

2025 HOUSE APPROPRIATIONS

HB 1014

**DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT
2025-27 BASE-LEVEL BUDGET**

Base Budget - Summary

	<u>Base Level</u>
Protection and advocacy operations	\$7,791,270
Total all funds	\$7,791,270
Less other funds	4,359,417
Total general fund	\$3,431,853
Full-time equivalent (FTE) positions	28.50

Selected Base Budget Information

	General Fund	Other Funds	Total
1. Includes funding for state employee salaries and benefits for 28.5 FTE positions	\$3,221,432	\$3,473,222	\$6,694,654
2. Includes funding for operating expenses, primarily related to rent (\$274,974), information technology costs (\$226,977), and travel and professional development (\$150,093)	\$210,421	\$886,195	\$1,096,616

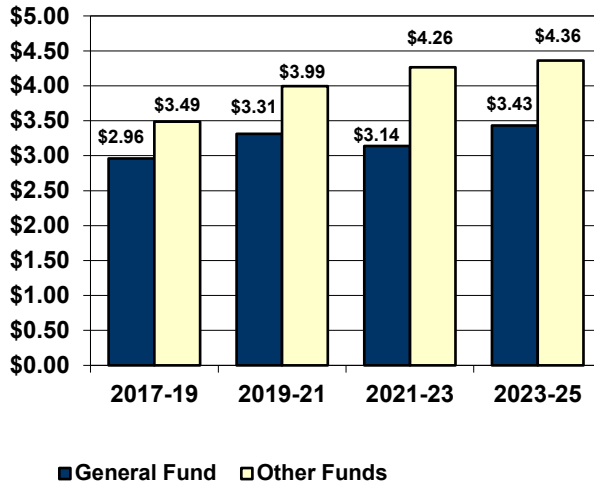
Continuing Appropriations

There are no continuing appropriations for this agency.

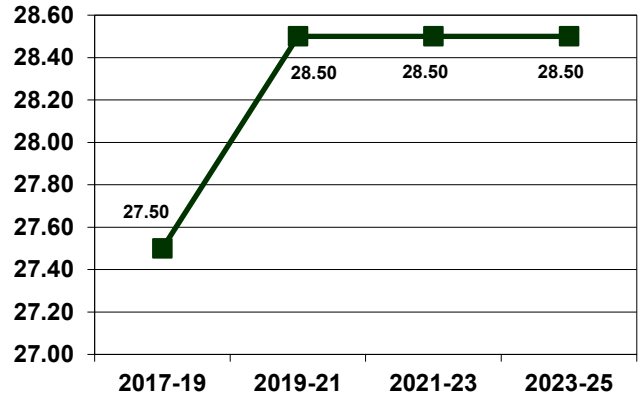
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25
Ongoing general fund appropriations	\$3,020,926	\$2,958,999	\$3,240,015	\$3,139,350	\$3,431,853
Increase (decrease) from previous biennium	N/A	(\$61,927)	\$281,016	(\$100,665)	\$292,503
Percentage increase (decrease) from previous biennium	N/A	(2.0%)	9.5%	(3.1%)	9.3%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	(2.0%)	7.3%	3.9%	13.6%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

1. Reduced funding for operating expenses (\$63,243)

2019-21 Biennium

1. Added funding for 1 FTE Olmstead Commission position \$164,314
2. Added funding for operating expenses, primarily related to professional service fees and travel expenses \$190,103

2021-23 Biennium

1. Adjusted funding for operating expenses, resulting in a decrease from the general fund and an increase from federal funds (\$48,070)

2023-25 Biennium

- None \$0

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25
One-time general fund appropriations	\$0	\$0	\$72,550	\$0	\$0

Major One-Time General Fund Appropriations

2017-19 Biennium

- None \$0

2019-21 Biennium

1. Added one-time funding for a Polycom communications machine \$8,000
2. Added one-time funding for accrued leave payments \$64,550

2021-23 Biennium

None

\$0

2023-25 Biennium

None

\$0



**Protection and Advocacy Project
Department No. 360
2025 House Bill No. 1014**

**EXECUTIVE BUDGET RECOMMENDATION
2025-27 BIENNIUM**

Budget Summary

	FTE Positions	General Fund	Other Funds	Total
Executive budget recommendation	29.50	\$3,891,940	\$4,820,434	\$8,712,374
Base level	28.50	3,431,853	4,359,417	7,791,270
Increase (decrease)	1.00	\$460,087	\$461,017	\$921,104
Percentage increase (decrease)	3.5%	13.4%	10.6%	11.8%

NOTE:

More detailed information on the executive budget recommendation is attached as Appendix A.

A copy of the draft appropriations bill reflecting the executive budget recommendation is attached as Appendix B.

Selected Highlights

- Salary increases of up to 4 percent effective July 1, 2025, and 3 percent effective July 1, 2026
- Health insurance increase of \$250 per month (15.23 percent), from \$1,643 to \$1,893, per employee
- Adds funding to replace the 2023-25 vacant FTE pool (\$166,316)
- Adds \$237,880 for 1 FTE workforce technology services position, including \$118,940 from the general fund and \$118,940 from federal funds
- Adds one-time funding of \$19,288 from the general fund for accrued leave payments

Deficiency Appropriations

There are no deficiency appropriations for this agency.

Significant Audit Findings

There are no significant audit findings for this agency.

Agency Fees

As reported to the Legislative Management, pursuant to North Dakota Century Code Section 54-35-27, this agency did not have any fees.

Major Related Legislation

As of the date of this report, there is no major related legislation for this agency.

NOTE:

Please see the Fiscal Impact Report for additional information regarding bills under consideration which contain either a state revenue impact, an appropriation, or a state fiscal impact.



Protection and Advocacy Project - Budget No. 360
Agency Worksheet - House Bill No. 1014

	Executive Budget			
	FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	28.50	\$3,431,853	\$4,359,417	\$7,791,270
2025-27 Ongoing Funding Changes				
Salary increase		\$145,537	\$155,789	\$301,326
Health insurance increase		85,936	94,222	180,158
Funding to replace the 2023-25 vacant FTE pool		72,725	93,591	166,316
FTE workforce technology services position	1.00	118,940	118,940	237,880
Information technology rate increases		17,661	22,477	40,138
Adjusts federal funding			(24,002)	(24,002)
Total ongoing funding changes	1.00	\$440,799	\$461,017	\$901,816
One-Time Funding Items				
Accrued leave payments		\$19,288		\$19,288
Total one-time funding changes	0.00	\$19,288	\$0	\$19,288
Total Changes to Base Level Funding	1.00	\$460,087	\$461,017	\$921,104
2025-27 Total Funding	29.50	\$3,891,940	\$4,820,434	\$8,712,374

Federal funds included in other funds

\$4,820,434

Total ongoing changes - Percentage of base level

3.5%

12.8%

10.6%

11.6%

Total changes - Percentage of base level

3.5%

13.4%

10.6%

11.8%

Other Sections in Protection and Advocacy Project - Budget No. 360

Section Description	Executive Budget
FTE position adjustments	Section 2 would authorize the Protection and Advocacy Project to increase or decrease authorized FTE positions subject to the availability of funds.

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1014

Introduced by

Appropriations Committee

(At the request of the Governor)

A bill for an act to provide an appropriation for defraying the expenses of the protection and advocacy project; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the protection and advocacy project for the purpose of defraying the expenses of the protection and advocacy project, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Protection and advocacy operations	\$7,388,552	\$1,323,822	\$8,712,374
Total all funds	\$7,388,552	\$1,323,822	\$8,712,374
Less estimated income	<u>4,158,058</u>	<u>662,376</u>	<u>4,820,434</u>
Total general fund	\$3,230,494	\$661,446	\$3,891,940
Full-time equivalent positions	28.50	1.00	29.50

SECTION 2. EXEMPTION - FULL-TIME EQUIVALENT POSITION ADJUSTMENTS. Notwithstanding any other provisions of law, the protection and advocacy project may increase or decrease authorized full-time equivalent positions as needed, subject to availability of funds, during the biennium beginning July 1, 2025, and ending June 30, 2027. The protection and advocacy project shall report to the office of management and budget and legislative council any adjustments made pursuant to this section.



**Protection and Advocacy Project
Department No. 360
2025 House Bill No. 1014**

**REVISED EXECUTIVE BUDGET RECOMMENDATION
2025-27 BIENNIUM**

Budget Summary

	FTE Positions	General Fund	Other Funds	Total
Burgum budget recommendation	29.50	\$3,891,940	\$4,820,434	\$8,712,374
Revisions - Increase (decrease)	0.00	(26,572)	(28,423)	(54,995)
Armstrong budget recommendation	29.50	\$3,865,368	\$4,792,011	\$8,657,379
Base level	28.50	3,431,853	4,359,417	7,791,270
Increase (decrease)	1.00	\$433,515	\$432,594	\$866,109
Percentage increase (decrease)	3.5%	12.6%	9.9%	11.1%

NOTE:

More detailed information on the revised executive budget recommendation is attached as an appendix.

Selected Highlights

- **Salary increases of up to 3 percent effective July 1, 2025, and 3 percent effective July 1, 2026**
- Health insurance increase of \$250 per month (15.23 percent), from \$1,643 to \$1,893, per employee
- Adds funding to replace the 2023-25 vacant FTE pool (\$166,316)
- Adds \$237,880 for 1 FTE workforce technology services position, including \$118,940 from the general fund and \$118,940 from federal funds
- Adds one-time funding of \$19,288 from the general fund for accrued leave payments

Deficiency Appropriations

There are no deficiency appropriations for this agency.

Significant Audit Findings

There are no significant audit findings for this agency.

Agency Fees

As reported to the Legislative Management, pursuant to North Dakota Century Code Section 54-35-27, this agency did not have any fees.

Major Related Legislation

As of the date of this report, there is no major related legislation for this agency.

NOTE:

Please see the Fiscal Impact Report for additional information regarding bills under consideration which contain either a state revenue impact, an appropriation, or a state fiscal impact.



Protection and Advocacy Project - Budget No. 360
Agency Worksheet - House Bill No. 1014

	Armstrong Executive Budget			
	FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	28.50	\$3,431,853	\$4,359,417	\$7,791,270
2025-27 Ongoing Funding Changes				
Salary increase		\$118,965	\$127,366	\$246,331
Health insurance increase		85,936	94,222	180,158
Funding to replace the 2023-25 vacant FTE pool		72,725	93,591	166,316
FTE workforce technology services position	1.00	118,940	118,940	237,880
Information technology rate increases		17,661	22,477	40,138
Adjusts federal funding			(24,002)	(24,002)
Total ongoing funding changes	1.00	\$414,227	\$432,594	\$846,821
One-Time Funding Items				
Accrued leave payments		\$19,288		\$19,288
Total one-time funding changes	0.00	\$19,288	\$0	\$19,288
Total Changes to Base Level Funding	1.00	\$433,515	\$432,594	\$866,109
2025-27 Total Funding	29.50	\$3,865,368	\$4,792,011	\$8,657,379

Federal funds included in other funds

\$4,792,011

Total ongoing changes - Percentage of base level

3.5%

12.1%

9.9%

10.9%

Total changes - Percentage of base level

3.5%

12.6%

9.9%

11.1%

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Roughrider Room, State Capitol

HB 1014
1/14/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.

10:14 a.m. Chairman J. Nelson called the meeting to order.

Members Present: Chairman J. Nelson, Vice Chairman Stemen, Representatives B. Anderson, Berg, Mitskog, Murphy, O' Brien, Wagner.

