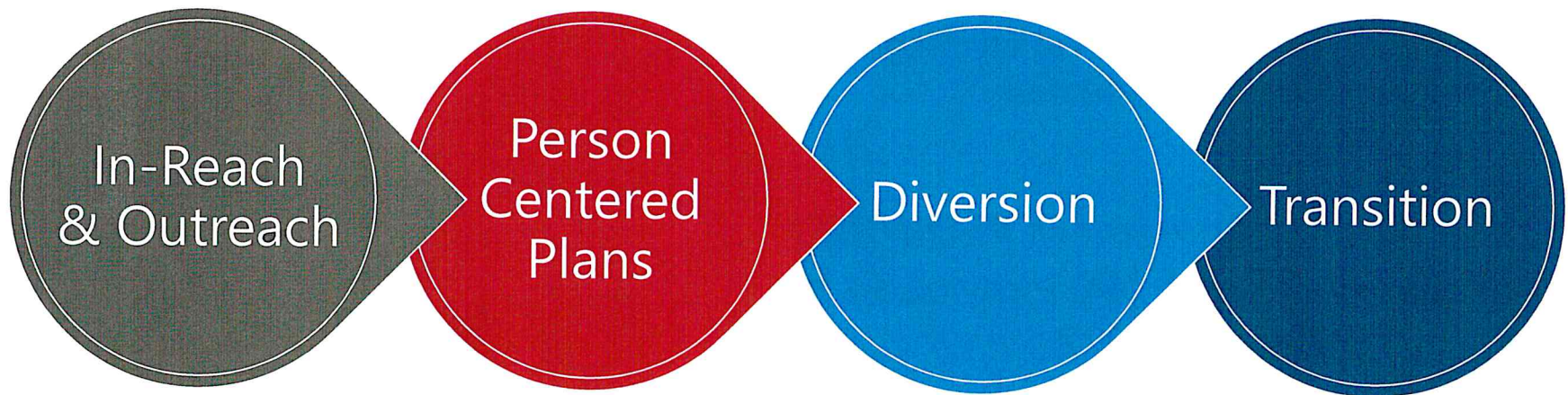
- Receive Medicaid-funded nursing facility services AND
  - Likely to require long term services and supports
- Receive nursing facility services AND
  - Likely to become eligible for Medicaid within 90 days, have submitted a Medicaid application, and have approval for a long-term nursing facility stay

### IF in hospital or home setting

- Referred for a nursing facility level of care determination AND
  - Likely to need services long term
- Need services to continue living in the community AND
  - Currently have a HCBS Case Manager or have contacted the ADRL



# ND / DOJ Agreement STRATEGY



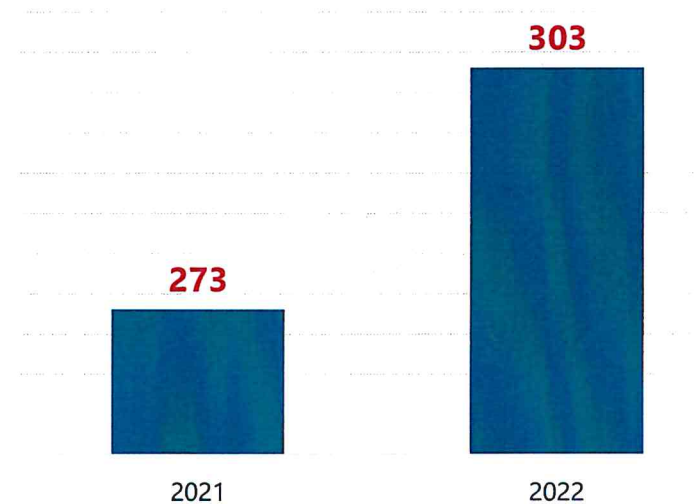
# New Target Population Members (TPMs) Receiving HCBS that were DIVERTED from a SNF

“**Diversion**” happens when a Medicaid eligible individual who screens at a nursing facility level of care receives a set of services (HCBS, housing etc.) that allows them to remain in an integrated setting and avoid institutionalization.

DOJ Settlement Agreement **REQUIRED**  
ND to **divert at least 100** individuals by  
Dec. 13, 2022.

