2021 HOUSE HUMAN SERVICES

HB 1402

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

HB 1402
1/27/2021

Relating to the substance use disorder treatment voucher system.

Chairman Weisz opened the hearing at 11:36 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Underserved areas
- Participation in out-of-state programs within 5 miles

Rep. Alisa Mitskog, District 25 (11:36) introduced the bill and submitted testimony #3808 & #3809

Additional written testimony: #3698

Chairman Weisz adjourned at 11:43 a.m.

Tamara Krause, Committee Clerk

#3808

House Human Services Committee

HB 1402

Rep. Alisa Mitskog

January 27, 2021

Chairman Weisz and Committee Members,

My name is Alisa Mitskog, I represent District 25.

HB 1402 is a bill that would allow for out of state substance use treatment programs and providers in underserved areas to be eligible for reimbursement through the substance use disorder voucher program.

The issue came to my attention due to the lack of providers in Wahpeton. Currently, individuals that need to go undergo treatment in the Wahpeton area and want to utilize the SUD vouchers must utilize Southeast Human Services providers in Fargo.

The challenge with this is access and transportation. Grants for transportation are available and transportation is contracted through a local taxi company. It is questionable if this is cost effective and a good use of public dollars. In one week, it cost $960.00 to transport one individual to Fargo for 3 different days of care. An average intensive outpatient treatment program can run 12 weeks of 3 session per week, one can do the math to figure out this is costly.

The solution in the Wahpeton area is to allow for individuals to be able to access services from providers across the river in Breckenridge, MN.

The Wahpeton-Breckenridge area is unique that the clinics are in Wahpeton, the hospital is in Breckenridge as well as the substance use disorder treatment provider. The Twin Towns, as they are referred to, work together to provide health care for the region.

I would ask the committee to consider passing HB 1402 that would allow for including out of state providers in the SUD Voucher program.

21.0897.02001
Title.

Prepared by the Legislative Council staff for
Representative Mitskog
January 22, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1402

Page 1, line 12, replace "An" with "The department shall adopt rules to allow an"

Page 1, line 14, replace "may" with "to"

Page 1, line 14, remove "to serve an underserved area"

Page 1, line 15, replace "of this state identified by the department" with "if an assessment of need is completed"

Renumber accordingly

#3698

January 26, 2021

Dear Chairman Wiesz and Members of the Human Services Committee,

My name is Mata Peterson Licensed Graduate Social Worker and Licensed Alcohol and Drug Counselor (MN). I own Life Transformations Outpatient Substance Use Disorder Clinic in Breckenridge, (MN). We have not been able to utilize the SUD vouchers for our clients who do not qualify for Medicaid, have no insurance or have private insurances that have high deductibles, due to being on the MN side. Since our facility is located on the border of MN and ND it would make sense for people from ND to be able to access services in MN and utilize the SUD vouchers if they qualify. Currently we are the only facility in Breckenridge/Wahpeton area that can offer SUD Services to ND residents. Many of the people that we are attempting to serve would need to travel up to an hour away or more to access services. This is a huge financial burden to the clients and transportation is a huge issue.

The focus has been on getting services to rural areas, yet MN facilities are not able to offer help to ND residents unless they have private insurance or they pay out of pocket. This is a huge disservice to the community. Clients may have to go without services and continue to struggle with their addictions.

I support clients being able to utilize SUD vouchers as a way to access care and treatment in both MN and ND.

Thank you for your time.

Sincerely,

Mata M. Peterson LGSW, LADC
P.O. Box 703
Fergus Falls, MN 56538
701-640-8915

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

HB 1402
2/10/2021

Relating to the substance use disorder treatment voucher system.

Chairman Weisz opened the committee meeting at 10:34 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Mile limitation
- Certificate of need

Rep. Kathy Skroch (10:36) moved to adopt **Amendment 21.0897.02002** - #7032.

Rep. Karen Rohr (10:37) second

Voice Vote – Motion Carried

Rep. Kathy Skroch (10:38) moved **Do Pass As Amended**

Rep. Mary Schneider (10:38) second

Representatives	Vote
Representative Robin Weisz	Y
Representative Karen M. Rohr	Y
Representative Mike Beltz	Y
Representative Chuck Damschen	Y
Representative Bill Devlin	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y

Representative Dwight Kiefert	Y
Representative Todd Porter	Y
Representative Matthew Ruby	Y
Representative Mary Schneider	Y
Representative Kathy Skroch	Y
Representative Bill Tveit	Y
Representative Greg Westlind	Y

Motion Carried Do Pass As Amended 14-0-0

Bill Carrier: Rep. Mary Schneider

Chairman Weisz adjourned at 10:39 a.m.