Discussion Topics:

- Purpose
- Services
- Accomplishments
- Goals and Challenges
- Budget requests

10:18 a.m. Veronica Zietz, Executive Director, Protection and Advocacy Project, testified and presented an overview of the department #28828.

11:12 a.m. Jordan Wetsel, Project Coordinator for Workforce and Technology Project with North Dakota Protection and Advocacy spoke in favor of the Protection and Advocacy Project # 28754.

11:19 a.m. Veronica Zietz, Executive Director, Protection and Advocacy Project continued with testimony #28828.

Additional written testimony:

Mike Chaussee, Executive Director for North Dakota Assistive submitted written testimony in favor #28814.

Roxane Romanick, Designer Genes of North Dakota submitted written testimony in favor #28911.

Donene Feist, Director for Family Voices of North Dakota, submitted written testimony in favor #28453.

Julianne Horntvedt, Executive Director of the North Dakota State Council on Development Disabilities, submitted written testimony in favor #28383,

Carlotta McCleary, Executive Director of the North Dakota Federation of Families for Children's Mental Health submitted written testimony in favor #28861.

11:30 a.m. Chairman J. Nelson adjourned the meeting.

House Appropriations - Human Resources Division
HB 1014
011425

Page 2

Jan Kamphuis, Committee Clerk

Testimony
House Bill 1014
January 10, 2025

My name is Julianne Horntvedt, and I serve as the Executive Director of the North Dakota State Council on Developmental Disabilities. I am submitting this testimony on behalf of our Advocacy Committee.

It is our hope that the state will allocate permanent funding for Protection and Advocacy to retain a dedicated staff member focused on Assistive Technology (AT). North Dakota has witnessed firsthand the transformative impact that access to AT can have on individuals with disabilities, enabling them to live more independently and engage fully in their communities. In the last biennium, Protection and Advocacy, in partnership with the DD Council, received a federal grant aimed at addressing the public health workforce crisis. Together, we combined our resources to hire a staff person dedicated to the use and implementation of AT, assisting people in gaining greater independence.

The objective of this initiative was to connect individuals with AT solutions that would empower them to live more independently and reduce their dependence on staff. Importantly, the use of AT is not intended to replace staff, but rather to offer individuals the technology they need to complete tasks independently or maintain their privacy, thereby enhancing their autonomy. The potential cost savings for the state are substantial, and we are hopeful that the continuation of this work through Protection and Advocacy will yield significant benefits.

A permanent staff position dedicated to Assistive Technology is an essential investment in ensuring that individuals with disabilities have the resources they need to thrive. This commitment not only fosters inclusivity, but also strategically enhances the well-being of all North Dakotans.

Julianne Horntvedt

701-328-4847

jhorntvedt@nd.gov

House Bill 1014
House Appropriations
January 14th, 2025

Chairman Nelson and Members of the House Appropriations Committee:

My name is Donene Feist and I am the Director for Family Voices of ND. Family Voices of ND is the Family to Family Health Information Center in ND. Our work includes working with families who have children and youth with disabilities, chronic health conditions and special needs. We also work with professionals in educating the overall health needs of persons with disabilities.

Family Voices of ND fully supports Senate Bill 1014.

Protection and Advocacy supports the legal rights of those persons with disabilities and our agency supports families who have children and youth with disabilities, special needs and chronic health conditions. Our paths cross for persons with disabilities and we have had a long-standing partnership.

Family Voices of ND fully supports the priorities and work of the Protection and Advocacy Project. The work that Protection and Advocacy Project does including such priorities as abuse and exploitation of persons with disabilities, Inclusion in our Communities, Criminal Justice, Education, Health Care, Guardianship and Supported Decision Making and Behavioral Health to name a few. Protection and Advocacy being advocates for students with disabilities in the education system is essential for those persons to receive appropriate education in a least restrictive setting according to federal laws.

Our agency and Protection and Advocacy have worked together on education, health, exploitation and more. The needs are many across the state. Many families face issues of injustice. While we assist as much as we can, we are family support. When a legal entity is needed, we turn to Protection and Advocacy to assist that family with the support that is needed beyond what we are able. If anything, in my humble but adequate opinion, an increase to the number of staff across the state is needed. As I stated previously, we see the immense need and strain families are under. Families are exhausted, with the stress due to the injustices they have faced.

The question perhaps we should be asking is if the funding received is adequate to meet the needs.

Thank you for your time and consideration on House Bill 1014

Donene Feist
Family Voices of ND
701-493-2634
fvnd@drtel.net





Protection & Advocacy Project

400 E. Broadway, Suite 409

Bismarck, ND 58501

701-328-2950

1-800-472-2670

TTY: 711

www.ndpanda.org



House Bill 1014 - January 14, 2025

ND Protection and Advocacy Project - Workforce and Technology Project

Testimony of Jordan Wetsel, P&A Project Coordinator

Greetings Chairman Nelson and Members of the House Appropriations - Human Resources Division Committee. My name is Jordan Wetsel, and I am the Project Coordinator for the Workforce and Technology Project with North Dakota Protection and Advocacy. P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work, and play. P&A is committed to advancing assistive technology to support individuals with disabilities in achieving greater independence and improving their quality of life. It's been an honor to work with a dedicated team and partners to bring this important initiative to life. As I have experienced firsthand the tremendous impact and importance of North Dakota Protection and Advocacy in advancing the lives of those with disabilities in the state, I am writing testimony in support of HB 1014.

The Workforce and Technology Project empowers individuals with disabilities through access to technology that enhances independence. With your continued support, we can expand this impactful program, which has shown significant benefits to individuals and supports throughout North Dakota. These technologies help people to live more independently, manage daily tasks, and engage in their communities, while also reducing reliance on care that is costly and often times within institutional settings.

The cost of institutional care for one individual exceeds half a million dollars annually, while community-based services supported by assistive technology are significantly more cost-effective. For example, assistive technology solutions such as an automatic door opener (\$3,875) enable individuals to enter and exit their apartments independently. Accessible blinds (\$300) allow them to control their environment, and tools like Montessori knives (\$9.99) or a vegetable chopper (\$24.99) support independent cooking. Devices like a Ring doorbell (\$149.99) enhance security, smart light bulbs (as low as a few dollars) improve accessibility, and an Amazon Alexa (\$39.99) offers voice-controlled assistance for both environmental controls and other assistive technologies. These affordable, customizable tools are life changing. These minimal costs decrease the time that a caregiver needs to be present and available and are a fraction of the cost.

One helpful example is a pilot participant transitioning from the Life Skills and Transition Center (LSTC) to independent living in his own apartment required approximately \$1,250 in assistive technology. This included a Dose Health Flip for medication management (\$60/month) which enables him to independently dispense medication with notification to his support team to ensure administration completion. Additional tools such as a Brick to monitor safe internet use, furniture anchors, visual cues, and other adaptive technologies created a safe and empowering environment.

These examples illustrate the transformative power of assistive technology in promoting independence, reducing reliance on costly institutional care, and supporting individuals to thrive in their communities. In addition to its cost-saving potential, the technology and the access and funding for its use, fosters inclusion and independence, supporting North Dakota's efforts to help individuals live, work, and play in the least restrictive environment. This effort has also resulted in strong collaboration with partners like ND Assistive, the DD Council, Anne Carlsen, and the ND Department of Health and Human Services. Outcomes achieved also include updating Medicaid billing codes and state waivers, expanding assessments and access to assistive technology, along with continued education. This process has been successful by learning from other states like Ohio, Tennessee, Minnesota, and Washington, which have embraced technology to support individuals with disabilities.

Since its inception, the project has achieved significant milestones with positive outcomes. The pilot program and follow-up surveys have shown improvements in quality of life, independence, and autonomy for people, with overwhelmingly positive feedback from both individuals and their support networks.

This initiative is not just a program; it is a commitment to creating a society where individuals of all abilities can fully contribute. Funding for the Workforce and Technology Project is an investment in North Dakota's future, ensuring people with disabilities have the tools to thrive independently and with dignity. I urge you to support the continuation and expansion of this project, helping to reach even more individuals and make a lasting impact on North Dakotans.


Thank you for your time and consideration. I am happy to provide additional data, participant testimonials, or any other materials to further illustrate the impact of this initiative that seeks to make positive changes for people with disabilities where we live, learn, work, and play.




Jordan Wetsel,
P&A Program Coordinator
jowetsel@nd.gov
(701) 328-3994



 info@ndassistive.org

 800-895-4728

 www.ndassistive.org

Chairman Nelson and Members of the House Appropriations – Human Resources Division,

My name is Mike Chaussee, Executive Director for North Dakota Assistive the non-profit organization charged with administering the Assistive Technology Act program for the state. ND Assistive has been steadfast in its commitment to help residents thrive despite their limitations. Through numerous programs, we empower individuals to live independently, gain meaningful employment, succeed in school, and fully engage with their families and communities all by helping them discover what's possible through adoption of assistive technology (AT). I am writing to express our support for the proposed budget for Protection and Advocacy, which includes funding to enhance accessibility and understanding of AT in North Dakota.

While our organization excels at creating awareness and helping people discover the life-changing potential of AT, we recognize that we cannot accomplish this work alone. Even if we added dozens of additional employees, the demand for AT resources and support would far exceed our capacity. We need other organizations and agencies to help spread the word and collaborate to help integrate AT into the lives of North Dakotans. The reality is that limitations—whether related to hearing, vision, mobility, or cognition—are a natural part of aging and life. If we live long enough, we'll all benefit from AT at some point.

Expanding the reach of assistive technology can address several pressing challenges in our state.

- **Workforce Shortages:** Devices such as remote monitoring systems, alert systems, smart home technology, and medication management tools can alleviate workforce pressures. We appreciate that Protection and Advocacy is exploring a remote monitoring system, which enables individuals to live independently while reducing the demand on caregivers.
- **Caregiver Support:** Assistive technology eases the burden on both paid and unpaid caregivers. For instance, tools that help a person with Parkinson's eat independently or reminders that assist a child with autism in keeping appointments foster autonomy for the individual and reduce the caregiving load.
- **Cost Savings:** Although assistive technology may seem like an upfront expense, its long-term impact is substantial. Effective AT solutions can delay or eliminate the need for institutional care, saving families and the state thousands of dollars. We have examples of investments as small as \$200 delaying nursing home placements for years. A more recent example of cost savings associated with AT includes our collaboration with the Fargo Fire Department to use AT to reduce unnecessary 9-1-1 calls, benefiting both individuals and public resources.

Integrating AT into the lives of North Dakotans will require diverse strategies and the collaboration of multiple organizations, including ND Assistive, Protection and Advocacy, and dozens of others.

We appreciate the work that Protection and Advocacy has undertaken in advancing assistive technology and urge the state to recognize the impact and value it provides. By investing in these kinds of initiatives, we can build a more inclusive, efficient, and supportive community for all North Dakotans.

Mike Chaussee



Protection & Advocacy Project

400 E. Broadway, Suite 409

Bismarck, ND 58501

701-328-2950

1-800-472-2670

TTY: 711

www.ndpanda.org



House Appropriations Committee, Human Resource Division

House Bill 1014 - January 14, 2025

Testimony of Veronica Zietz, P&A Executive Director

Greetings Chairman Nelson and members of the Human Resource Division of the House Appropriations Committee. My name is Veronica Zietz and I'm the Executive Director of the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the rights of people with disabilities. The agency's mission is to champion equality and inclusion for people with disabilities where we live, learn, work and play.

