2025 HOUSE HUMAN SERVICES

HB 1109

2025 HOUSE STANDING COMMITTEE MINUTES

HUMAN SERVICES COMMITTEE
PIONEER ROOM, STATE CAPITOL

HB 1109
1/14/2025

Relating to residential care and services for the developmentally disabled.

10:00 a.m. Chairman M.Ruby called the meeting to order.

Members present: Chairman Ruby Vice Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Discussion Topics:

- Update terminology
- Definitions for clarity
- Federal funding

10:02 a.m. Tina Bay, Director of Developmental Disabilities Section with the Human Services Department, testified in support, and submitted testimony #28529.

10:10 a.m. Chairman M.Ruby closed the hearing.

Jackson Toman, Committee Clerk

NORTH Dakota | Health & Human Services
Be Legendary.

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 These revisions, made in Sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 15, 16, and 18, are necessary to remove outdated terminology and align the language with more person-centered principles.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.

2025 HOUSE STANDING COMMITTEE MINUTES

HUMAN SERVICES COMMITTEE
PIONEER ROOM, STATE CAPITOL

HB 1109
1/14/2025

Relating to residential care and services for the developmentally disabled

3:20 p.m. Chairman M. Ruby opened the meeting.

Members present: Chairman M. Ruby, Vice Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Members absent: Representative Dobervich

Discussion Topics:

- Committee work

3:22 p.m. Representative Anderson moved a Do Pass.

3:22 p.m. Representative Davis seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	Y
Representative Mike Beltz	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	AB
Representative Cleyton Fegley	Y
Representative Jared Hendrix	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Nico Rios	Y
Representative Karen Rohr	Y

3:33 p.m. Motion passed 12-0-1.

3:33 p.m. Representative Davis will carry the bill.

3:33 p.m. Chairman Ruby closed the meeting.
Jackson Toman, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1109 (25.8079.01000)

Human Services Committee (Rep. M. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1109 was placed on the Eleventh order on the calendar.

2025 SENATE HUMAN SERVICES

HB 1109

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1109
2/11/2025

Relating to developmental disability, residential care and services for the developmentally disabled, and receivers for developmentally disabled facilities; and to repeal chapter 25-18 of the North Dakota Century Code, relating to fee for service ratesetting for developmentally disabled facilities.

9:05 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Host Home implementation
- Developmental Disabilities providers
- Pilot program eligibility

9:06 a.m. Tina Bay, Director of Developmental Disabilities Section with the Department of Health and Human Services, testified in favor and submitted testimony #36871.

9:24 a.m. Senator Roers moved amendment LC#25.8079.01001.

9:24 a.m. Senator Weston seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

9:25 a.m. Senator Hogan motioned Do Pass as amended.

9:25 a.m. Senator Van Oosting seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y

Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

Senator Hogan will carry the bill.

9:26 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

Adopted by the Senate Human Services Committee
February 11, 2025

2-11-25

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

JB 1109

HOUSE BILL NO. 1109

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

A BILL for an Act to create and enact three new sections to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled; to amend and reenact sections 25-16-01, 25-16-02, 25-16-03, 25-16-03.1, 25-16-04, 25-16-05, 25-16-06, 25-16-07, 25-16-08, 25-16-09, 25-16-12, 25-16-13, 25-16-14, 25-16.1-01, 25-16.1-02, 25-16.1-03, and 25-16.1-04 of the North Dakota Century Code, relating to developmental disability, residential care and services for the developmentally disabled, and receivers for developmentally disabled facilities; ~~and~~ to repeal chapter 25-18 of the North Dakota Century Code, relating to fee for service ratesetting for developmentally disabled facilities; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 25-16-01 of the North Dakota Century Code is amended and reenacted as follows:

25-16-01. Definitions.

In this chapter unless the context or subject matter otherwise requires:

1. "Department" means the department of health and human services.
2. "~~Treatment or care center~~"Developmental disability" has the same meaning as in section 25-01.2-01.
3. "Group home" means any community residential facility housing more than three individuals with a developmental disability.

4. "Host home" means a community-based family home environment providing services to no more than two individuals with a developmental disability who require out-of-home placement to facilitate delivery of intensive care and support.