Tamara Krause, Committee Clerk

Adopted by the Human Services Committee

February 10, 2021

2/10/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1402

Page 1, line 2, after "system" insert "; and to provide an effective date"

Page 1, line 13, remove "five miles [8.05 kilometers] of the North"

Page 1, line 14, replace "Dakota border" with "a bordering state"

Page 1, line 15, replace "identified" with "pursuant to the rules adopted"

Page 1, line 15, after the underscored period insert "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."

Page 2, after line 2, insert:

"**SECTION 2. EFFECTIVE DATE.** This Act is effective on July 1, 2022."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1402: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1402 was placed on the Sixth order on the calendar.

Page 1, line 2, after "system" insert "; and to provide an effective date"

Page 1, line 13, remove "five miles [8.05 kilometers] of the North"

Page 1, line 14, replace "Dakota border" with "a bordering state"

Page 1, line 15, replace "identified" with "pursuant to the rules adopted"

Page 1, line 15, after the underscored period insert "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."

Page 2, after line 2, insert:

"**SECTION 2. EFFECTIVE DATE.** This Act is effective on July 1, 2022."

Renumber accordingly

PORPOSED AMENDMENTS TO HOUSE BILL 1402

Page 1, line 2, after "system" insert "; and to provide an effective date"

Page 1, line 13, replace "five miles [8.05 kilometers] of the North" with "a bordering state"

Page 1, line 14, remove "Dakota border"

Page 1, line 15, replace "identified" with "pursuant to the rules adopted"

Page 1, line 15, after the period insert "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."

Page 2, after line 2 insert:

"**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2022."

Renumber accordingly

2.85

2021 SENATE HUMAN SERVICES

HB 1402

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Sakakawea Room, State Capitol

HB 1402
3/8/2021

A BILL for an Act to amend and reenact section 50-06-42 of the North Dakota Century Code, relating to the substance use disorder treatment voucher system; and to provide an effective date.

Madam Vice Chair K. Roers opened the hearing on HB 1402 at 10:38 a.m. Members present: Lee, K. Roers, Hogan, Anderson, Clemens, O. Larsen.

Discussion Topics:

- Border town voucher usage
- Availability of services
- Underserved population areas
- Out of state patients
- Syringe service in Fargo

[10:39] Representative Alisa Mitskog, District 25. Introduced HB 1402 and provided testimony #7799 in favor.

[10:44] Pamela Sagness, Director, Behavioral Health Division, DHS. Provided testimony #7783 in favor.

[10:52] Ty Hagland, Volunteer Chair, ND Addiction Treatment Providers Coalition. Provided neutral testimony #7748.

[11:17] Representative Keith Kempenich, District 39. Provided oral testimony in favor.

[11:28] Dave Marion, Summit Prairie Recovery Center. Provided oral testimony in favor.

Additional written testimony: N/A

Madam Chair Lee closed the hearing on HB 1402 at- 11:31 a.m.

Justin Velez, Committee Clerk

Senate Human Services Committee

HB 1402

Rep. Alisa Mitskog

March 8, 2021

Chairman Lee and Committee Members,

My name is Alisa Mitskog, I represent District 25.

HB 1402 is a bill that would allow for out of state substance use treatment programs and providers in underserved areas to be eligible for reimbursement through the substance use disorder voucher program pursuant to the rules adopted by the department.

The issue came to my attention due to the lack of providers in Wahpeton. Currently, individuals that need to go undergo substance use disorder treatment in the Wahpeton area and want to utilize the SUD vouchers must utilize Southeast Human Services providers in Fargo.

The challenge with this is access and transportation. Grants for transportation are available and transportation is contracted through a local taxi company. It is questionable if this is cost effective and a good use of public dollars. In one week, it cost $960.00 to transport one individual to Fargo for 3 different days of treatment. An average intensive outpatient treatment program can run 12 weeks of 3 session per week, one can do the math to figure out this is costly.

The solution in the Wahpeton area is to allow for individuals to be able to access services from providers across the river in Breckenridge, MN.