Purpose

US Congress enacted the Developmental Disabilities Assistance and Bill of Rights Act of 1975, which recognized that a federally directed system of legal advocacy was necessary to ensure the humane care, treatment, habilitation, and protection of individuals with disabilities. Every US state and territory is federally mandated to have a protection and advocacy agency. P&A's role and authority is further cemented in NDCC § 25-01.3, which recognizes P&A's authority to provide advocacy and protective services for persons with disabilities. Century code sections provide detail on definitions; the governing board; administrative authority; reporting of abuse, neglect, or exploitation; authority; access; investigations; conflicts of interest; confidentiality; refusal of services; and penalties. Accompanying rules are detailed in NDAC Title 65.5 and are specific to the organization of the governing board, definitions, access to records, authority of P&A, grievance procedures, and public inquiries. P&A also follows federal laws and regulations applicable to federal grants.

Services

P&A provides free services to individuals with disabilities. Services include:

- **Protective Services:** P&A receives and investigates reports of abuse, neglect, and exploitation (ANE). Additionally, P&A conducts monitoring to ensure quality assurance and compliance with state/federal laws, regulations, and standards.
- **Assistance with Self-Advocacy:** P&A helps individuals develop advocacy skills, which empower them to advocate for themselves on disability rights issues.
- **Advocacy & Legal Services:** P&A provides Advocates and Attorneys to represent eligible individuals with disabilities whose rights have been violated.

- Information & Referral: P&A staff provide information and answer questions about disability-related issues. Additionally, P&A connects individuals with organizations that can provide assistance.
- Education & Training: P&A provides presentations on disability-related issues.
- Collaboration, Systems & Legislative Advocacy: P&A works to realize positive change in the systems, regulations, and laws that impact individuals with disabilities.

Accomplishments

During Federal Fiscal Years (FFY) 2023 and 2024, P&A provided case level services, including advocacy, legal representation, and protective services to 1,771 clients (863 in FFY 2023 and 908 in FFY 2024). The previous two years totaled 1,668. In FFY 2023 and 2024, 99% of cases were resolved completely or partially in the client's favor.

Over the last two federal fiscal years, P&A completed 6,126 information and referral requests (2,819 in FFY 2023 and 3,307 in FFY 2024). P&A's information and referral volume is 9% higher than the prior biennium.

In FFY 2023 and 2024 P&A provided education and training that impacted 17,266 individuals (6,843 in FFY 2023 and 10,423 in FFY 2024) across all programs. The most popular training topics during this period included voting rights; abuse, neglect, exploitation, and mandatory reporting; investigations; P&A services; client rights; employment; and education.

Additionally, P&A collaborates with partners on various projects, educates policymakers, and engages in systemic work to improve the lives of people with disabilities.

P&A establishes focus areas that guide the agency's work and use of limited resources. This process includes various mechanisms for gathering public comment. Public comment data from 2024, found that of individuals surveyed, 94% agreed that P&A's work is beneficial to people with disabilities. Further public comment data identified that:

- 83% of respondents identified abuse, neglect, and exploitation as a priority.
- 79% of respondents identified inclusion (community services/supports, deinstitutionalization) as a priority.
- 69% of respondents identified education as a priority.
- 41% of respondents identified criminal/juvenile justice as a priority.
- 39% of respondents identified employment as a priority.
- 37% of respondents identified assistive technology as a priority.
- 9% of respondents identified voting as a priority.

P&A actively worked 2,390 cases during FFY 2023 - 2024. Protective services which involves investigations of abuse, neglect, and exploitation (ANE) made up 63% of P&A's case work. In these cases, P&A conducts objective investigations or reviews investigations completed by providers to address alleged incidents of abuse, neglect, and exploitation. P&A addresses issues identified to ensure the safety of involved individuals and to improve the quality of services. Advocacy case work, which is focused on asserting the rights of clients, made up 37% of P&A's case work. Within these cases, P&A ensures client rights are fully protected and that issues are appropriately resolved. Note state and federal law requires P&A to resolve issues at the lowest possible level. Cases numbers specific to priority areas are detailed below. Please see page 10 for case examples.

FFY 23 - 24 Cases By Focus Area		
Focus Area	# of Cases	% of Cases
Protective Services	1,503	63%
Inclusion	251	11%
Education	411	17%
Health Care	9	0%
Employment	107	4%
Assistive Technology	37	2%
Criminal/Juvenile Justice	63	3%
Other	9	0%
Total	2,390	100%

Staffing & Operations

P&A is designated 28.5 FTEs by the Legislature. There were no additional FTEs allocated to the agency by the 2023 Legislative Assembly; allocated FTEs have been at base level since the 2017 - 2019 biennium when P&A received one additional FTE moving it to the current 28.5 FTE. Staff includes one executive director position, five director positions, 17.5 disability advocates, two staff attorneys, one Olmstead Coordinator, and two administrative staff. Please see organizational chart on page 9.

P&A has experienced turnover during the current biennium with 11 vacancies to date. Vacancies were due to retirement (1), internal promotion (2), and left for other employment (8). Of employees leaving P&A to take other positions the reasons cited included higher pay, career advancement, and work-life balance. From July 2023 - June 2024 turnover was at 32% and from July 2024 to date turnover is at 11%. Average time to fill positions was approximately 3 months.

The 68th Legislative Assembly removed \$72,725 from P&A's 2023 - 2025 appropriation bill for the FTE funding pool (FTE pool) and of that amount added just \$50,908 to the FTE pool. To date P&A has not requested funds from the FTE pool; however, it is anticipated that a request will be made for the full

amount available to the agency this spring. The FTE pool has not resulted in agency savings; as of November 2024, costs associated with vacancies amounted to \$192,964. Vacancy related costs included accrued leave payouts, salary increases, funding for temps, and overtime. Vacancies cost the agency money, and underfunding the agency via the FTE pool has not resulted in cost savings to the agency or state.

Goals & Challenges

P&A's is committed to increasing awareness of the agency's purposes and services, improving quality and timeliness of services, amplifying collaboration with partners, strengthening staff engagement, and enhancing operational efficiencies. Barriers to achieving these goals include lack of staff, funding, and loss of institutional knowledge.

Grants & Contracts

P&A is funded by a combination of federal grants, contracts, and state general funds. Federal grants and service contracts generally follow the federal fiscal year, which runs October - September, with one exception, the Rep Payee grant which runs from August - July. These sources of funding run on a reimbursement basis, meaning P&A performs services and incurs costs upfront and cannot access funds until after services are rendered. North Dakota is a minimum allotment state for federal grants, which have essentially been level funded for years. P&A does not anticipate receiving any additional federal or state fiscal relief funds in the next biennium; however, funds for a covid-related federal grant received in 2021 are expected to be depleted by September 2025. A detailed listing of federal grants and contracts are as follows:

- P&A for Developmental Disabilities (DD) - Funding from the U.S. Department of Health & Human Services (HHS) to provide protective and advocacy services to individuals with intellectual and developmental disabilities.
- P&A for Mental Health (MH) - Funding from HHS to provide protective and advocacy services to individuals with mental health disabilities.
- P&A for Assistive Technology (AT) - Funding from HHS to assist individuals with disabilities in accessing AT devices and services.
- P&A for Voting Access (PAVA) - Funding from HHS to ensure full participation in the electoral process for individuals with disabilities.
- P&A for Traumatic Brain Injury (TBI) - Funding from HHS to provide protective and advocacy services to individuals with brain injury.
- P&A for Individual Rights (PAIR) - Funding from the U.S. Department of Education to provide protective and advocacy services for individuals not eligible for DD or MH programs.
- P&A for Beneficiaries of Social Security (PABSS) - Funding from the Social Security Administration (SSA) to provide services to SSDI and SSI beneficiaries to promote employment.
- P&A for Beneficiaries with Representative Payees (Rep Payee) - Funding from the SSA to

conduct reviews of individuals and organizations serving as representative payees.

- Client Assistance Program (CAP) Contract - P&A receives a contract from the ND Department of Health and Human Services Vocational Rehabilitation Section (VR) to assist individuals with disabilities who are experiencing challenges with federally funded rehabilitation programs such as VR, Tribal VR, or Centers for Independent Living. VR is the designated agency for the CAP program; however, they contract with P&A to provide the required services in ND.
- ND Department of Health and Human Services Developmental Disabilities Section (DD) Contract - P&A receives a contract from DD to independently screen mandated reports of serious events impacting individuals with developmental disabilities. This is an activity required and funded by the Center for Medicare & Medicaid Services (CMS). These funds require 100% match with State General Funds. Examples of serious events include death, broken bones, and sexual assault.

2023 - 2025 Biennium

The 68th Legislature appropriated \$4,266,541 in federal funds (56% of budget) and \$3,323,370 in State General Funds (44% of budget) for a grand total of \$7,589,911 with level staffing at 28.5 FTEs. There were no agency initiated one-time funding requests for the current biennium; however, P&A was allocated \$171,778 for target market equity and \$29,581 for changes related to employee retirement benefits.

As of November 30, 2024 (71% of biennium), P&A has spent approximately 68% of its State General Funds. P&A expects to expend all State Funds by the close of the current biennium. While the 68th Legislature appropriated P&A with \$4,266,541 in federal funds, actual federal funds received amounted to \$3,537,730; this is 17% lower than the 68th Legislature's projected income. As of November 30, 2024 (71% of biennium) P&A has spent approximately 76% of its actual federal funds. Note any unspent federal funds from the current biennium may be carried over to the next biennium.

Audit Findings

P&A was audited by the ND Office of the State Auditor in 2023 for the two-year period ending June 30, 2022. The audit did not identify any areas of concern.

2025 - 2027 Biennium

	Base Level HB 1014	25-27 P&A Request	25-27 Gov. Burgum Budget
Federal Funds	4,359,417	4,451,483	4,820,434
State General Funds	3,431,853	4,017,283	3,891,940
Total	7,791,270	8,468,766	8,712,374
FTE	28.5	30.5	29.5

Base Level Budget

P&A's 2025 - 2027 base level budget of \$7,791,270 consists of 44% State General Funds and 56% federal funds. P&A's base level budget is approximately 23% operating and 77% salaries/benefits.

P&A Requests

P&A made three new budget requests for the 2025 - 2027 biennium: 1) \$19,288 for retirement payouts, 2) \$237,878 for a communications specialist (1 FTE), and 3) \$237,878 for a workforce technology program coordinator (1 FTE).

First, P&A requests funds to assist with retirement payouts. During the 25 - 27 biennium 5 FTEs will reach the rule of 85. This is nearly 20% of P&A's staff. Long-term staff are eligible for substantial retirement payouts for accrued vacation and sick leave. These payouts are a hardship for the agency, as the position must remain vacant for an extensive period in order to re-coup payout funds before the agency has the resources to hire and fill the positions. These vacancies also jeopardize P&A's ability to provide timely quality services and are burdensome for existing staff who see their workloads increase. Funds requested are estimated to cover the expense associated with one retirement. This request was supported in Governor Burgum's budget recommendation.

Second, P&A requests an additional FTE for the position of communication specialist. Disability is prevalent, with [1 in 4](#) or 25% of the population having a disability; this means that people with disabilities are the largest minority population in North Dakota. Many people with disabilities are not connected to services and resources and therefore are unaware of P&A and how we can help them. This position will increase awareness of P&A's purpose and services. This will allow individuals to seek assistance from the agency at the first point of need and access resources to advocate for themselves. This will allow P&A to move the provision of services from a reactive to a proactive stance. This FTE will help the agency optimize the use of resources, enhance government transparency, and improve access to services. This request was not included in Governor Burgum's budget recommendation.

