

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2335

Introduced by

Senators K. Roers, Dever, Lee

Representatives Beltz, Nelson

1 A BILL for an Act to create and enact a new section to chapter 1-03, a new section to chapter
2 50-06, and section 50-11-01.7 of the North Dakota Century Code, relating to training and
3 screening for fetal alcohol spectrum disorder, creating a cross-disability advisory council, and
4 establishing an annual day of awareness for fetal alcohol spectrum disorder; and to amend and
5 reenact subsection 3 of section 25-01.2-01 of the North Dakota Century Code, relating to fetal
6 alcohol spectrum disorder.

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

8 **SECTION 1.** A new section to chapter 1-03 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Fetal alcohol spectrum disorder awareness day.**

11 To celebrate the life of all affected by fetal alcohol spectrum disorder, reaffirm the dignity
12 and value of every human being, and to create awareness of the number of people affected by
13 the disorder, the ninth day of September of each year is designated and established as fetal
14 alcohol spectrum disorder awareness day for the state of North Dakota.

15 **SECTION 2. AMENDMENT.** Subsection 3 of section 25-01.2-01 of the North Dakota
16 Century Code is amended and reenacted as follows:

- 17 3. "Developmental disability" means a severe, chronic disability of an individual which:
- 18 a. Is attributable to a mental or physical impairment or combination of mental and
19 physical impairments, including Down syndrome and fetal alcohol spectrum
20 disorders, including fetal alcohol syndrome, partial fetal alcohol syndrome, and
21 alcohol-related neurodevelopmental disorder;
- 22 b. Is manifested before the individual attains age twenty-two;
- 23 c. Is likely to continue indefinitely;

- 1 d. Results in substantial functional limitations in three or more of the following areas
2 of major life activity:
3 (1) Self-care;
4 (2) Receptive and expressive language;
5 (3) Learning;
6 (4) Mobility;
7 (5) Self-direction;
8 (6) Capacity for independent living; and
9 (7) Economic sufficiency; and
10 e. Reflects the individual's needs for a combination and sequence of special,
11 interdisciplinary, or generic care, treatment, or other services which are of lifelong
12 or extended duration and are individually planned and coordinated.

13 **SECTION 3.** A new section to chapter 50-06 of the North Dakota Century Code is created
14 and enacted as follows:

15 **Cross-disability advisory council - Appointment - Duties.**

- 16 1. The cross-disability advisory council shall participate with and provide feedback to the
17 department regarding the implementation, planning, and design of the cross-disability
18 children's waiver and level of care reform for the comprehensive developmental
19 disabilities Medicaid home and community-based waiver.
20 2. The department shall contract with a qualified, independent third party to facilitate and
21 provide support services to the council. The contracted facilitator shall appoint the
22 cross-disability advisory council members in accordance with subsection 3 and
23 establish the length of members terms and the structure of the cross-disability
24 advisory council. A representative from the contracted facilitator shall serve as the
25 presiding officer of the advisory council.
26 3. The cross-disability advisory council consists of up to fifteen voting members. A
27 majority of the members of the council must be family members of individuals with a
28 disability, or must be individuals with a disability, who receive Medicaid home and
29 community-based services. The remaining members of the council must be appointed
30 based on their professional subject matter expertise in or knowledge of the needs and
31 interests of individuals with disabilities. The council's membership must represent

1 different regions of the state and a broad range of disabilities that pertain to the
2 Medicaid home and community-based services. Upon request of the department, state
3 agency representatives shall participate with the cross-disability advisory council in a
4 nonvoting role.

5 4. The cross-disability advisory council shall meet at least quarterly and may appoint
6 subcommittees to address specific topics or disabilities, which may include autism,
7 traumatic brain injury, and fetal alcohol spectrum disorder. A majority of the voting
8 members of the council constitutes a quorum.

9 5. The cross-disability advisory council shall:

10 a. Discuss strategies to address gaps or needs regarding individuals with
11 disabilities and Medicaid home and community-based services;

12 b. Provide for the active participation of stakeholders, including consumers and
13 providers; and

14 c. Receive information from the department and its consultants.

15 6. The cross-disability advisory council members, excluding the contracted facilitator, are
16 entitled to reimbursement from the department for travel and lodging at the same rate
17 as provided for state officers and employees.

18 **SECTION 4.** Section 50-11-01.7 of the North Dakota Century Code is created and enacted
19 as follows:

20 **50-11-01.7. Fetal alcohol spectrum disorder training.**

21 The department shall integrate fetal alcohol spectrum disorder instruction into the training
22 programs for public and private child welfare providers and foster parents, and further shall
23 integrate a formal fetal alcohol spectrum disorder screening into the early and periodic
24 screening diagnostic and treatment services. The course may be provided electronically.