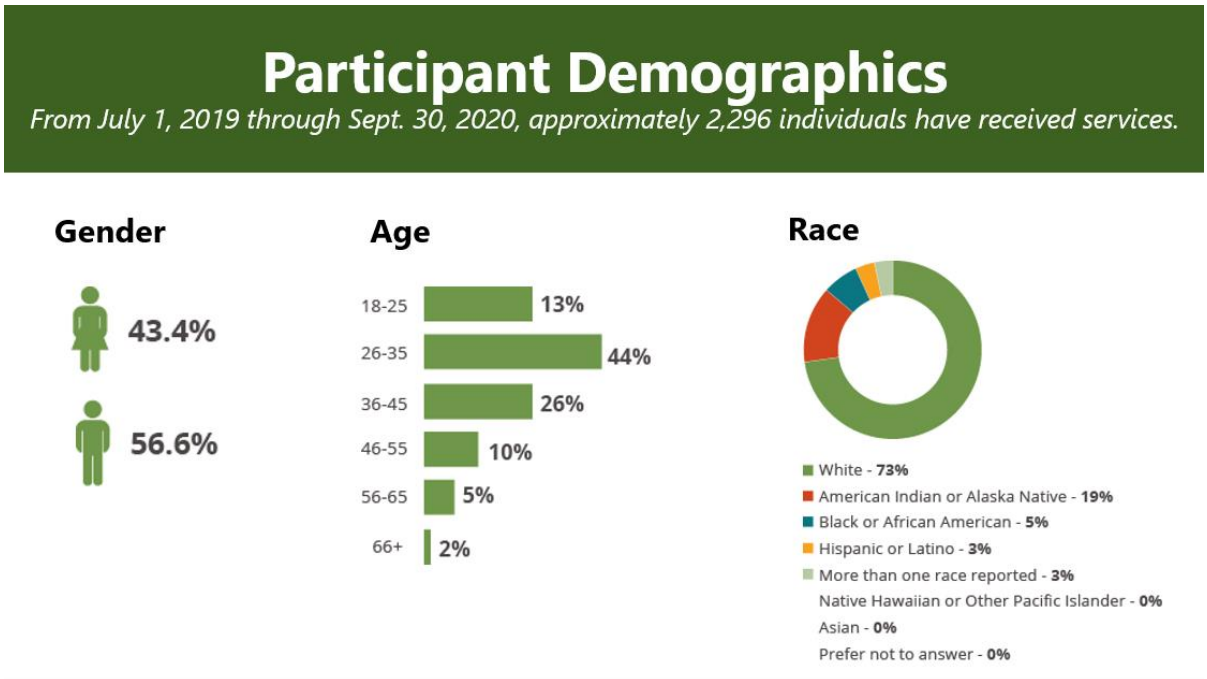
The Wahpeton-Breckenridge area is unique that the clinics are in Wahpeton, the hospital is in Breckenridge as well as the substance use disorder treatment provider. The Twin Towns, as they are referred to, work together to provide health care for the region.

I would ask the committee to consider passing HB 1402 that would allow for including out of state providers in the SUD Voucher program.

Testimony
Engrossed House Bill 1402 - Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
March 8, 2021

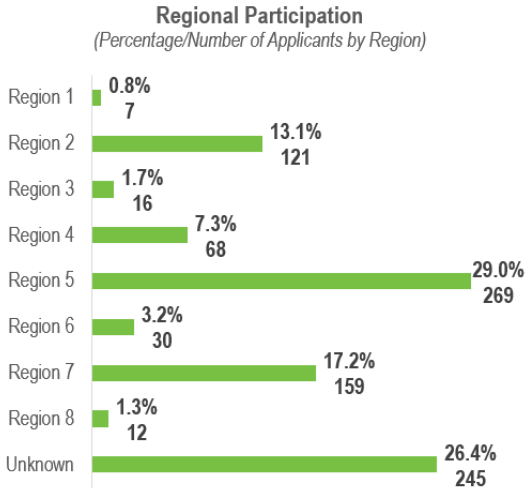
Chairman Lee and members of the Human Services Committee, I am Pamela Sagness Behavioral Health Division Director for the Department of Human Services (Department). I appear today to provide testimony in support of Engrossed House Bill 1402.

