

**Testimony**  
**House Bill No. 1109**  
**House Human Services Committee**  
**Representative Matthew Ruby, Chairman**  
January 14, 2025

Chairman Ruby, and members of the House Human Services Committee, I am Tina Bay, Director of the Developmental Disabilities Section with the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1109, which was introduced at the request of the Department.

Most of the changes in House Bill No. 1109 involve updating the terminology from “treatment or care center” to “provider agency” and replacing “resident” or “patient” with “individual” or “eligible individual”. These revisions, made in Sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 15, 16, and 18, are necessary to remove outdated terminology and align the language with more person-centered principles.

I will now discuss the other specific changes to House Bill No. 1109.

**Section 1:**

In addition to the terminology updates, this section proposes moving the definitions of “Developmental disability” and “Group home” from North Dakota Century Code section 25-16-14 to this section for clarity and consistency.

**Section 3:**

The proposed changes in Section 3 of this Bill amends section 25-16-03 of the North Dakota Century Code to update terminology and to align language to current practice.

**Section 5:**

The proposed changes in Section 5 amend Section 25-16-04 by removing language previously noted in section 25-16-03. Additionally, "records" are added to the list of items the Department may review to assess a provider agency's compliance with Department rules, verify information submitted with an application, investigate complaints, and evaluate the implementation of a plan of correction. Access to these records are outlined North Dakota Administrative Code Article 75-04-01 as part of current process.

**Section 6:**

The proposed changes in Section 6 amend section 25-16-05 by replacing the language of "number of residents who may be received in such premises at any one-time" with occupancy or service limitations.

**Sections 7 and 10:**

The proposed changes in Section 7 amend section 25-16-06 and Section 10 amend section 25-16-09 by removing "for the conduct of such centers as are" and "to conduct a treatment or care center for individuals with a developmental disability" to reflect the terminology updates and the language is duplicative as the purpose of the chapter is regarding the centers (provider agency).

**Section 13:**

The proposed changes in Section 13 amend section 25-16-04 by removing the definitions of “Group home” and “Individual with a developmental disability” as these definitions have been moved into the definition section of 25-16-01.

**Section 14:**

Section 14 introduces three new sections. The first new section, “Corrective actions”, grants the Department corrective action options if a provider agency is found not in compliance with this chapter or the Department’s rules. The second new section, “Purchase of services”, moves the “Purchase of services” provision from North Dakota Century Code section 25-18-03 into this new section. The third new section, “Federal requirements – Supremacy”, moves “Federal requirements – Supremacy” from North Dakota Century Code section 25-18-09 to this section for consistency and clarity.

**Section 17:**

In addition to the previously mentioned terminology changes, Section 17 amends section 25-16.1-03 by proposing to replace the term “executive director” of the Department to “commissioner” to reflect the current leadership structure of the Department.

**Section 19:**

This section proposes the repeal of North Dakota Century Code chapter 25-18. A review of historical legislative actions reveals that this chapter was originally part of legislation passed in 2003, which aimed to study a fee-for-service rate setting system for payments to treatment or care centers serving individuals with developmental disabilities. A study was

conducted during the 2003-2005 interim, and it was determined that the fee-for-service system would not move forward. While some of the 2003 language was removed in 2005, other sections remained relevant only under the previous retrospective rate-setting methodology. Given this methodology changed in 2018, the remaining language is now outdated and should be repealed. With regard to the repeal of section 25-18-15, the legislative history does not provide background to its intent. However, section 50-06-06.4 outlines the legislative intent regarding comprehensive community residential programs for children with developmental disabilities. Therefore, the Department believes this language can also be repealed.

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