Lastly, P&A requests an additional FTE to serve in the role of program coordinator. P&A received one-time covid funds last biennium to conduct a project focused on addressing the workforce shortage related to services provided to individuals with disabilities; in response P&A created the Workforce and Technology Project. P&A hired a coordinator to conduct work related to a pilot project examining the use of innovative assistive technology (AT) solutions to support individuals with disabilities in transitioning from congregate settings to independent living. The pilot is underway with four individuals that have mental health disabilities, developmental disabilities, as well as high medical needs. These individuals are very complex and were being served in settings such as the Life Skills Transition Center, Basic Care, and Intermediate Care Facilities. Goals of the project are to 1) develop novel AT solutions to address client needs, 2) create a platform for managing AT solutions, 3) establish funding streams through Medicaid Waivers and other sources, 4) reduce dependence on workforce, 5) examine benefits

to clients and workforce, and 6) perform cost benefit analysis. This project has been successful with several positive outcomes already realized; however, these positive outcomes could be amplified by continuing the program with the support of a program coordinator; without which the program will end. A failure to support this request will result in people with disabilities continuing to be served in congregate high-cost settings, and continued staffing shortages which will contribute to further erosion of the service delivery system. This request was supported in Governor Burgum's budget recommendation.

Additional Information

P&A does not anticipate a need for any other sections to be added to this appropriation bill. Currently, there are not any other bills being considered by the Legislative Assembly that have a budgetary impact on P&A.

Thank you for your time and consideration.

Respectfully,



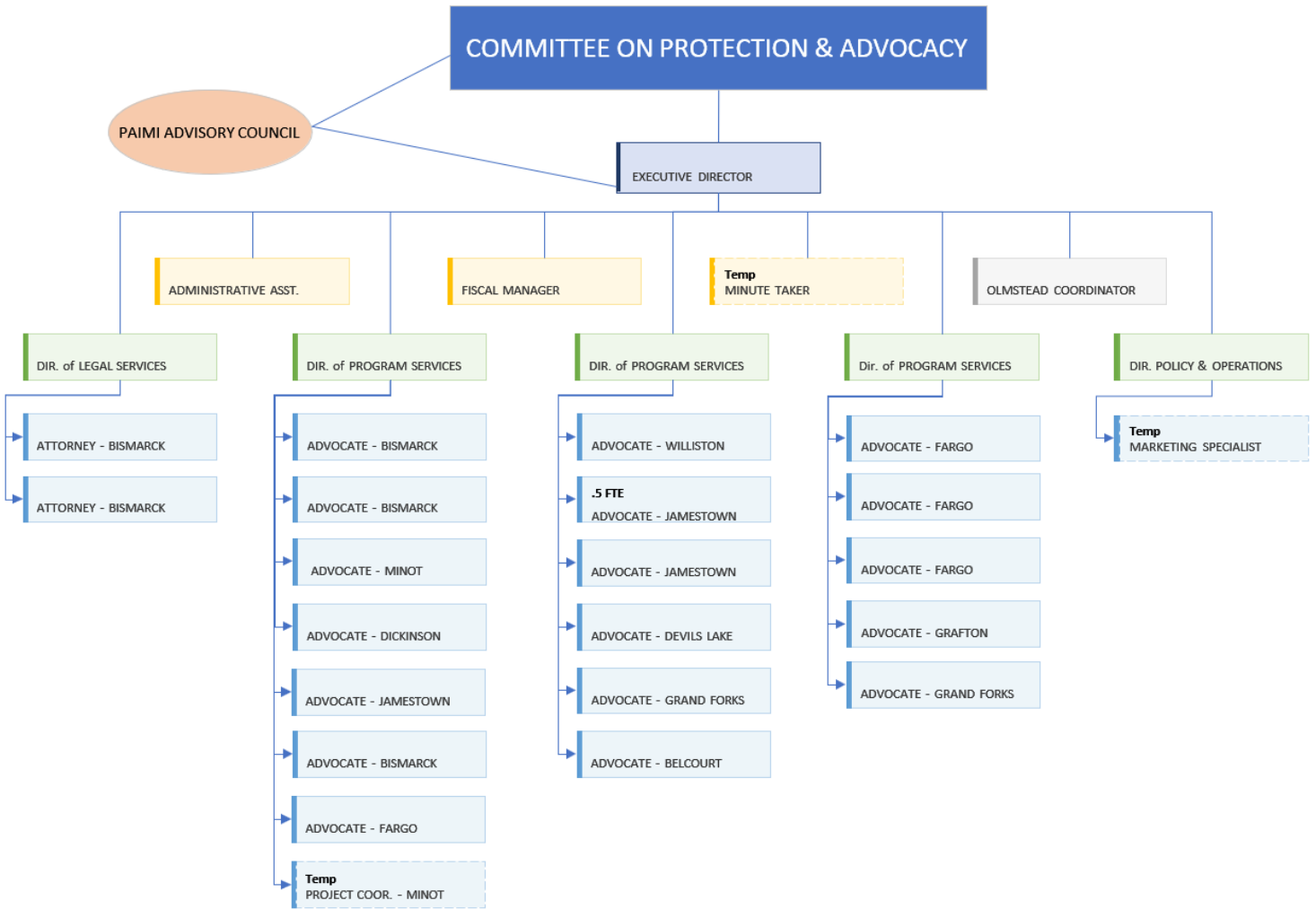
Veronica Zietz
Executive Director Protection & Advocacy Project
vzietz@nd.gov

P&A's Itemized Requests

P&A made three new budget requests for the 2025 - 2027 biennium:

1. \$237,878 for a workforce technology program coordinator (1 FTE). This item was fully supported in the Governor's budget and P&A requests this recommendation be adopted by the legislature.
2. \$19,288 for retirement payouts. This item was fully supported in the Governor's budget and P&A requests this recommendation be accepted by the legislature.
3. \$237,878 for a communications specialist (1 FTE). This item was not included in the Governor's budget; however, P&A requests this item be included in the appropriation.

Protection & Advocacy Organizational Chart



Case Examples

1. Abuse

It was reported to P&A that there was an inadequate response by a facility in relation to a suicide attempt of a person with a disability and that facility staff were being verbally abusive to him. A subsequent report of a second suicide attempt was received soon after this. Through investigation, P&A found evidence to determine that appropriate medical attention was not sought in a timely manner for the first suicide attempt, which resulted in hospitalization. It was found that the facility had not kept the client safe when there was a second suicide attempt. Evidence also confirmed that staff swore at the individual. As a result of P&A involvement, recommendations were made to the facility regarding reporting, documentation, medical care, and training. In response to P&A's investigation the facility developed a procedure to prevent individuals from having access to materials that may cause self-harm. As a result of P&A's involvement, clients will be in this safer environment and receive proper medical care.

2. Neglect

P&A received a report indicating that an individual with a disability was living in a very unkempt home with no running water. P&A investigated and found that the client's living condition was consistent with the report and was contributing to a deterioration of the client's health and care. P&A assisted the client with accessing Medicaid 1915(i) services, including case management, to support him with obtaining housing and finding a new living arrangement. He was also supported with a referral to Vocational Rehabilitation to work towards obtaining employment, so that he could gain skills and abilities to help him live and work more independently in his community. As a result of P&A involvement, the client was able to access a safe and appropriate living environment, while benefiting from services and supports to aid in his independence.

3. Exploitation

P&A was contacted regarding potential exploitation of an individual with a disability who was homeless and didn't have any income. The individual's mother was his appointed guardian and representative payee. The client's mother had informed him that he was not receiving SSDI benefits and that he had no income. P&A conducted an investigation and found that the client's mother had continued to receive his SSDI payments; however, she was co-mingling his SSA benefits with her monies and was not providing for her son's basic needs. After concluding the investigation activities, P&A provided advocacy representation to assist the client with obtaining a new representative payee and with the removal of his mother as his guardian in court. After the investigation, the client secured housing and support through the HCBS aged and disabled waiver, and his representative payee ensured that his bills were paid. As a result of P&A involvement, the client was able to safeguard his income and access appropriate services and housing.

4. Inclusion

At the time of case opening, a person with a disability had been in an institution for over a year. There was no medical or treatment-related reason for remaining at the institution, but she remained there due to no available community placements. The client's wishes were to move to a border state to be closer to her family. P&A worked with the team to support the client in transitioning out of the institution. A provider from out-of-state had discussion with the team and agreed to provide services and supports for the client. The team assisted in getting the client connected with an out-of-state Money Follows the Person program and Blue Cross Blue Shield Expansion to financially fund her transition. As a result of P&A's involvement, the client is presently living in the least restrictive setting, near her family with the proper services and supports to keep her safe and healthy.

5. Assistive Technology

P&A was contacted by the client and his mother, because they were experiencing challenges with ND Medicaid denying coverage for a new wheelchair. The client's wheelchair was over seven years old, was no longer safe, and could not be repaired. When P&A became involved it was found that the durable medical equipment provider had not complied with Medicaid's request to itemize the various supplemental equipment that was submitted with the initial quote, so that a determination could be made on medical necessity. Once this was done, it was discovered that items had been built into the chair that were not medically necessary and would not be approved. P&A was able to work with the client's case manager to obtain funding from the Waiver under the service category of equipment and supplies to cover the cost of the items that ND Medicaid denied. As a result of P&A involvement, all components of the chair were funded, and the client received a chair that fits him and will allow for his independence and involvement in all aspects of his life.

6. Education

P&A was contacted with concerns about a shortened school day for a student with a disability; the student had been on a shortened school day for 2 years and the school wanted to continue this for the coming year in part due to staff shortages at the school. With P&A's help, the school district agreed to have an outside entity provide Applied Behavior Analysis (ABA) therapy to support the behavioral needs of the student. Despite recommendations from the outside entity, the district was unwilling to extend the student's day, which at the time was just over one hour per day. P&A continued to advocate resulting in the outside entity providing more support, along with creating a concrete plan that extended the student's day. As a result of P&A involvement, by the end of the school year the client was attending school all day with his peers and had the necessary supports and services in place to be successful.

7. Employment

P&A was contacted by an individual with a disability due to concerns about employment with a large retail company. He had been employed for a long time performing self-checkout duties. He had concerns about his employment, because he was placed at a regular checkout cash register and had difficulties with this due to his disabilities. P&A assisted the client by contacting his supervisor and assisting with a request for a reasonable accommodation. As a result of P&A's involvement, the client was able to obtain a reasonable accommodation from his employer. The company gained information about reasonable accommodations and the client learned about his rights as an employee with a disability.

8. Criminal Juvenile Justice

A juvenile with a disability was facing legal charges due to the educational system citing him for disability-related behavior. P&A assisted the client with creating an individual justice plan (IJP) to limit further involvement with the justice system. The IJP identified enhanced supports through the Human Service Center and Youthworks, so the client could access academic, social, and emotional support and learning opportunities. In addition, the team was able to amend his Individualized Education Program (IEP) to include a behavior analyst that could further assess the student's behavior. As a result of P&A involvement, the IJP was implemented and the wrap around services were effective in supporting the student with intervention services through the developmental disabilities service delivery system.

HB 1014 Testimony
House Appropriations-Human Resources Division Committee
Representative Nelson, Chairman
January 14, 2025

Chairman Nelson and Members of the Committee, I am Carlotta McCleary, the Executive Director of the ND Federation of Families for Children's Mental Health (NDFFCMH), which is a parent run organization that focuses on the needs of children and youth with emotional, behavioral, or mental health needs and their families. I am also the Executive Director for Mental Health America of ND (MHAND) which is a consumer-run organization whose mission is to promote mental health through education, advocacy, understanding, and access to quality care for all individuals.