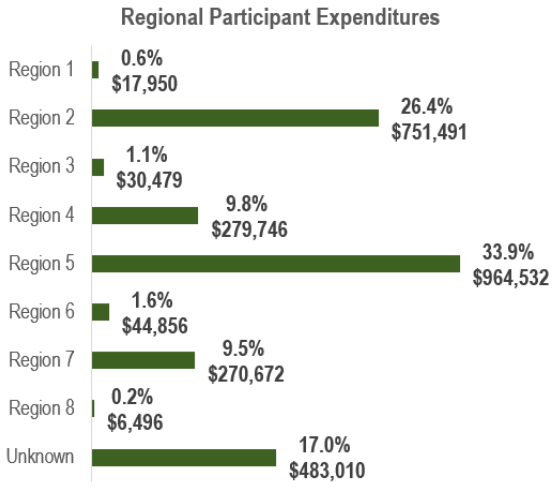
The Behavioral Health Division administers the Substance Use Disorder (SUD) Voucher which was created during the 2015 session with the intent for the department to establish and administer a voucher system to address underserved areas and gaps in the state's substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs. For context, I have provided SUD Voucher data below.



6 Month Snapshot: Regional Participation and Expenditures

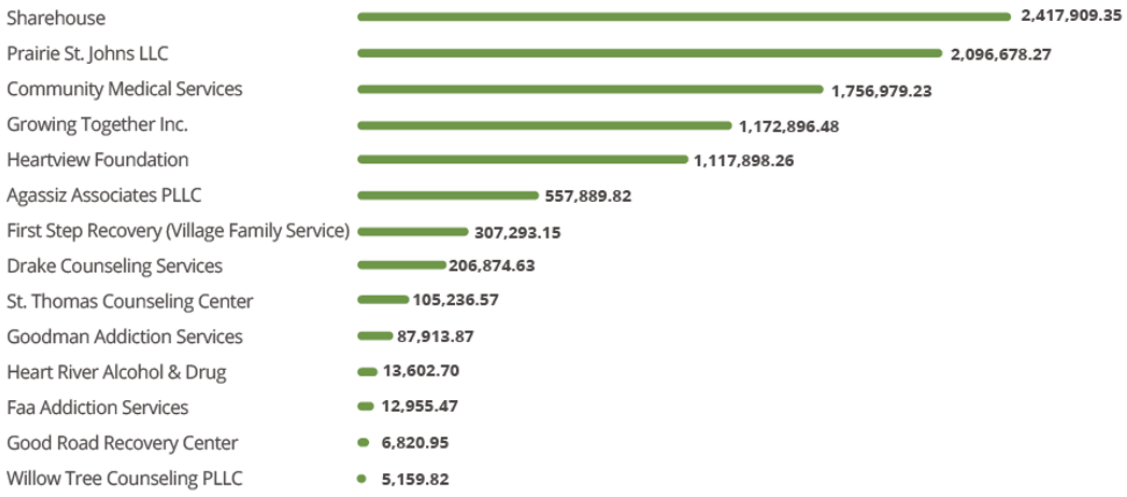
Applicants approved from February 2020 to August 2020





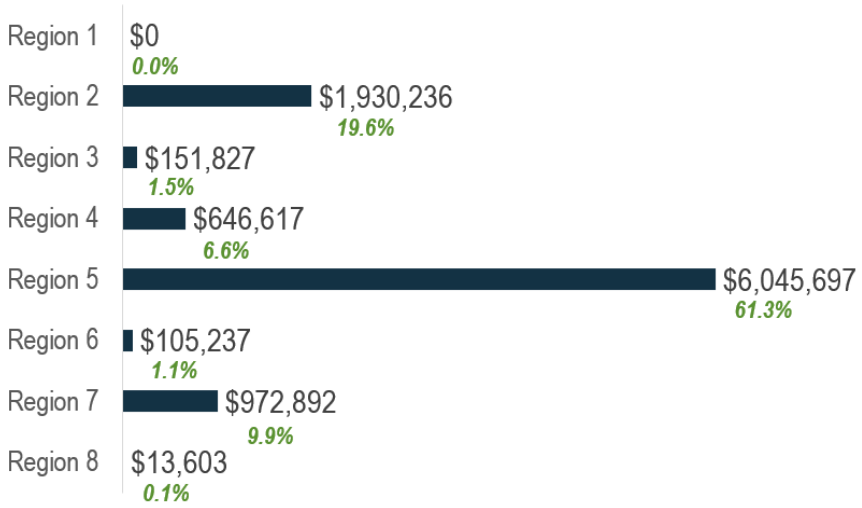
Total Voucher Reimbursements by Provider

The data below describes provider reimbursements from July 1, 2019 through December 11, 2020 ($9,866,108.57). Cumulative refunds received during this time totaled $219,292.81 for a net expenditure of $9,646,815.76.