5. "Provider agency" means an entity providing services to individuals with developmental disabilities and licensed by the department to provide services.

SECTION 2. AMENDMENT. Section 25-16-02 of the North Dakota Century Code is amended and reenacted as follows:

25-16-02. License required.

The operator of a ~~treatment or care center~~provider agency for individuals with a developmental disability shall secure annually from the department a license as required by rules adopted under this chapter.

SECTION 3. AMENDMENT. Section 25-16-03 of the North Dakota Century Code is amended and reenacted as follows:

25-16-03. Requirements for license.

The department shall issue a license for the operation of ~~a treatment or care center for~~an agency providing services to individuals with a developmental disability upon a showing that:

1. The premises to be used are ~~in fit,~~ safe, sanitary ~~condition,~~ and properly equipped to provide good care ~~and treatment~~;
2. The persons in ~~active~~ charge of the ~~center and~~provider agency, including their assistants, are qualified by training and experience to carry on efficiently the duties required of them;
3. The health, safety, and well-being of ~~the residents cared for and treated therein will be properly safeguarded~~individuals receiving services are protected;
4. ~~There is sufficient entertainment~~A variety of meaningful activities, treatment, educational opportunities, and physical facilities ~~and services available to the residents therein~~are available;
5. Appropriate arrangements are made for a medical and psychological examination of each ~~resident~~individual; and
6. The provider is in compliance with rules adopted by the department under this chapter.

SECTION 4. AMENDMENT. Section 25-16-03.1 of the North Dakota Century Code is amended and reenacted as follows:

JB 3 of 9

25-16-03.1. Conviction not bar to licensure - Exceptions.

Conviction of an offense does not disqualify a person from licensure under this chapter unless the ~~division~~department determines that the offense has a direct bearing upon a person's ability to serve the public as an owner or operator of a ~~treatment or care center for individuals with a developmental disability~~provider agency, or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

SECTION 5. AMENDMENT. Section 25-16-04 of the North Dakota Century Code is amended and reenacted as follows:

25-16-04. Inspection and report by department.

The department may inspect the facilities ~~and~~, premises, and records of the applicant or the provider agency to determine ~~the premises are fit, safe, and sanitary to provide quality care and treatment~~whether the provider agency is in compliance with the rules of the department, to facilitate verification of the information submitted with an application for licensure, to investigate complaints, and to evaluate the implementation of a plan of correction.

SECTION 6. AMENDMENT. Section 25-16-05 of the North Dakota Century Code is amended and reenacted as follows:

25-16-05. Content of license.

The license ~~to operate a treatment or care center for individuals with a developmental disability~~ issued under the provisions of this chapter must specify:

1. The name of the ~~licensee~~provider agency.
2. The premises to which the license is applicable.
3. The ~~number of residents who may be received in such premises at any one time~~occupancy or service limitations.
4. The date of expiration of the license.

SECTION 7. AMENDMENT. Section 25-16-06 of the North Dakota Century Code is amended and reenacted as follows:

25-16-06. Department to prescribe forms - Rules.

The department may prescribe forms for the registration and record of ~~the persons residing in treatment or care centers for individuals with a developmental disability~~an eligible individual and may adopt reasonable rules ~~for the conduct of such centers as are~~ necessary to carry out the purposes of this chapter.

SECTION 8. AMENDMENT. Section 25-16-07 of the North Dakota Century Code is amended and reenacted as follows:

25-16-07. ~~Records of treatment or care center confidential~~Confidential records.

Except as otherwise authorized by law, an agent of the department or the superintendent of the life skills and transition center or the ~~licensee or~~provider agency, their agents, or employees may not disclose the contents of ~~the individual~~an eligible individual's records ~~of a treatment or care center for individuals with a developmental disability~~, nor of the reports received from those records, except:

1. In a judicial proceeding when ordered by the presiding judge;
2. To a law enforcement official for a law enforcement purpose or any other legally constituted boards or agencies serving the interests of the ~~resident~~eligible individuals for treatment, payment, or health care operations, to arrange, facilitate, or coordinate service to any such person;
3. To the parents or legal guardians of the ~~resident~~eligible individual;
4. To a physician to aid in the treatment of an individual within the fourth degree of consanguinity of a deceased ~~resident~~eligible individual, if the disclosure is limited to genetic health information that has a direct bearing on the health of the relative, the relative's child, or the relative's decision to have a child; or
5. To an individual who is within the fourth degree of consanguinity of a deceased ~~resident~~eligible individual, if the disclosure is limited to information about ~~a resident~~an eligible individual needed to establish a family's genealogy.