**Benchmark achieved** 

HCBS Unduplicated Diversions





# ADULT & AGING SERVICES

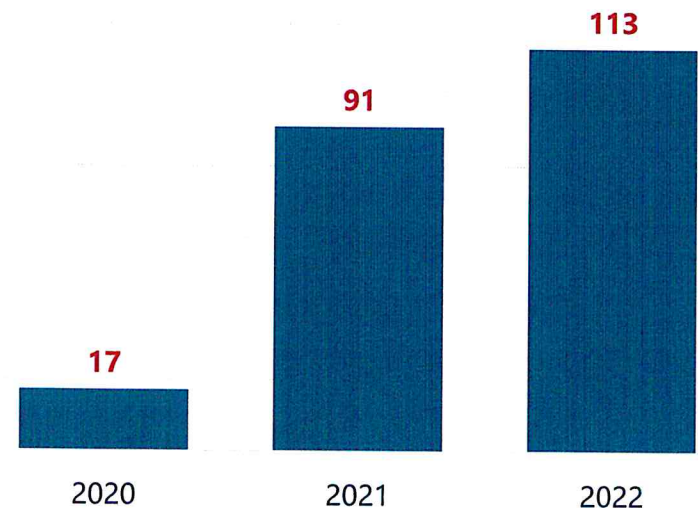
## TPMs who Transitioned to an Integrated Setting

“**Transition**” happens when a Medicaid eligible individual who resides at a nursing facility receives transition supports and a set of services (HCBS, housing etc.) that allows them to move to an integrated setting in the community.

**DOJ Settlement Agreement**  
**REQUIRED** ND to transition at least  
100 individuals by Dec. 13, 2022.

**Benchmark achieved** 

TPM Transitions



# ADULT & AGING SERVICES

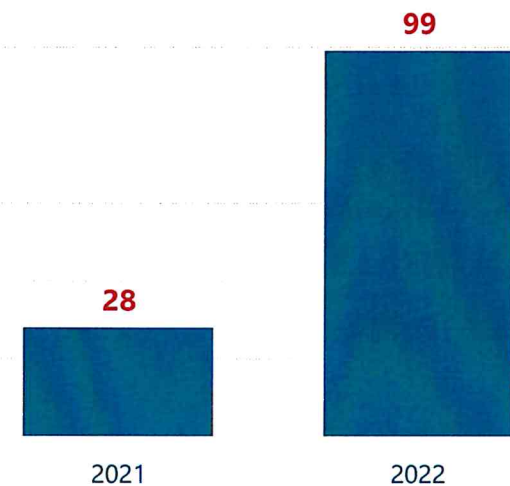
## TPMs Receiving Permanent Supported Housing

**“Permanent Supported Housing”** is providing affordable housing, rental assistance, meeting with landlords, application assistance etc., in addition to other traditional HCBS that allows an individual to live in a private residence alone or with family, their significant other or roommates of their choosing.

**DOJ Settlement Agreement REQUIRED**  
**ND to provide this service to**  
20 individuals by Dec. 13, 2021, and  
30 individuals by Dec. 13, 2022

**Benchmark achieved** 

TPM Receiving Permanent Supported Housing





# ADULT & AGING SERVICES

## TPM Accessing Various Forms of Rental Help

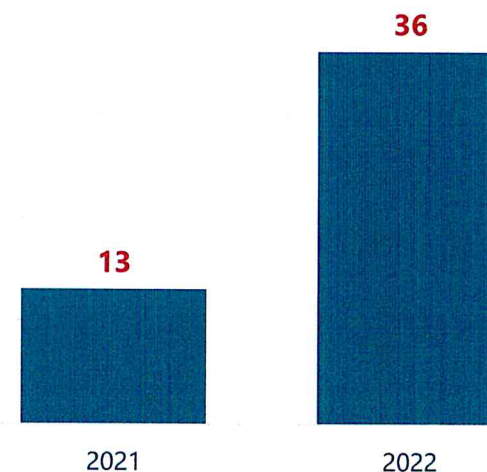
“**Rental assistance**” is assisting individuals in paying for affordable housing in the community and may also involve paying for affordable housing costs during an institutional stay, so the individual does not lose their place to live in the community.

2021-2023 approved budget included \$300,000 to fund approx. 375 months of housing assistance over the course of the biennium.