Today we are here to speak in support of Protection and Advocacy (P&A) and their budget that is before you. P&A provides needed services for individuals with disabilities. They advocate on behalf of individuals with disabilities whose rights have been violated or who are being unlawfully denied access to services. P&A protects individuals with disabilities from abuse and neglect by receiving reports of alleged abuse, neglect, and exploitation. When there is probable cause, they investigate the allegation. If it is needed, they access protective services. Legal representation is also provided to individuals with disabilities. In addition, they also provide individuals or groups assistance with self-advocacy, education and training, systems advocacy, and legislative advocacy.

In the 2019 Session, Protection and Advocacy became the point of contact for the Olmstead Commission. The Olmstead Commission monitors services and conducts planning in order to comply with the United States Supreme Court's *Olmstead* decision which ruled that Americans with disabilities have the right to community services before being placed in institutional facilities. Since the Olmstead Commission redesign, Protection and Advocacy answers questions from individuals and providers. If inquiries from individuals and providers are determined to be outside the purview of the Olmstead Commission, they give those individuals referrals to more appropriate entities. Protection and Advocacy also provides education and communications regarding commission requirements for businesses and community groups.

Protection and Advocacy's is well respected for the work they do on behalf of individuals with disabilities, including adults and children with mental illness. Many of the children, youth and adults that our agencies work with have needed to access the services that P&A provides. As a parent of a son with a disability, I cannot tell you how important the role of P&A is. Therefore, we ask you to fully fund Protection and Advocacy as recommended in the Governor's recommended budget.

Thank you for time. I would be happy to answer any questions that you may have.

Carlotta McCleary

Executive Director, ND Federation of Families for Children's Mental Health
Executive Director, Mental Health America of North Dakota

PO Box 4106
Bismarck, ND 58502

(701) 222-3310
cmccleary@ndffcmh.com



HB 1014
House Appropriations – Human Resources Division
Tuesday, January 14, 2025
Representative Jon Nelson, Chairperson

Chairman Nelson and Members of the House Appropriations – Human Resources Division:

My name is Roxane Romanick and I’m representing Designer Genes of North Dakota, Inc. Designer Genes’ membership represents individuals with Down syndrome and their families across the state of North Dakota. Designer Genes’ mission is to strengthen opportunities for individuals with Down syndrome and those who support them to earn, learn, and belong.

I am in support of HB 1014, North Dakota Protection and Advocacy’s budget. North Dakota Protection and Advocacy is invaluable to our organization and to those that live with Down syndrome and other disabilities in our state. They provide critically needed, case specific advocacy to individuals who have experienced rights violations and are in need of advocacy. From a broader view, their programmatic and system advocacy is helpful to ensure quality lives in the community. Protection and Advocacy has been a collaborative partner on helping to educate our membership and those that support individuals with disabilities.

I have had the opportunity to work with many of the staff at North Dakota Protection and Advocacy on both case-specific situations and systems improvement work. Both have been important in making sure that individuals with disabilities’ rights have been protected. Their work on educating the disability community about legislative action, opportunities for public comment, and disability rights would be sorely missed if North Dakota did not adequately fund North Dakota Protection and Advocacy.

Thank you.

Roxane Romanick
 Designer Genes of North Dakota, Inc.
 701-391-7421 info@designergenesnd.com

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Roughrider Room, State Capitol

HB 1014
1/22/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.

10:05 a.m. Chairman J. Nelson called the hearing to order.

Members Present: Chairman J. Nelson, Vice Chairman Stemen, Representatives B. Anderson, Berg, Mitskog, Murphy, O' Brien, Wagner.

Discussion Topics:

- Budget Detail

10:06 a.m. Veronica Zietz, Executive Director, North Dakota Protection and Advocacy Project testified and presented the budget detail # 30620.

11:00 a.m. Jordan Wetsel, North Dakota Protection and Advocacy Project Coordinator, testified in favor #30612.

11:41 a.m. Chairman J. Nelson adjourned the hearing.

Jan Kamphuis, Committee Clerk



Protection & Advocacy Project

400 E. Broadway, Suite 409

Bismarck, ND 58501

701-328-2950

1-800-472-2670

TTY: 711

www.ndpanda.org



House Bill 1014 - January 22, 2025

ND Protection and Advocacy Project - Workforce and Technology Project (Pilot Project)

Testimony of Jordan Wetsel, P&A Project Coordinator

Greeting Chairman Nelson and Members of the House Appropriations - Human Resources Division Committee. This testimony highlights the stories of four pilot participants who have benefitted from the integration of assistive technology (AT) into their daily lives. The Protection & Advocacy Project spearheaded the pilot project as part of the Workforce and Technology Project. The intent was to showcase the positive impact of AT for individuals with disabilities, particularly in terms of independence, quality of life, and cost savings for the state. A related benefit identified was the payoff relative to workforce challenges. Four pilot participants, each with unique needs, has been provided with various AT devices aimed at increasing their independence and reducing their reliance on caregivers and institutional care. The following narratives outline their diagnoses, care needs, the initial care setting, estimated cost of original care, and the resulting savings through the use of AT.

Pilot Participant 1: Cost Savings and Independence

This participant is diagnosed with a combination of developmental, emotional, and physical disabilities, including limited mobility, intellectual disability, and behavioral challenges. He required significant assistance with daily tasks such as medication management, meal preparation, and emotional regulation. His care was initially provided in the Life Skills Transition Center, where the total cost of his care was \$1,536.02 per day, amounting to \$560,647 annually.

With the implementation of assistive technology (AT), including smart home devices, visual cues, habit-tracking apps, and a security system, the participant transitioned to a community-based apartment with a roommate. The total cost for the AT tools was approximately \$1,250. These tools reduced the need for direct staff intervention while promoting independence. As a result, his new living arrangement requires fewer hours of care. The average cost for a DSP is \$18.00/hour, or \$432.00/day, which allows for this individual to have available support, 24 hours a day. The cost of this community care amounts to \$157,680/year, which is a cost-saving to the state of \$402,967, when compared to his previous institutionalized care.

Pilot Participant 2: Empowering Independent Living

This young adult has a severe physical disability and relies on a power wheelchair to navigate daily activities. He faces challenges in accessing essential parts of his home, such as opening doors, blinds, and retrieving items. Before transitioning, he lived with his parents and required assistance with many

tasks, including locking doors and adjusting environmental settings. His previous care costs were not specified but included significant support from family and occasional caregivers.

Through the use of assistive technology, such as an automatic door opener, security smart lock, and voice-activated systems, he successfully moved into an accessible apartment. The total cost for the AT equipment was \$5,760.39. This investment has enabled him to perform daily tasks independently, reducing his reliance on caregivers. For instance, cutting back on one hour of daily care—valued at \$18.00 per hour for a DSP saves approximately \$6,570.00 annually. His transition to independent living in a new setting highlights how AT can reduce the need for ongoing caregiver support, ultimately saving costs for the state.

Pilot Participant 3: Mental Health and the Need for Education

This individual faces complex challenges due to a combination of Autism, Diabetes, Obsessive Compulsive Disorder (OCD), and other mental health conditions. Due to medication non-compliance and difficulties managing daily tasks, he had a history of hospitalization and reliance on institutional care. His care was previously provided in a structured environment, which involved significant support staff and costs that were not fully quantified but were high due to his mental health needs.

The assistive technology solutions provided included a medication dispenser, smart locks for apartment access, and tools for daily organization and mobility. However, mental health barriers, such as resistance to using the technology and challenges with routine changes, have delayed the full implementation of these tools. The cost for the AT equipment was \$572.30, which was minimal compared to the potential savings from reducing hospitalization and external caregiving needs. Although full success has not yet been achieved, he transitioned from a basic care facility to an apartment, which created cost savings by reducing institutional care. The daily rate at a Basic Care Facility is \$146.25/day. Over time, with continued education and support for his mental health, this participant's independence and quality of life are expected to improve, providing long-term cost savings, and decreasing acute care hospitalizations. This individual is provided services through community organizations such as Better Together and Interim HealthCare.

Pilot Participant 4: Enhancing Quality of Life with Complex Medical Needs

This individual has severe muscular dystrophy and a profound intellectual disability, which necessitates constant supervision and assistance with nearly all daily activities, including transfers, mobility, and communication. He also faces challenges in engaging with his environment due to his physical limitations and nonverbal communication. Previously, he required 24-hour care in a highly structured facility, with costs associated with caregiver support and equipment for mobility. For a large portion of his day, he was reliant upon two caregivers, whom were both nurses.

With the implementation of assistive technology, including a ceiling lift, automatic door openers, smart bulbs, and a Bluetooth-enabled neckband for controlling devices, the participant now has more control over his environment. The total cost for the assistive technology was \$17,769.93. These tools have allowed the individual to engage more independently with his environment, reducing caregiver strain and providing for significant benefits to his health and safety. One caregiver can now support him safely within his own apartment. At an average LPN nurse's hourly wage of \$29.88, reducing even one hour of daily care results in an annual savings of approximately \$10,900.00.

This shift to a less restrictive setting allowed the participant to engage more fully in his community while significantly lowering the state's financial burden. AT solutions in this new setting allowed the provider,

at times, to reduce staffing from two LPN-level caregivers 24/7 to one LPN-level caregiver 24/7. This cuts the costs associated with his care significantly.

The reduction in caregiver time, particularly for mobility and environmental control, translates into significant savings over time. Along with the cost-saving benefits, the implementation of assistive technology has also made the environment safer for both the individual and his staff, providing peace of mind and allowing the caregivers to feel more confident and secure in performing their duties, knowing that the technology supports their efforts and reduces the risk of injury.

Conclusion

The stories of these four pilot participants demonstrate the immense value of assistive technology in both improving individual outcomes and reducing overall costs of care. Each participant's transition from institutional or high-support settings to community-based environments illustrates the potential for AT to empower individuals to live more independently. By reducing reliance on institutional care and lowering caregiver hours, the state of North Dakota can achieve significant cost savings while improving the quality of life for individuals with disabilities. Investing in assistive technology is not just a financial decision—it's a commitment to fostering independence, dignity, and inclusion for all North Dakotans. I ask that you support Protection and Advocacy's funding request for a permanent FTE to continue this program and work.

Jordan Wetsel

Jordan Wetsel,
P&A Program Coordinator
jowetsel@nd.gov
(701) 328-3994



Protection & Advocacy Project

400 E. Broadway, Suite 409

Bismarck, ND 58501

701-328-2950

1-800-472-2670

TTY: 711

www.ndpanda.org



**House Appropriations Committee, Human Resource Division
House Bill 1014 - Protection & Advocacy Appropriations Detail
January 22, 2025
Testimony of Veronica Zietz, P&A Executive Director**

Greetings Chairman Nelson and members of the Human Resource Division of the House Appropriations Committee. My name is Veronica Zietz and I'm the Executive Director of the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency founded to assert and advance the rights of people with disabilities. The agency's mission is to champion equality and inclusion for people with disabilities in all aspects of life.

Purpose & Authority

Through the Developmental Disabilities Assistance and Bill of Rights Act of 1975, US Congress recognized that a federally directed system of legal advocacy was necessary to ensure the humane care, treatment, habilitation, and protection of individuals with disabilities. This federally mandated system of legal advocacy is the protection and advocacy system, with a presence in each state and territory.

P&A's federal authority was further expanded by the 1986 Protection and Advocacy for Individuals with Mental Illness Act, as amended and Children's Health Act of 2000; 1973 Section 509 of the Rehabilitation Act, as amended; 1994 Technology-Related Assistance for Individuals with Disabilities Act, as amended; 1996 Traumatic Brain Injury Act reauthorized as part of the Children's Health Act of 2000; 1999 Section 1150 of the Social Security Act, added by the Ticket to Work and Work Incentives Improvement Act; 2002 Help America Vote Act; 2018 Strengthening Protections for Social Security Beneficiaries Act; and the Rehabilitation Act, as amended.