SECTION 9. AMENDMENT. Section 25-16-08 of the North Dakota Century Code is amended and reenacted as follows:

25-16-08. Revocation of license.

The department may revoke a license of a ~~treatment or care center for individuals with a developmental disability~~provider agency upon a proper showing that:

1. Any of the conditions set forth in section 25-16-03 as requirements for the issuance of the license no longer exists;
2. The license was issued upon fraudulent or untrue representations;
3. The owner or operator has violated any of the rules of the department; or

JB 5089

4. The owner or operator of the ~~center~~provider agency has been guilty of an offense determined by the department to have a direct bearing upon a person's ability to serve the public as an owner or operator, or the department determines, following conviction of an offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1.

SECTION 10. AMENDMENT. Section 25-16-09 of the North Dakota Century Code is amended and reenacted as follows:

25-16-09. Hearing on denial or revocation of license.

Before any application for a license ~~to conduct a treatment or care center for individuals with a developmental disability~~ is denied or before the revocation of such license by the department, written charges as to the reasons for the revocation or denial must be served upon the applicant or ~~licensee~~provider agency, who has a right to a hearing before the department, if a hearing is requested within ten days after service of written charges.

SECTION 11. AMENDMENT. Section 25-16-12 of the North Dakota Century Code is amended and reenacted as follows:

25-16-12. Efforts to obtain private and governmental grants.

The department and the ~~duly licensed treatment or care centers for individuals with a developmental disability~~provider agency may exert all possible efforts to obtain grants, both private and governmental, for the care, custody, treatment, training, and education of individuals with a developmental disability.

SECTION 12. AMENDMENT. Section 25-16-13 of the North Dakota Century Code is amended and reenacted as follows:

25-16-13. Expenses chargeable against ~~patient~~eligible individual, ~~patient's~~eligible individual's estate, or responsible relatives.

This chapter does not relieve the responsibility of the ~~patient~~eligible individual, the ~~patient's~~eligible individual's estate, or responsible relatives of the expenses for care and treatment as provided in chapter 25-04 or 50-06.3. The provisions of chapter 25-04 or 50-06.3 applicable to the expenses of care and treatment of patients apply to this chapter.

SECTION 13. AMENDMENT. Section 25-16-14 of the North Dakota Century Code is amended and reenacted as follows:

JIn 6089

25-16-14. ~~Definitions -~~ Group homes for individuals with developmental disabilities - Zoning.

~~1. For the purposes of this section:~~

~~a. "Group home" means any community residential facility, foster home, family care facility, or other similar home for individuals with a developmental disability.~~

~~b. "Individual with a developmental disability" means an individual with a severe, chronic disability which:~~

~~(1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;~~

~~(2) Is manifested before the individual attains age twenty-two;~~

~~(3) Is likely to continue indefinitely;~~

~~(4) Results in substantial functional limitations in three or more of the following areas of major life activity:~~

~~(a) Self-care;~~

~~(b) Receptive and expressive language;~~

~~(c) Learning;~~

~~(d) Mobility;~~

~~(e) Self-direction;~~

~~(f) Capacity for independent living; and~~

~~(g) Economic sufficiency; and~~

~~(5) Reflects the individual's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are lifelong or extended duration and are individually planned and coordinated.~~

~~2.~~ Notwithstanding the provisions in chapter 11-33, 40-47, or 58-03, or any other provisions authorizing any political subdivision to establish or enforce zoning regulations, a licensed group home serving six or fewer individuals with a developmental disability must be considered a permitted use in a single-family or equivalent least-density residential zone, and a licensed group home serving eight or fewer individuals with a developmental disability must be considered a permitted use in any area zoned for residential use of greater density than single-family use.

SECTION 14. Three new sections to chapter 25-16 of the North Dakota Century Code are created and enacted as follows:

Corrective actions.