**Strategy achieved**



TPMs Accessing Rental Assistance



# Continued progress requires additional investment in HCBS

- Increase daily rates paid for adult foster care and family home care;
- QSP Agency on-call staff;
- Bed hold days for residential habilitation and community supports;
- Base rate for personal care services;
- Increase the senior meal rate- Reimburse for 2 home-delivered meals/ day (up from 1);
- Add companionship to SPED & EX-SPED;
- Inclusion of 1 FTE for the DOJ settlement agreement specialist;
- Increase FTE capacity to deliver HCBS case management and keep up with growing demand;
- Increase guardian establishment funds.





# Adult & Aging Services: Overview of budget changes

Description	2021 - 2023 Budget Base		Increase/ (Decrease)		2023 - 2025 Executive Budget	
Salaries and Benefits	\$	8,748,214	\$	20,359,994	\$	29,108,208
Operating		23,443,640		20,968,014		44,411,654
IT Services		6,000		19,800		25,800
Capital Asset Expense		-		-		-
Capital Assets		-		-		-
Grants		4,318,476		(807,503)		3,510,973
<b>Total</b>	<b>\$</b>	<b>36,516,330</b>	<b>\$</b>	<b>40,540,305</b>	<b>\$</b>	<b>77,056,635</b>

<b>General Fund</b>	<b>\$</b>	<b>11,963,529</b>	<b>\$</b>	<b>28,094,380</b>	<b>\$</b>	<b>40,057,909</b>
<b>Federal Funds</b>		<b>23,806,863</b>		<b>9,035,940</b>		<b>32,842,803</b>
<b>Other Funds</b>		<b>745,938</b>		<b>3,409,985</b>		<b>4,155,923</b>
<b>Total Funds</b>	<b>\$</b>	<b>36,516,330</b>	<b>\$</b>	<b>40,540,305</b>	<b>\$</b>	<b>77,056,635</b>

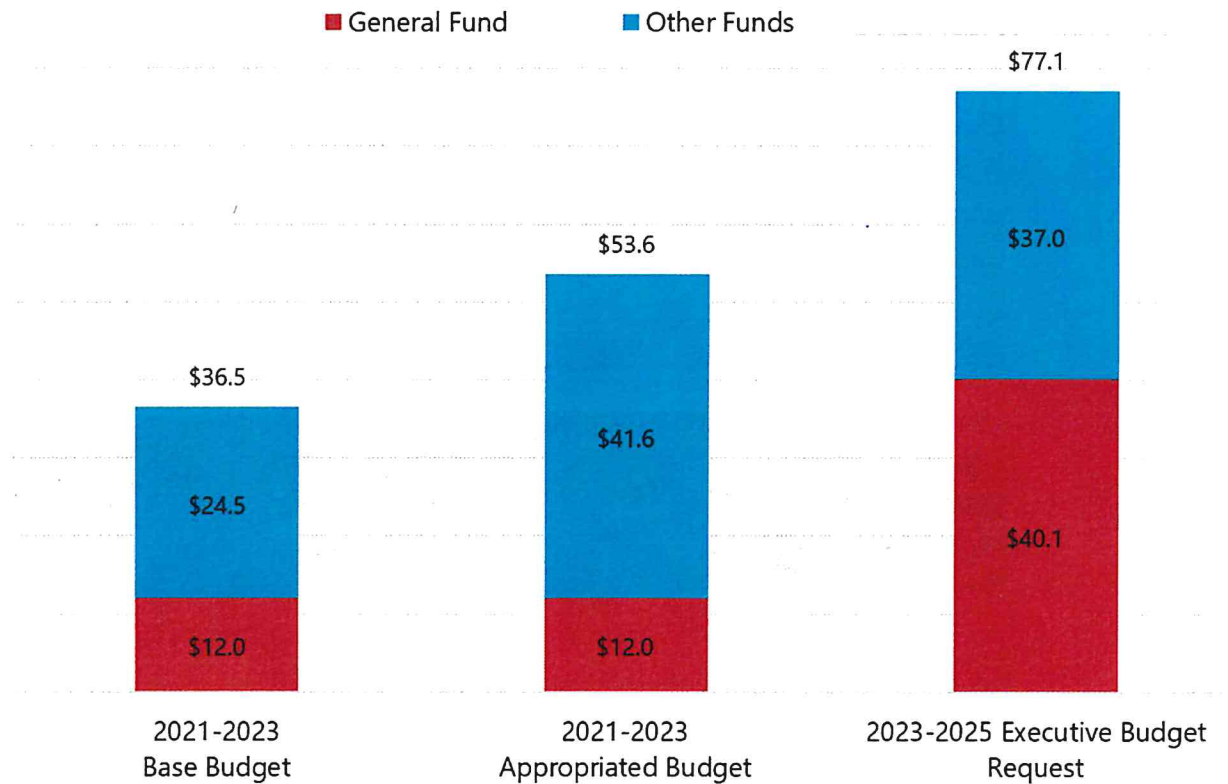
Full Time Equivalent (FTE)		45.70		82.00		127.70
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# Adult & Aging Services: Overview of budget changes