P&A's role and authority is further defined in NDCC 25-01.3 and NDAC 65.5 which recognizes P&A's purpose and authority to provide advocacy and protective services for individuals with disabilities.

Goals & Challenges

P&A's is committed to increasing awareness of the agency's purposes and services, improving quality and timeliness of services, amplifying collaboration with partners, strengthening staff engagement, and enhancing operational efficiencies. Barriers to achieving these goals include lack of resources.

Services

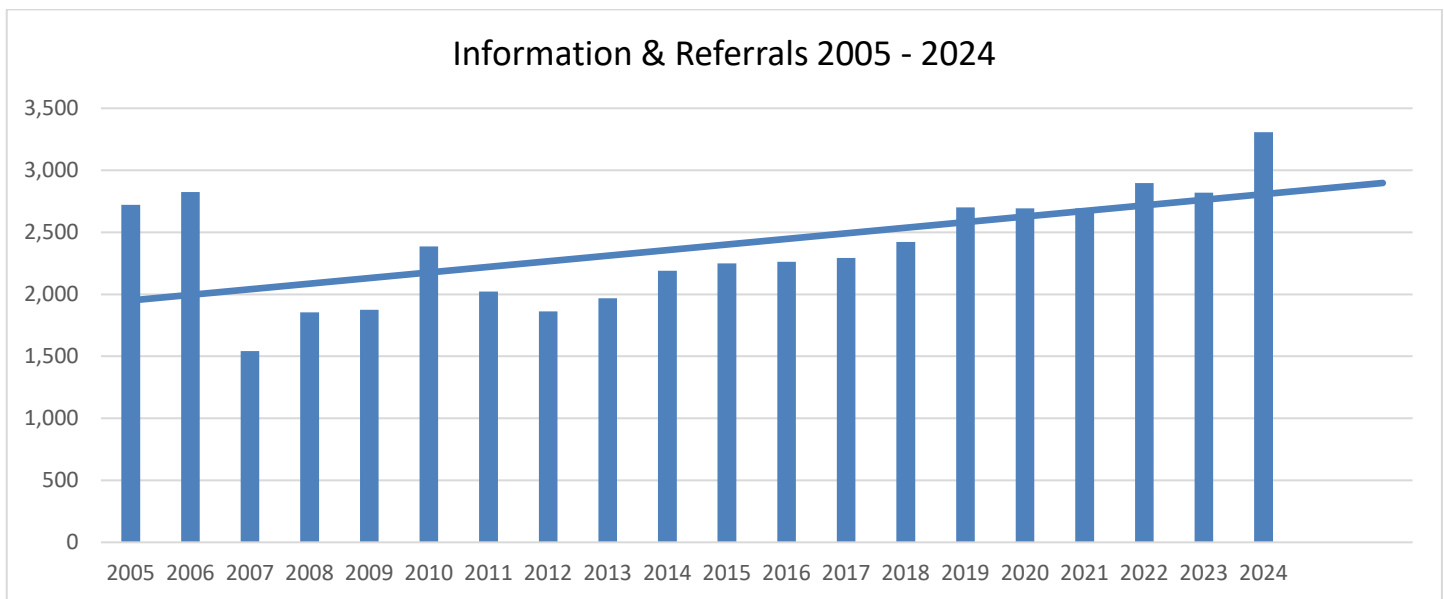
P&A provides free services to eligible individuals with disabilities across North Dakota.

- Information & Referral
- Training & Education
- Monitoring
- Investigations
- Self-Advocacy Assistance
- Advocacy & Legal Representation
- Collaboration
- Systems & Legislative Advocacy

Information & Referral (I&R)

P&A staff respond to individuals seeking help by providing information, answering questions, and connecting individuals with other organizations that can provide assistance. Over the last two federal fiscal years, P&A completed 6,126 information and referral requests (2,819 in FFY 2023 and 3,307 in FFY 2024). P&A’s information and referral volume is 9% higher than the prior biennium.

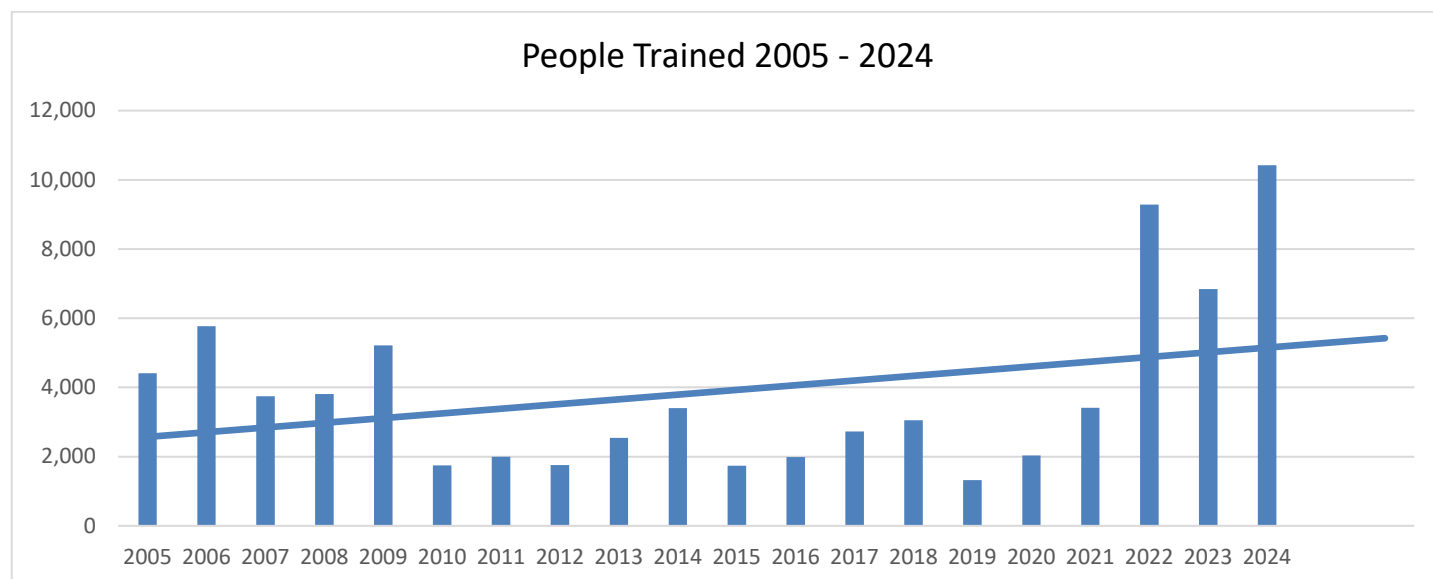
P&A provided an average of 2,125 I&Rs each year from 2005 - 2014, compared to an average of 2,634 I&Rs per year from 2015 - 2024. This equates to growth of 24% when comparing averages for these periods. In the past 20 years, P&A’s I&Rs were at their lowest with 1,541 (2007) and at their highest at 3,307 (2024) equating to growth of 115%.



Training & Education

P&A provides education and training on disability-related issues. In FFY 2023 and 2024 P&A provided education and training that impacted 17,266 individuals (6,843 in FFY 2023 and 10,423 in FFY 2024) across all programs. The most popular training topics during this period included voting rights; abuse, neglect, exploitation, and mandatory reporting; investigations; P&A services; client rights; employment; and education.

P&A trained an average of 3,438 individuals per year from 2005 - 2014, compared to an average of 4,282 individuals per year from 2015 - 2024; this equates to growth of 25% when comparing averages for these periods. In the past 20 years P&A's training numbers have moved from 4,406 (2005) to 10,423 (2024) equating to growth of 137%.



Protective Services

P&A receives and investigates reports of abuse, neglect, and exploitation (ANE). Abuse, neglect, and exploitation are defined in NDCC 25-01.3-01. Abuse can include verbal abuse, acts that cause injury or death, sexual assault, corporal punishment, use of excessive force in the placement of restraints, and more. Investigations of abuse, neglect, and exploitation (ANE) made up 63% of P&A's case work during FFY 2023 - FFY 2024. In these cases, P&A conducts objective investigations or reviews investigations completed by providers to address alleged incidents of abuse, neglect, and exploitation. P&A addresses issues identified to ensure the safety of involved individuals and to improve the quality of services. P&A also conducts reviews of representative payees and monitoring of providers/facilities to ensure quality assurance and compliance with regulations, and standards; note reviews and monitorings are not included in case work numbers.

Abuse Investigation: It was reported to P&A that there was an inadequate response by a facility in relation to a suicide attempt of a person with a disability and that facility staff were being verbally abusive to him. A subsequent report of a second suicide attempt was received soon after this. Through investigation, P&A found evidence to determine that appropriate medical attention was not sought in a timely manner for the first suicide attempt, which resulted in hospitalization. It was found that the facility had not kept the client safe when there was a second suicide attempt. Evidence also confirmed that staff cursed at the individual. As a result of P&A involvement, recommendations were made to the facility regarding reporting, documentation, medical care, and training. In response to P&A's investigation the facility developed a procedure to prevent individuals from having access to materials

that may cause self-harm. As a result of P&A's involvement, individuals in this facility will be safer and receive proper medical care.

Neglect Investigation: P&A received a report indicating that an individual with a disability was living in a very unkempt home with no running water. P&A investigated and found that the client's living condition was consistent with the report and was contributing to a deterioration of the client's health. P&A assisted the client with accessing Medicaid 1915(i) services, including case management, to support him with obtaining housing and finding a new living arrangement. He was also supported with a referral to Vocational Rehabilitation to work towards obtaining employment, so that he could gain skills to help him live and work more independently. As a result of P&A involvement, the client was able to access a safe and appropriate living environment, while benefiting from services and supports to aid his independence.

Exploitation Investigation: P&A was contacted regarding potential exploitation of an individual with a disability who was homeless and didn't have any income. The individual's mother was his appointed guardian and representative payee. The client's mother had told him that he was not receiving SSDI benefits, and he didn't have any income. P&A investigated and found that the client's mother had continued to receive his SSDI payments; however, she was not providing for her son's basic needs. After concluding the investigation activities, P&A helped the client with obtaining a new representative payee and with the removal of his mother as his guardian in court. After the investigation, the client secured housing and support through the HCBS aged and disabled waiver, and his representative payee ensured that his bills were paid. As a result of P&A involvement, the client was able to safeguard his income and access appropriate services and housing.

Advocacy Services

P&A provides a spectrum of individual advocacy services based on each client's need. P&A provides self-advocacy assistance to help individuals develop skills to advocate for themselves. P&A also provide advocacy representation and legal services where P&A represents individuals with disabilities whose rights have been violated. During FFYs 2023 - 2024 advocacy case work made up 37% of P&A's case work. P&A ensures client rights are fully protected and that issues are appropriately resolved. Note state and federal law requires P&A to resolve issues at the lowest possible level.

Inclusion: At the time of case opening, a person with a disability had been in an institution for over a year. There was no medical or treatment-related reason for remaining at the institution, but she remained there due to no available community placements. The client's wishes were to move to a border state to be closer to her family. P&A worked with the team to support the client in transitioning out of the institution. A provider from out-of-state had discussion with the team and agreed to provide services and supports for the client. The team assisted in getting the client connected with an out-of-state Money Follows the Person program and Blue Cross Blue Shield Expansion to financially fund her transition. As a result of P&A's involvement, the client is presently living in the least restrictive setting,

near her family with the proper services and supports.

