

**SENATE BILL NO. 2041
with House Amendments
SENATE BILL NO. 2041**

Sixty-fifth
Legislative Assembly
of North Dakota

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to amend and reenact subsection 1 of section 25-01.2-01 of the North Dakota
2 Century Code, relating to the definition of developmental disability; and to provide for a report.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 25-01.2-01 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 1. "Developmental disability" means a severe, chronic disability of an individual which:
- 7 a. Is attributable to a mental or physical impairment or combination of mental and
8 physical impairments, including Down syndrome;
 - 9 b. Is manifested before the individual attains age twenty-two;
 - 10 c. Is likely to continue indefinitely;
 - 11 d. Results in substantial functional limitations in three or more of the following areas
12 of major life activity:
 - 13 (1) Self-care;
 - 14 (2) Receptive and expressive language;
 - 15 (3) Learning;
 - 16 (4) Mobility;
 - 17 (5) Self-direction;
 - 18 (6) Capacity for independent living; and
 - 19 (7) Economic sufficiency; and
 - 20 e. Reflects the individual's needs for a combination and sequence of special,
21 interdisciplinary, or generic care, treatment, or other services which are of lifelong
22 or extended duration and are individually planned and coordinated.

23 **SECTION 2. DEPARTMENT OF HUMAN SERVICES MEDICAID WAIVER STUDY -**
24 **REPORT TO LEGISLATIVE MANAGEMENT.**

- 1 1 During the 2017-18 interim, as part of the ongoing review of existing and potential
2 Medicaid waivers performed by the department of human services, the department
3 shall conduct a study of the current eligibility requirements for the developmental
4 disability Medicaid waiver.
- 5 2. The study must include an analysis of whether the current developmental disability
6 Medicaid waiver eligibility determination protocol uses age-appropriate assessment
7 methods, uses assessment tools reliable and valid in nature for level of need
8 determinations, and utilizes assessment information that may already be available in
9 an individual's record.
- 10 3. The study must include an evaluation of the feasibility and desirability of including in
11 the eligibility determination under the developmental disability Medicaid waiver,
12 consideration of related conditions and the possible use of certain medical conditions,
13 such as Down syndrome.
- 14 4. Before April 1, 2018, the department shall make a report to the legislative
15 management on the outcome of this study, including any recommendations, together
16 with any legislation required to implement the recommendations.