1. If the department finds the provider agency is not in compliance with this chapter or the rules adopted by the department, the department may notify the provider agency of required corrective actions.
2. The provider agency shall submit a corrective action plan addressing the corrective actions.
3. If the provider agency fails to comply with the corrective action plan by the date certain for correction, the department may:
   a. Issue a restricted license; or
   b. Revoke the license.

Purchase of services - Host home program.

1. The department may purchase residential care, custody, treatment, training, and education services for individuals with developmental disabilities from a provider agency or a Medicaid-enrolled provider, from funds appropriated for that purpose.
2. The department may establish a host home program to provide out-of-home placement habilitation and support services for Medicaid-eligible individuals with developmental disabilities.

Federal requirements - Supremacy.

If any provision of this chapter is determined by the United States government to be in conflict with existing or future requirements of the United States government so as to limit or preclude federal financial participation in medical assistance, the department shall comply with the federal requirements to the extent necessary to obtain federal financial participation and shall not comply with the provisions of this chapter if necessary to avoid a loss of federal financial participation.

SECTION 15. AMENDMENT. Section 25-16.1-01 of the North Dakota Century Code is amended and reenacted as follows:

25-16.1-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Department" means the department of health and human services.

2. "~~Treatment or care center~~Provider agency" means an entity providing services to individuals with developmental disabilities and licensed by the department to provide services.

SECTION 16. AMENDMENT. Section 25-16.1-02 of the North Dakota Century Code is amended and reenacted as follows:

25-16.1-02. Conditions for appointment of receiver.

When the department has revoked the license of a ~~treatment or care center~~provider agency, or when the operator of a ~~center~~provider agency has requested, the department may file a petition with the district court to place the ~~center~~provider agency under the control of a receiver if necessary to protect the health or safety of clients at the ~~center~~provider agency. The court may grant the petition upon a finding that the health or safety of the clients at the ~~center~~provider agency would be seriously threatened if a condition existing at the time the petition was filed is permitted to continue. Such a finding may be based upon evidence concerning the physical plant, the program and services offered by the ~~center~~provider agency, but not solely upon evidence that a ~~center~~provider agency:

1. Has been denied a license to operate as a ~~center~~provider agency, or has had a previously issued license revoked; or
2. Has been denied certification as an intermediate care facility for individuals with intellectual disabilities, or has lost or had revoked such certification.

SECTION 17. AMENDMENT. Section 25-16.1-03 of the North Dakota Century Code is amended and reenacted as follows:

25-16.1-03. Appointment of receiver.

The court shall appoint, as receiver, the ~~executive director~~commissioner of the department who shall designate a qualified individual not employed by this state or its political subdivisions, or a nonprofit organization to execute the receivership. The receiver appointed by the court shall use the income and assets of the ~~treatment or care center~~provider agency to maintain and operate the ~~center~~provider agency and to attempt to correct the conditions which constitute a threat to the clients. The receiver may not liquidate the assets of the ~~treatment or care center~~provider agency.

SECTION 18. AMENDMENT. Section 25-16.1-04 of the North Dakota Century Code is amended and reenacted as follows:

25-16.1-04. Termination of receivership.

The receivership shall be terminated when the receiver and the court certify that the conditions which prompted the appointment have been corrected, when the license is restored, when a new license is issued, or, in the case of an election by the owner or owners to discontinue operation, when the clients are safely placed or provided services in other ~~centers~~provider agencies.

SECTION 19. REPEAL. Chapter 25-18 of the North Dakota Century Code is repealed.

SECTION 20. EMERGENCY. This Act is declared to be an emergency measure.

REPORT OF STANDING COMMITTEE
HB 1109

Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS (25.8079.01001)** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1109 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

NORTH Dakota | Health & Human Services
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Testimony
House Bill No. 1109
Senate Human Services Committee
Senator Judy Lee, Chairman
February 11, 2025

Chairman Lee, and members of the Senate 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 and proposed amendments.

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. The Department is requesting an amendment to add the definition of "host home" to this section to enable continued development of services that can better address the range of unique needs of people served.

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 Department is requesting an amendment to this new section to allow the Department to purchase services from a Medicaid-enrolled provider and to establish a host home program to provide out-of-home placement to facilitate delivery of intensive care and support for Medicaid-eligible individuals with developmental disabilities.