Assistive Technology: P&A was contacted by the client and his mother, because they were experiencing challenges with ND Medicaid denying coverage for a new wheelchair. The client's wheelchair was over seven years old, was no longer safe, and could not be repaired. When P&A became involved it was found that the durable medical equipment provider had not complied with Medicaid's request to itemize the various supplemental equipment that was submitted with the initial quote, so that a determination could be made on medical necessity. Once this was done, it was discovered that items had been built into the chair that were not medically necessary and would not be approved. P&A was able to work with the client's case manager to obtain funding from the Waiver under the service category of equipment and supplies to cover the cost of the items that ND Medicaid denied. As a result of P&A involvement, all components of the chair were funded, and the client received a chair that fits him and will allow for his independence.

Education: P&A was contacted with concerns about a shortened school day for a student with a disability; the student had been on a shortened school day for 2 years and the school wanted to continue this for the coming year in part due to staff shortages at the school. With P&A's help, the school district agreed to have an outside entity provide Applied Behavior Analysis (ABA) therapy to support the behavioral needs of the student. Despite recommendations from the outside entity, the district was unwilling to extend the student's day, which at the time was just over one hour per day. P&A continued to advocate resulting in the outside entity providing more support, along with creating a concrete plan that extended the student's day. As a result of P&A involvement, by the end of the school year the client was attending school all day with his peers and had the necessary supports and services in place to be successful.

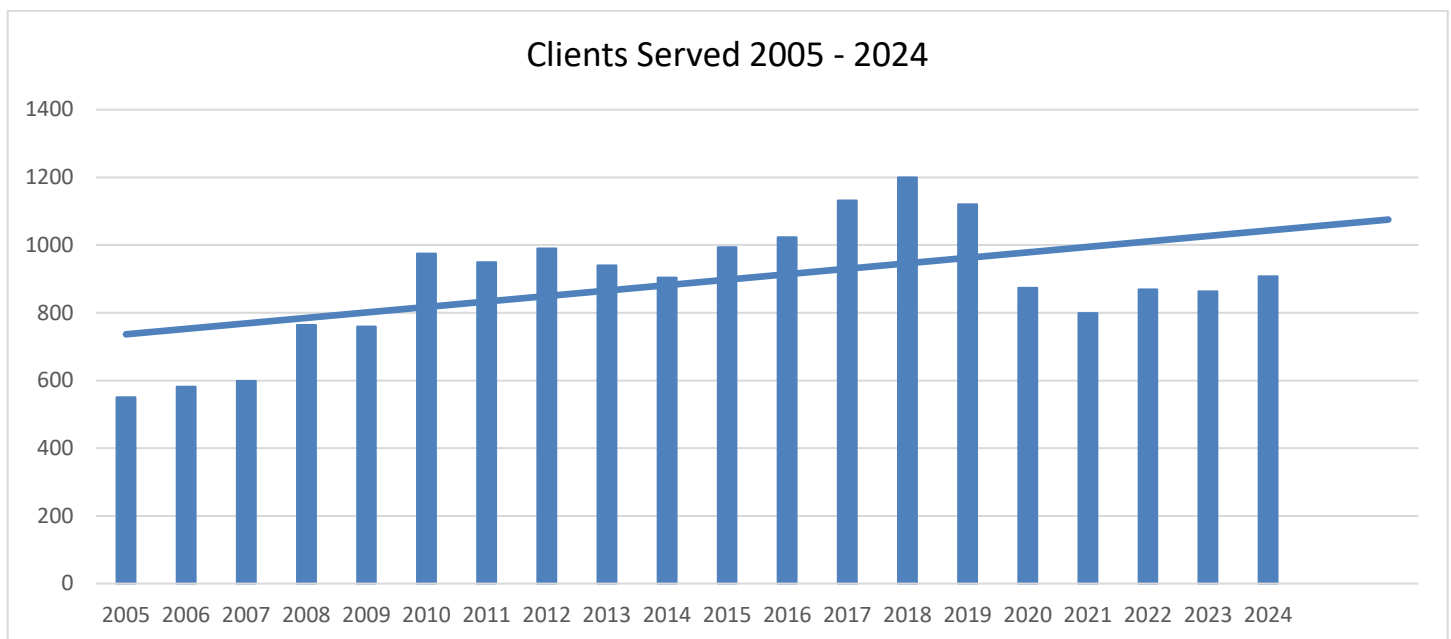
Employment: P&A was contacted by an individual with a disability due to concerns about employment with a large retail company. He had been employed for a long time performing self-checkout duties. He had concerns about his employment, because he was placed at a regular checkout register and had difficulties with this due to his disabilities. P&A assisted the client by contacting his supervisor and assisting with a request for a reasonable accommodation. As a result of P&A's involvement, the client was able to obtain a reasonable accommodation from his employer. The company gained information about reasonable accommodations and the client learned about his rights as an employee with a disability.

Criminal/Juvenile Justice: A juvenile with a disability was facing legal charges due to the educational system citing him for disability-related behavior. P&A assisted the client with creating an individual justice plan (IJP) to limit further involvement with the justice system. The IJP identified enhanced supports through the Human Service Center and Youthworks, so the client could access academic, social, and emotional support and learning opportunities. In addition, the team was able to amend his Individualized Education Program (IEP) to include a behavior analyst that could further assess the

student’s behavior. As a result of P&A involvement, the IJP was implemented and the wrap around services were effective in supporting the student with intervention services through the developmental disabilities service delivery system.

Client services are tracked by various metrics including number of active/closed cases, clients served, client outcome, and client satisfaction. Quite often clients may have more than one case during the year, due to multiple issues they may be facing. During Federal Fiscal Years (FFY) 2023 and 2024, P&A actively worked 2,390 cases and provided services to 1,771 clients. In FFY 2023 and 2024, 99% of cases were resolved completely or partially in the client’s favor and of individuals completing surveys, 94% agreed that P&A’s work is beneficial to people with disabilities.

P&A served an average of 801 clients per year from 2005 - 2014, compared to average of 978 clients per year from 2015 - 2024; this equates to growth of 22% when comparing averages over these periods. In the past 20 years P&A’s clients served has moved from 550 (2005) to 908 (2024) clients served per year equating to growth of 65%.

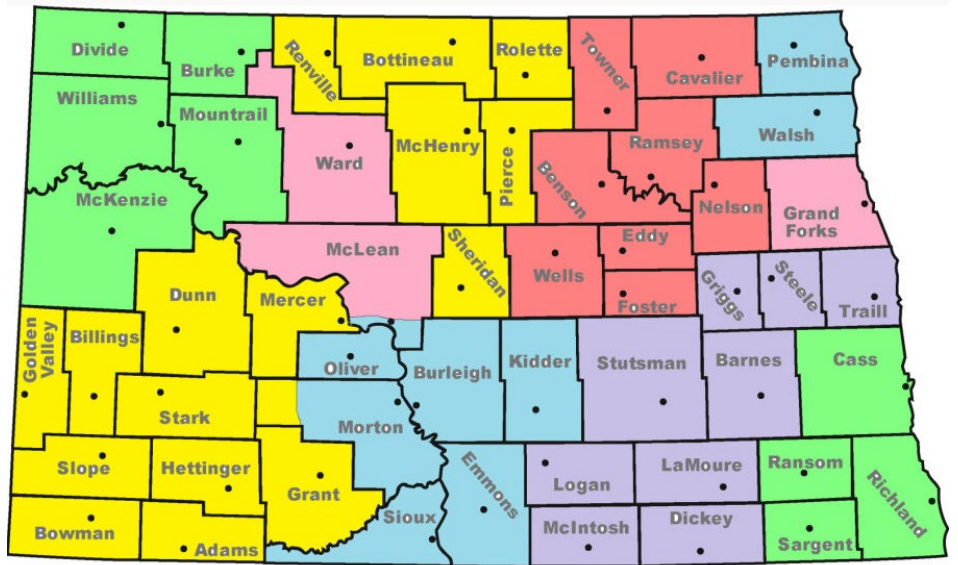


Note P&A does not have the resources to provide services to all who request them. To help guide the agency’s work and use of limited resources P&A annually establishes focus areas. This process includes various mechanisms for gathering public input. If a request for services falls outside of P&A’s focus areas the agency will provide I&R services or may try to address the issue through collaborative or systemic activities.

Staffing & Operations

P&A is designated 28.5 FTEs by the Legislature. P&A provides services and programming statewide by maintaining a presence in each of the following multi-county regions:

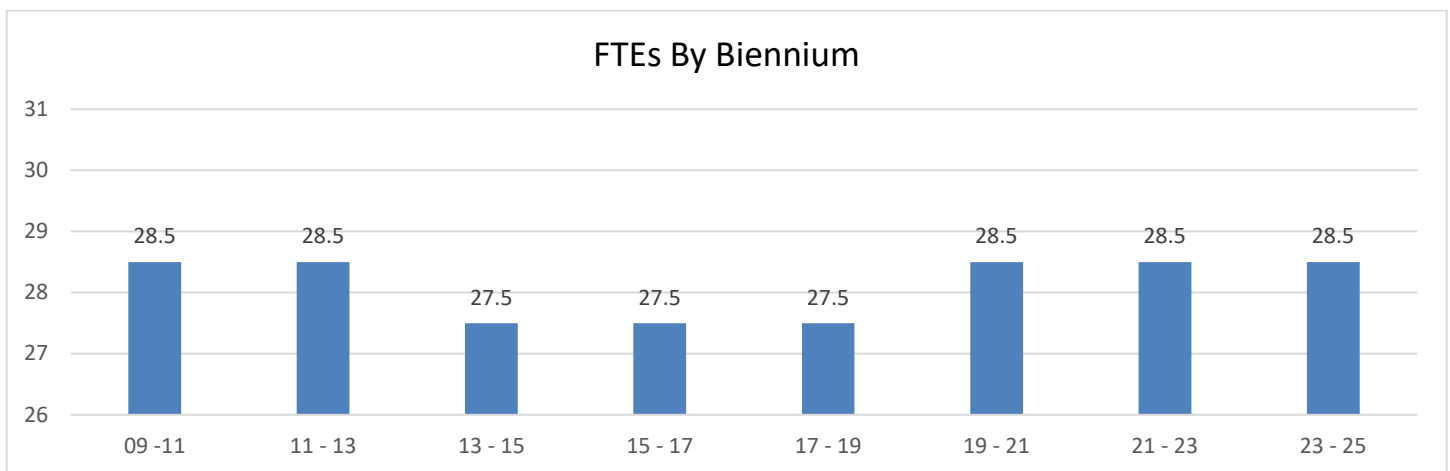
1. Bismarck -13 FTEs
2. Belcourt - 1 FTE
3. Devils Lake - 1 FTE
4. Dickinson - 1 FTE
5. Fargo - 5 FTEs
6. Grafton - 1 FTE
7. Grand Forks - 2 FTEs
8. Jamestown - 2.5 FTEs
9. Minot - 1 FTE
10. Williston - 1 FTE



During FFYs 2023 - 2024 P&A provided case services in 46 counties. During this period six counties (Burleigh, Cass, Grand Forks, Stutsman, Walsh, and Ward) made up 76% of cases.

Full Time Equivalent Details

There were no additional FTEs allocated to the agency by the 2023 Legislative Assembly. Staff includes one executive director position, five director positions, 17.5 disability advocates, two staff attorneys, one coordinator, and two administrative staff. Note during the current biennium the agency reclassified an administrative position to an advocate position to assist in managing caseloads. Please see organizational chart on page 15.