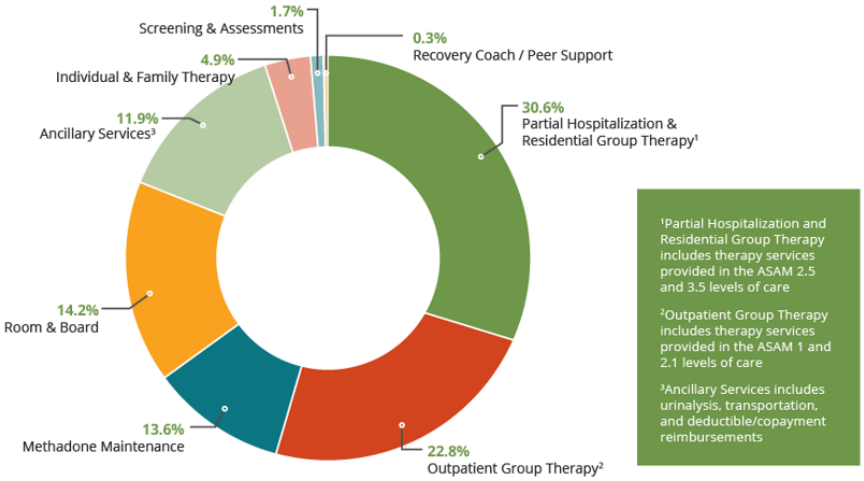
Regional Provider Reimbursements

July 1, 2019 – December 11, 2020

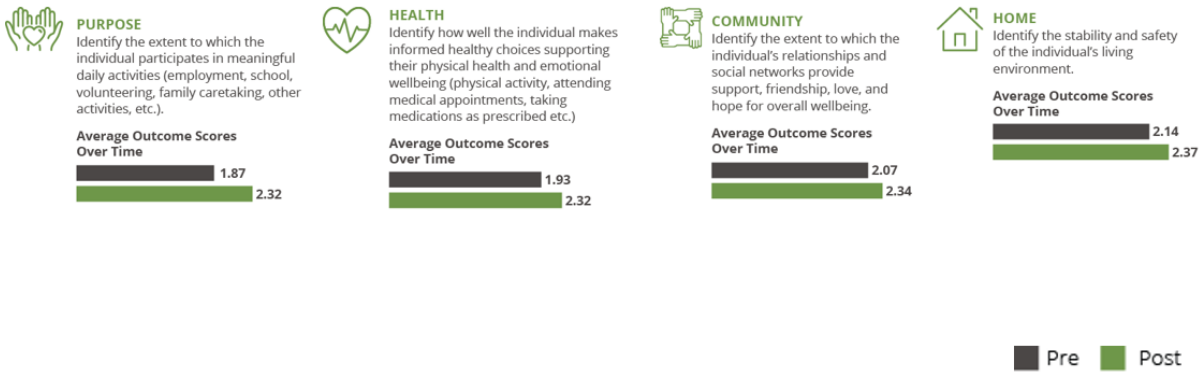


Expenditures by Service Type

Percentage of expenditures by service type from February 6, 2020 through December 11, 2020.



Since inception, all outcomes increased following services reimbursed through the SUD Voucher program.



Engrossed House Bill 1402 builds on efforts to ensure the SUD Voucher addresses underserved areas and population. This concludes my testimony and I am available to answer any questions.

#7748

NORTH DAKOTA NDATPC
ADDICTION TREATMENT PROVIDERS COALITION

NDATPC
3201 Fiechtner Dr. S
Fargo, ND 58103
ndatpcboard@gmail.com

Ty Hegland
Chair

Sherrice Schalesky
Vice Chair

Randi Berglund
Secretary

Kristie Spooner
Treasurer

Megan Busch
Member At Large

Candis Mock
Member At Large

Conditional Support of HB 1402

Chairwoman Lee & Members of the Committee,

My name is Ty Hegland and I serve as the volunteer Chair of the North Dakota Addiction Treatment Providers Coalition. Additionally I also serve as the President/CEO of ShareHouse in Fargo, ND.

As the voice of the private SUD providers of North Dakota, NDAPTC seeks to provide conditional support of the SUD Voucher expansion program to providers within five miles of the border. Given the appropriation issues associated with the voucher during the last biennium and the current unmet need of North Dakota providers, we respectfully request a cautious approach to any expansion of the voucher to providers outside of North Dakota.

By our estimates there are currently ten Minnesota providers in East Grand Forks, Moorhead, and Breckenridge, as well as one provider in Sidney, Montana who would be eligible to tap into the SUD Voucher. Combined this equates eleven SUD providers and 187 residential beds.

