

**Testimony**  
**Engrossed Senate Bill 2089 – Department of Human Services**  
**House Human Services Committee**  
**Representative Robin Weisz, Chairman**  
**March 3, 2021**

Chairman Weisz, members of the House Human Services Committee, I am Krista Fremming, Assistant Director of the Medical Services Division, for the Department of Human Services (Department). I am here today in support of Senate Bill 2089 as introduced. Senate Bill 2089 was introduced at the request of the Department but was amended by the Senate to include changes to the autism-related sections that the Department does not support. The Department supports sections 1 and 2 of this bill.

Section 1 of this bill amends subsection 17 of section 50-06-05.1 of the North Dakota Century Code to include updated language related to housing stabilization supports and rental assistance as it relates to the authority of the Department. This language includes an acknowledgement of the inter-agency nature of housing related work. Section 1 was not amended by the Senate.

Section 2 of this bill repeals sections 1-02-35 and 50-06-14 of the North Dakota Century Code. The Senate removed the proposed repeal of section 50-06-32.1 of the North Dakota Century Code regarding the autism spectrum disorder voucher program.

Section 1-02-35 is regarding the “date of taking effect of code” and is being repealed as the Code Reviser informed the Department that the section was obsolete. Section 50-06-14 relating to the financing of welfare programs is also being repealed as that section is also obsolete.

The Office of Management and Budget has confirmed that this fund is outdated and has not be used for at least eighteen years, if not longer. The Department also checked with the Office of State Treasurer and they indicated that they have no record of this fund. Section 50-06-14, was last updated in 1971.

This bill was amended by the Senate Human Services Committee to keep the autism spectrum disorder voucher program; and that the Department is to request the legislative assembly to fund the autism spectrum disorder voucher program with \$300,000; and that legislative management should consider studying the Department's autism programs and the elimination of the autism spectrum disorder task force.

Senate Bill 2089, as introduced, proposed the repeal of section 50-06-32.1. The autism spectrum disorder voucher program is funded solely with state general funds. As the Department developed its 2021-23 budget and identified general fund savings as part of the executive budget recommendation, it was noted that unmatched funds from the autism spectrum disorder voucher program could be reinvested into the Medicaid autism waiver. This allows the Department to draw down a federal match for dollars devoted to this population and increase the number of slots that can be funded through the Medicaid autism waiver.

Eliminating the autism spectrum disorder voucher program and reinvesting these funds into the Medicaid autism waiver will result in the following benefits:

- Increased number of Medicaid autism waiver slots. Currently there are 96 slots, and the Department anticipates adding 54 slots for a total of 150 slots.
- Access to more services. Children who participate in the Medicaid autism waiver also have access to all Medicaid covered services, not

just Medicaid autism waiver services. Applied behavior analysis services are important for children with autism and are covered under the Medicaid state plan.

- Access to a care coordinator. All children who participate in the Medicaid autism waiver have a care coordinator, who helps to coordinate their services and care.
- Serving children who need it most. Children who qualify for the Medicaid autism waiver must meet an institutional level of care but live at home with their family or guardians. One of the Department's overarching goals is to provide services closer to home and keep people out of institutions whenever possible, and this change will move services in that direction.
- Deduplication of services. Most of the services and items that were covered under the autism spectrum disorder voucher program can be covered under the Medicaid autism waiver, including respite care and assistive technology, two of the most frequently requested items.
- More appropriate and more clearly defined services. Under the autism spectrum disorder voucher program, the Department often receives requests for services or items that are not appropriate per program guidelines. Examples of some of these items are a car, cable television subscription, subscription to home food delivery program, a complete kitchen set, etc. Often these requests are denied by the Department and subsequently sent to an administrative law judge for adjudication by families.
- Federal matching dollars through the Medicaid autism waiver will reduce the state general fund expenditures for autism programs.

- Administrative simplification and streamlining. Department staff will be able to focus on effectively administering one program rather than two programs with different rules and requirements.

The Department respectfully requests this committee to repeal section 50-06-32.1 and remove sections 3, 4, and 5 from engrossed Senate Bill 2089. I would be happy to answer any questions that you may have.