

Sixty-third
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1038

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL ~~for an Act to provide for a program to provide autism spectrum disorder training and~~
2 ~~support and for the establishment of an autism spectrum disorder registry.~~for an Act to provide
3 for the establishment of an autism spectrum disorder database and an autism spectrum
4 disorder voucher program; to provide for a department of human services study and report to
5 the legislative management; and to provide an appropriation.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 ~~— SECTION 1.~~

8 ~~— Autism spectrum disorder training and support.~~

9 ~~— The department of public instruction shall provide training and support to general education~~
10 ~~classroom teachers and other school staff regarding the most effective methods of educating~~
11 ~~and providing services and support to individuals with autism spectrum disorder.~~

12 ~~— SECTION 1.~~

13 ~~— Autism spectrum disorder registry – Required reporting.~~

14 ~~— The state department of health shall establish and administer an autism spectrum disorder~~
15 ~~registry. The registry must include a record of all reported cases of autism spectrum disorder in~~
16 ~~the state and any other information deemed relevant and appropriate by the department in~~
17 ~~order to complete epidemiologic surveys of the autism spectrum disorder, enable analysis of the~~
18 ~~autism spectrum disorder, and provide services to individuals with an autism spectrum disorder.~~
19 ~~A physician, psychologist, or any other licensed provider who is qualified by training to make the~~
20 ~~diagnosis and who then makes the diagnosis that a child is affected with autism spectrum~~
21 ~~disorder shall report each new case of this diagnosis to the department in a form and manner~~
22 ~~prescribed by the state health officer. The report must include the child's birth date, gender, zip~~
23 ~~code at birth residence, and the specific diagnosis of the child diagnosed as having autism~~
24 ~~spectrum disorder. The report may not include the name or address of the child. Nothing in this~~

~~section may be construed to compel a child who has been reported as affected with autism spectrum disorder to submit to medical or health examination or supervision by the department.~~

SECTION 1.

Autism spectrum disorder database - Rulemaking - Confidentiality.

1. The state department of health shall establish and administer an autism spectrum disorder database. The database must include a record of all reported cases of autism spectrum disorder in the state and any other information determined relevant and appropriate by the department in order to complete epidemiologic surveys of the autism spectrum disorder, enable research and analysis of the autism spectrum disorder, and provide services to individuals with an autism spectrum disorder.
2. The state department of health shall establish criteria regarding who is qualified to report a case of autism spectrum disorder to the database. In establishing this criteria, the department shall require that the reporter be a doctoral-level professional and be appropriately licensed, credentialed, and experienced in the field of autism spectrum disorder, including intellectual testing and other formal evidenced-based assessments for autism spectrum disorders. The department shall consult with experts in establishing this criteria.
3. The database established under this section must:
 - a. Include the reported individual's diagnoses under the American psychiatric association's diagnostic and statistical manual of mental disorders, fifth edition;
and
 - b. Include a complete physical evaluation of the reported individual, performed by a licensed physician.
4. The state health council shall adopt rules to provide for mandatory reporting to the autism spectrum disorder database and to establish reporting requirements, including timeliness requirements.
5. The state department of health shall keep confidential all records of the database which could be used to identify a reported individual; however, the department may provide these records to other state agencies as necessary to effect the purposes of this database without regard to the confidential nature of the records. If the department provides confidential records of the database to a state agency, the

1 department shall notify the receiving agency of the confidential nature of the records
2 and the receiving agency shall treat these records as confidential.

3 **SECTION 2.**

4 **Autism spectrum disorder voucher program - Appeal.**

5 1. The department of human services shall establish a voucher program to assist in
6 funding equipment and general educational needs related to autism spectrum disorder
7 for individuals under age twenty-two who have been diagnosed with autism spectrum
8 disorder. The program may include funding for assistive technology; video modeling
9 videos or equipment; language-generating devices; training and educational material
10 for parents; parenting education; sensory equipment; tutors; safety equipment; travel
11 tools; self-care equipment; timers; visual representation systems; language
12 comprehension equipment; and registration and related expenses for workshops and
13 training to improve independent living skills, employment opportunities, and other
14 executive or social skills. In determining the amount of a voucher for which an
15 applicant may be determined eligible under this section, the department shall consider
16 the applicant's level of functioning.

17 2. The department shall adopt rules addressing management of this voucher program
18 and establishing the eligibility requirements and exclusions for this voucher program.
19 The program may not provide a voucher for early intensive behavioral intervention,
20 including applied behavioral analysis, intensive early interventional behavioral therapy,
21 intensive behavioral intervention, the Lovaas method, the Denver model, LEAP
22 (learning experiences - an alternative program for preschoolers and parents),
23 TEACCH (treatment and education of autistic and related communication handicapped
24 children), pivotal response training, or discrete trial training.

25 3. A decision on a voucher application which is issued by the department under this
26 section may be appealed as provided under chapter 28-32.

27 **SECTION 3. DEPARTMENT OF HUMAN SERVICES AUTISM SPECTRUM DISORDER**
28 **STUDY AND REPORT TO THE LEGISLATIVE MANAGEMENT.** During the 2013-14 interim, in
29 consultation with clinicians who have expertise in the evaluation, diagnosis, and treatment of
30 autism spectrum disorder, the department of human services shall study autism spectrum
31 disorder services, including the most feasible service delivery system for individuals not served

1 in the developmental disability system who have an autism spectrum disorder. Before August 1,
2 2014, the department of human services shall report to the legislative management the
3 outcome and recommendations of this study.

4 **SECTION 4. APPROPRIATION - STATE DEPARTMENT OF HEALTH - AUTISM**
5 **SPECTRUM DISORDER DATABASE.** There is appropriated out of any moneys in the general
6 fund in the state treasury, not otherwise appropriated, the sum of \$200,648, or so much of the
7 sum as may be necessary, to the state department of health for the purpose of establishing and
8 administering an autism spectrum disorder database, for the biennium beginning July 1, 2013,
9 and ending June 30, 2015. The state department of health is authorized one full-time equivalent
10 position for this purpose.

11 **SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATE**
12 **AUTISM COORDINATOR.** There is appropriated out of any moneys in the general fund in the
13 state treasury, not otherwise appropriated, the sum of \$400,000, or so much of the sum as may
14 be necessary, to the department of human services for the purpose of hiring a state autism
15 coordinator who would be responsible for implementing a resource and service center to
16 provide information and services for individuals with autism spectrum disorder, developing a
17 statewide outreach plan, conducting regional meetings and an annual conference, and
18 developing a protocol for use after screenings, for the biennium beginning July 1, 2013, and
19 ending June 30, 2015. The department of human services is authorized one full-time equivalent
20 position for this purpose.

21 **SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATEWIDE**
22 **AUTISM SPECTRUM DISORDER TRAINING EFFORT.** There is appropriated out of any
23 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
24 \$500,000, or so much of the sum as may be necessary, to the department of human services
25 for the purpose of implementing a statewide autism spectrum disorder training effort, including
26 physician training, regional training, school staff training, and parent training, for the biennium
27 beginning July 1, 2013, and ending June 30, 2015.