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.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1109

A BILL for an Act to create and enact three new sections to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled; to amend and reenact sections 25-16-01, 25-16-02, 25-16-03, 25-16-03.1, 25-16-04, 25-16-05, 25-16-06, 25-16-07, 25-16-08, 25-16-09, 25-16-12, 25-16-13, 25-16-14, 25-16.1-01, 25-16.1-02, 25-16.1-03, and 25-16.1-04 of the North Dakota Century Code, relating to developmental disability, residential care and services for the developmentally disabled, and receivers for developmentally disabled facilities; ~~and~~ to repeal chapter 25-18 of the North Dakota Century Code, relating to fee for service ratesetting for developmentally disabled facilities; and to declare an emergency.

Page 1, lines 12 through 20:

25-16-01. Definitions.

In this chapter unless the context or subject matter otherwise requires:

1. "Department" means the department of health and human services.
2. "~~Treatment or care center~~"Developmental disability" has the same meaning as in section 25-01.2-01.
3. "Group home" means any community residential facility housing more than three individuals with a developmental disability.
4. "Host home" means a community-based family home environment providing services to no more than two individuals with a developmental disability who require out-of-home placement to facilitate delivery of intensive care and support.
5. "Provider agency" means an entity providing services to individuals with developmental disabilities and licensed by the department to provide services.

Page 7, lines 5 through 8:

Purchase of services – Host home program.

1. The department may purchase residential care, custody, treatment, training, and education services for individuals with developmental disabilities from a provider agency or a Medicaid enrolled provider, from funds appropriated for that purpose.

2. The department may establish a host home program to provide out-of-home placement habilitation and support services for Medicaid-eligible individuals with developmental disabilities.

Page 8, after line 27 insert:

SECTION 20. EMERGENCY. This act is declared to be an emergency measure.

2025 CONFERENCE COMMITTEE

HB 1109

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Pioneer Room, State Capitol

HB 1109
4/1/2025
Conference Committee

Relating to residential care and services for the developmentally disabled; relating to developmental disability, residential care and services for the developmentally disabled, and receivers for developmentally disabled facilities; and relating to residential care and services for the developmentally disabled.

5:08 p.m. Chairman Rohr opened the meeting.

Members Present: Senators Lee, Weston, Hogan, Chairman Rohr, Representatives Davis, Hendrix

Discussion Topics:

- Committee discussion
- Host home
- Emergency clause

5:10 p.m. Senator Lee introduced the amended bill.

5:20 p.m. Tina Bay, Director of Developmental Disability Segment of the Department of Health and Human Services, testified and answered questions.

5:43 p.m. Senator Hogan moved that the House accept the Senate amendments.

5:43 p.m. Representative Davis seconded the motion.

5:44 p.m. Motion passed 6-0-0.

Representative Davis and Senator Hogan will carry the bill.

5:45 p.m. Chairman Rohr closed the meeting.

Jackson Toman, Committee Clerk

HB 1109 040125 1743 PM Roll Call Vote

Final Recommendation

HB 1109
Date Submitted: April 1, 2025, 5:43 p.m.
Recommendation: Accept
Amendment LC #: 25.8079.01001
Engrossed LC #: N/A
Description:
Motioned By: Hogan, Kathy
Seconded By: Davis, Jayme
House Carrier: Davis, Jayme
Senate Carrier: Hogan, Kathy
Emergency Clause: Added
Vote Results: 6 - 0 - 0

Rep. Rohr, Karen M.	Yea
Rep. Davis, Jayme	Yea
Rep. Hendrix, Jared	Yea
Sen. Lee, Judy	Yea
Sen. Weston, Kent	Yea
Sen. Hogan, Kathy	Yea

Insert LC: 25.8079.01001 Title: 02000
House Carrier: Davis
Senate Carrier: Hogan

REPORT OF CONFERENCE COMMITTEE
HB 1109

Your conference committee (Sens. Lee, Weston, Hogan and Reps. Rohr, Davis, Hendrix) recommends the **HOUSE ACCEPT** the Senate amendments (25.8079.01001) to HB 1109.

HB 1109 was placed on the Seventh order of business on the calendar.