Given the voucher ran out of funding only one year into the current biennium, we stress the need for a smart approach to any potential expansion including;

1. Any expansion should be limited to outpatient services only.
2. A limited geographic area within the border should be established.
3. Any providers accessing the voucher from outside state limits should complete a “Certificate of Need” type process, in order to ensure the geographic area is currently under served and does not have adequate public or private providers to meet the needs of patients.

There is still much work to be done on the SUD Voucher program, but by taking this approach, we can serve more patients in areas of need while not draining these critical resources.

Thank you for your time,

Ty Hegland
Chair, NDATPC

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Get Back To Life PRAIRIE ST. JOHN'S
Summit PRAIRIE RECOVERY CENTER
FIRST STEP RECOVERY A Program of The Village
GOOD ROAD RECOVERY CENTER
Heart River ALCOHOL & DRUG ABUSE SERVICE, INC.
DRAKE COUNSELING SERVICES, INC
Growing Together Minot, ND
A.D.A.P.T. Inc. Changing Lifestyles
Agassiz Associates Live Life Intentionally
Community Medical Services
Advance In Recovery Carrington, ND

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Candis Mock
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The Key Components of Supporting North Dakota SUD Patients & Providers

* The patients and providers of North Dakota need a fully-funded SUD Voucher for the full two years of a biennium.

* Patients need the support of a full continuum of care. Due to the severity of illness and additional factors clinical assessments, commitments, jail diversion programs, etc., we cannot eliminate support for any levels of care as it will cause serious harm to thousands of patients across North Dakota. This includes Residential, Outpatient, Medication Assisted Therapy, and Community Based Supports.

* SUD Providers across the state support the efforts of the ND Dept. of Human Services with community based services and social supports. However it is imperative that due to the severity of illness and ASAM clinical standards, Residential and Outpatient Clinical Services continue to be prioritized and supported due to being the core services of SUD treatment for patients.

* The costs of not treating SUD patients is not revenue neutral. NDATPC encourages the state to continue pursuing Medicaid Waivers to offset general funding costs, including pursuit of an IMD Waiver. The 1915i Waiver is a great start in this process, however we cannot continue to deny Residential/High Intensity Care for low-income individuals in North Dakota, as it causes more harm to patients, families, and communities. As a result of not having an IMD waiver, hospitals, jails, and many additional entities experience higher operating costs and patients receive services that are not effective in dealing with Behavioral Health/SUD disorders.

* According to the National Institute of Health, for every dollar spend on SUD services, $6.00 are saved in correctional costs and $13.00 are saved in primary healthcare costs.

* Due to recent budget issues, North Dakota should not enroll providers who are not licensed in the State of North Dakota, unless it is an underserved area for outpatient services, and the provider completes a Certificate of Need process. Given the volume of providers within five miles of the border (11 providers and 187 residential beds) the depletion of a SUD Voucher fund will only accelerate if this occurs and we will run into the same issue of the 2020-2021 biennium.

* The State of North Dakota should be in be in compliance with the Mental Health Parity and Addiction Equity Act (MHPAEA) at all times. This includes sufficient access for patients to all levels of care and compliant reimbursement methodology.

* ASAM assessments carried out by licensed clinicians need to determine levels of care for patients. The ND Dept. of Human Services should not be involved in influencing service provision and levels of care through policy, as it causes patients to be cared for in inappropriate clinical settings and compounds the Behavioral Health/SUD disorders of a patient.

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2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Sakakawea Room, State Capitol

HB 1402
3/9/2021

A BILL for an Act to amend and reenact section 50-06-42 of the North Dakota Century Code, relating to the substance use disorder treatment voucher system.

Madam Chair Lee opened the discussion on HB 1402 at 2:45 p.m. Members present: Lee, K Roers, Hogan, Anderson, Clemens. Members absent: O. Larsen.

Discussion Topics:

- Review of testimony positions

Senator Anderson moves **DO PASS**
Senator K. Roers seconded.

Senators	Vote
Senator Judy Lee	Y
Senator Kristin Roers	Y
Senator Howard C. Anderson, Jr.	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Oley Larsen	ABSENT

The motion passed 5-0-1
Senator Anderson will carry HB 1402.

Additional written testimony: N/A

Madam Chair Lee closed the discussion on HB 1402 at 2:49 p.m.

Justin Velez, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1402, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1402 was placed on the Fourteenth order on the calendar.