(IN MILLIONS)

INCREASE FROM BASE TO EXECUTIVE RECOMMENDATION  
**\$ 40.6 MILLION**

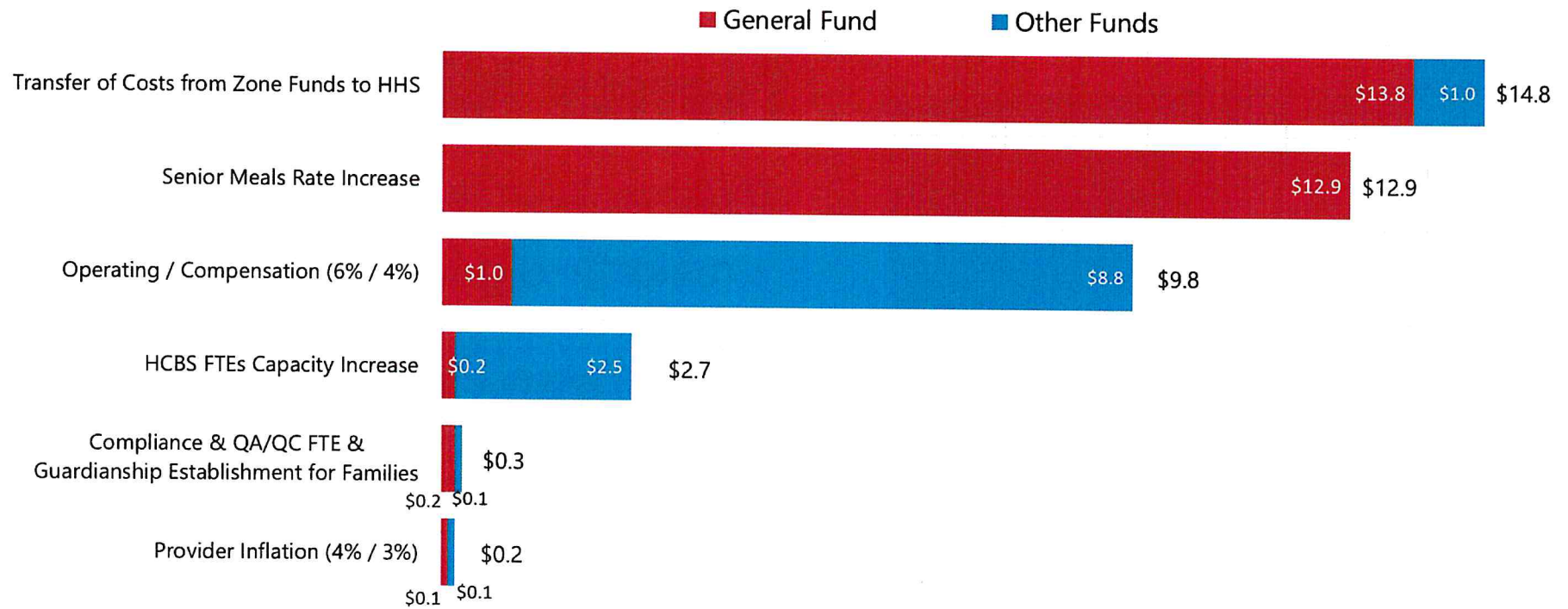
- Increase in salaries and benefits of \$20.4M
- Increase in operating/IT costs of \$21.0M
- Decrease in grants of (\$0.8M)





# Adult & Aging Services: Overview of budget changes

(IN MILLIONS)





## Contact information

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<https://www.hhs.nd.gov/adults-and-aging>

**ADRL 1-855-462-5465**

[U.S. Department of Justice Settlement Agreement | Health and Human Services North Dakota](#)