Agency Turnover

P&A has experienced turnover during the current biennium with 11 vacancies to date. Vacancies were due to retirement (1), internal promotion (2), and left for other employment (8). Of employees leaving P&A to take other positions the reasons cited included higher pay, career advancement, and work-life balance. From July 2023 - June 2024 turnover was at 32% and from July 2024 to date turnover is at 11%. Average time to fill positions was approximately 3 months.

FTE Funding Pool

The 68th Legislative Assembly removed \$72,725 from P&A's 2023 - 2025 appropriation bill for the FTE funding pool (FTE pool) and of that amount added just \$50,908 to the FTE pool. To date P&A has not requested funds from the FTE pool; however, it is anticipated that a request will be made for the full amount available to the agency this spring. The FTE pool has not resulted in agency savings; as of November 2024, costs associated with vacancies amounted to \$192,964. Vacancy related costs included accrued leave payouts, salary increases, funding for temps, and overtime. Vacancies cost the agency money, and underfunding the agency via the FTE pool has not resulted in cost savings to the agency or state.

Agency Funding

P&A is funded by a combination of federal grants, contracts, and state general funds. Federal grants and service contracts generally follow the federal fiscal year, which runs October - September, with one exception, the Rep Payee grant which runs from August - July. These sources of funding run on a reimbursement basis, meaning P&A performs services and incurs costs upfront and cannot access funds until after services are rendered.

North Dakota is a minimum allotment state for federal grants, which have seen minimal growth over the years. Note information is provided on growth rate and average award over 10 years or since year of inception. It is worth noting over this same period (Dec. 2015 - Dec. 2024) inflation was estimated to be approximately 33% according to the [US Bureau of Labor Statistics](#); this equates to an inflation rate of approximately 2.9% annually. This shows that even with some grant growth in the last decade, funding has not kept pace with the cost of running the agency; thus P&A is tasked to continually do more with less.

- P&A for Developmental Disabilities (DD)
 - Federal grant from the U.S. Department of Health & Human Services (HHS) to provide protective and advocacy services to individuals with intellectual and developmental disabilities.
 - Current award \$414,977/year; last increase 2021; 10-year growth 14%; 10-year average award \$397,202.
- P&A for Mental Health (MH)
 - Federal grant from HHS to provide protective and advocacy services to individuals with mental health disabilities.

- Current award \$473,700/year; last increase 2023; 10-year growth 11%; 10-year average award \$438,309.
- P&A for Individual Rights (PAIR)
 - Federal grant from the US Department of Education to provide protective and advocacy services for individuals not eligible for DD or MH programs.
 - Current award \$195,895/year; last increase 2023; 10-year growth 14%; 10-year average award \$177,782.
- P&A for Traumatic Brain Injury (TBI)
 - Federal grant from HHS to provide protective and advocacy services to individuals with brain injury.
 - Current award \$50,000/year; never increased from original award; 10-year growth 0%; 10-year average award \$50,000.
- P&A for Assistive Technology (AT)
 - Federal grant from HHS to assist individuals with disabilities in accessing AT devices and services.
 - Current award \$50,000/year; never increased from original award; 10-year growth 0%; 10-year average award \$50,000.
- P&A for Voting Access (PAVA)
 - Federal grant from HHS to ensure full participation in the electoral process for individuals with disabilities.
 - Current award \$141,043/year; last increase 2023; 10-year growth 101%; 10-year average award \$99,586.
- P&A for Beneficiaries of Social Security (PABSS)
 - Federal grant from the Social Security Administration (SSA) to provide services to SSDI and SSI beneficiaries to promote employment.
 - Current award \$123,965/year; last increase 2024; 10-year growth 24%; 10-year average award \$108,067.
- P&A for Beneficiaries with Representative Payees (Rep Payee)
 - Federal grant from the SSA to conduct reviews of individuals and organizations serving as representative payees.
 - Current award \$73,076/year; last increase 2024; established in 2019, 6-year growth 22%; 6-year average award \$64,765.
- Client Assistance Program (CAP) Contract
 - Contract from the ND Department of Health and Human Services Vocational Rehabilitation Section (VR) to assist individuals with disabilities who are experiencing challenges with federally funded rehabilitation programs such as VR, Tribal VR, or Centers for Independent Living. VR is the designated agency for the CAP program; however, they contract with P&A to provide the required services in ND.
 - Current award 153,406/year; last increase 2024; 10-year growth 26%; 10-year average award \$131,433.

- **Serious Event Screening Contract**
 - Contract from the ND Department of Health and Human Services Developmental Disabilities Section (DD) to independently screen mandated reports of serious events impacting individuals with developmental disabilities. This activity is required and funded by the Center for Medicare & Medicaid Services (CMS). These funds require 100% match with State General Funds. Examples of serious events include death, broken bones, and sexual assault.
 - Current award \$112,309/year; last increase 2024; established in 2016, 8-year growth 48%; 8-year average award \$97,522.

2023 - 2025 Biennium

The 68th Legislature appropriated \$4,266,541 in federal funds (56% of budget) and \$3,323,370 in State General Funds (44% of budget) for a grand total of \$7,589,911 with level staffing at 28.5 FTEs. There were no agency initiated one-time funding requests for the current biennium; however, P&A was allocated \$171,778 (\$95,548 State and \$76,230 federal) for target market equity and \$29,581 (\$12,935 State and \$16,646 federal) for changes related to employee retirement benefits.

As of November 30, 2024 (71% of biennium), P&A has spent approximately 68% of its State General Funds. P&A expects to expend all State General Funds by the close of the current biennium. While the 68th Legislature appropriated P&A with \$4,266,541 in federal funds, actual federal funds received amounted to \$3,537,730; this is 17% lower than the 68th Legislature’s projected income. As of November 30, 2024 (71% of biennium) P&A has spent approximately 76% of its actual federal funds. Note any unspent federal funds from the current biennium may be carried over to the next biennium.

Audit Findings

P&A was audited by the ND Office of the State Auditor in 2023 for the two-year period ending June 30, 2022. The audit did not identify any areas of concern.

2025 - 2027 Biennium

	Base Level HB 1014	P&A Budget Request	Gov. Burgum Budget	Gov. Armstrong Budget
Federal Funds	4,359,417	4,451,483	4,820,434	4,792,011
State General Funds	3,431,853	4,017,283	3,891,940	3,865,368
Total	7,791,270	8,468,766	8,712,374	8,657,379
FTE	28.5	30.5	29.5	29.5

Base Level Budget

P&A’s 2025 - 2027 base level budget of \$7,791,270 consists of 44% State General Funds and 56% federal funds. P&A’s base level budget is approximately 23% operating and 77% salaries/benefits.

25 - 27 P&A Requests

P&A Funding	
Federal Formula Grant Awards (24 mo.)	3,045,311
Contracts (24 mo.)	531,430
Federal Carryover from 23-25 Biennium	641,761
Other Grants	232,981
Federal Funds (Total)	4,451,483
State General Funds	4,017,283
Total	8,468,766

P&A submitted its requested budget in July 2024. Eight federal grants and two contracts for services were estimated to be funded for the 25-27 biennium at FFY 2024 levels, equating to \$3,045,311 and \$531,430 respectively. In July 2024, federal carryover was estimated to be at \$641,761 at the close of the biennium. The other grants line item includes estimates of additional federal and private foundation grants, which may be sought by the agency during the 25-27 biennium. It is worth noting that if P&A expends all 23-25 carryover and 25-27 grants and contracts during the 25-27 biennium, there would be no carryover for the 27-29 biennium, which could lead to a substantial deficit.

P&A Expenses	
Salaries & Benefits	6,374,622
Operating	1,599,106
Optional Budget Request - Retirement Payouts	19,288
Optional Budget Request - 1 FTE Communications	237,878
Optional Budget Request - 1 FTE Workforce Technology Project	237,878
Total	8,468,766

Salaries & Benefits includes employee compensation, health insurance, access to an employee assistance program, retirement, and other employer paid benefits for P&A's current staff of 28.5 FTEs. This includes funds for expected increases in benefit costs for the next biennium; this does not include salary increases.

P&A's 28.5 FTEs range from new hires to 40+ years with the state; 43% of P&A's staff have been with the state for more than 10 years. Note that the state uses pay ranges for classified positions, each position has five ranges (Minimum, First Control Point, Market Policy Point, Third Control Point, and Maximum). The Market Policy Point (MPP) is essentially equivalent to the average pay for a comparable position in the private sector and is used to determine where P&A staff should be compensated at to ensure competitiveness with the private market. All but one position at P&A are classified and subject to these pay scales. Currently 94% of P&A staff are compensated at a level below the MPP.

Operating expenses include costs incurred for travel, supplies, postage, printing, leases, utilities, insurance, repairs, periodicals and subscriptions, phone, computers, data processing, professional fees/contracts, operating fees, etc. Note increases are included for costs related to phone and IT services.

P&A made three new budget requests for the 2025 - 2027 biennium: 1) \$19,288 for retirement payouts, 2) \$237,878 for a communications specialist (1 FTE), and 3) \$237,878 for a workforce technology program coordinator (1 FTE).

First, P&A requests funds to assist with retirement payouts. During the 25 - 27 biennium 5 FTEs will reach the rule of 85. This is nearly 20% of P&A's staff. Long-term staff are eligible for substantial retirement payouts for accrued vacation and sick leave. These payouts are a hardship for the agency, as the position must remain vacant for an extensive period in order to re-coup payout funds before the agency has the resources to hire and fill the positions. These vacancies also jeopardize P&A's ability to provide timely quality services and are burdensome for existing staff who see their workloads increase. Funds requested are estimated to cover the expense associated with one retirement. This request was supported in both Governor Armstrong and Governor Burgum's budget recommendation.

Second, P&A requests an additional FTE for the position of communication specialist. Disability is prevalent, with [1 in 4](#) or 25% of the population having a disability; this means that people with disabilities are the largest minority population in North Dakota. Many people with disabilities are not connected to services and resources and therefore are unaware of P&A and how we can help them. This position will increase awareness of P&A's purpose and services. This will allow individuals to seek assistance from the agency at the first point of need and access resources to advocate for themselves. This will allow P&A to move the provision of services from a reactive to a proactive stance. This FTE will help the agency optimize the use of resources, enhance government transparency, and improve access to services. This request was not included in either Governors' budget recommendation.

Lastly, P&A requests an additional FTE to serve in the role of program coordinator. P&A received one-time covid funds last biennium to conduct a project focused on addressing the workforce shortage related to services provided to individuals with disabilities; in response P&A created the Workforce and Technology Project. P&A hired a coordinator to conduct work related to a pilot project examining the use of innovative assistive technology (AT) solutions to support individuals with disabilities in transitioning from congregate settings to independent living. The pilot is underway with four individuals with disabilities. Goals of the project are to 1) develop novel AT solutions to address client needs, 2) create a platform for managing AT solutions, 3) establish funding streams through Medicaid Waivers and other sources, 4) reduce dependence on workforce, 5) examine benefits to clients and workforce, and 6) perform cost benefit analysis. This project has been successful with several positive outcomes already realized; however, these positive outcomes could be amplified by continuing the program with the support of a program coordinator; without which the program will end. A failure to support this

request will result in people with disabilities continuing to be served in congregate high-cost settings, and continued staffing shortages which will contribute to further erosion of the service delivery system. This request was supported in both Governor Armstrong's and Governor Burgum's budget recommendation.

Additional Information

P&A does not anticipate a need for any other sections to be added to this appropriation bill. Currently, there are not any other bills being considered by the Legislative Assembly that have a budgetary impact on P&A.

Thank you for your time and consideration.

Respectfully,



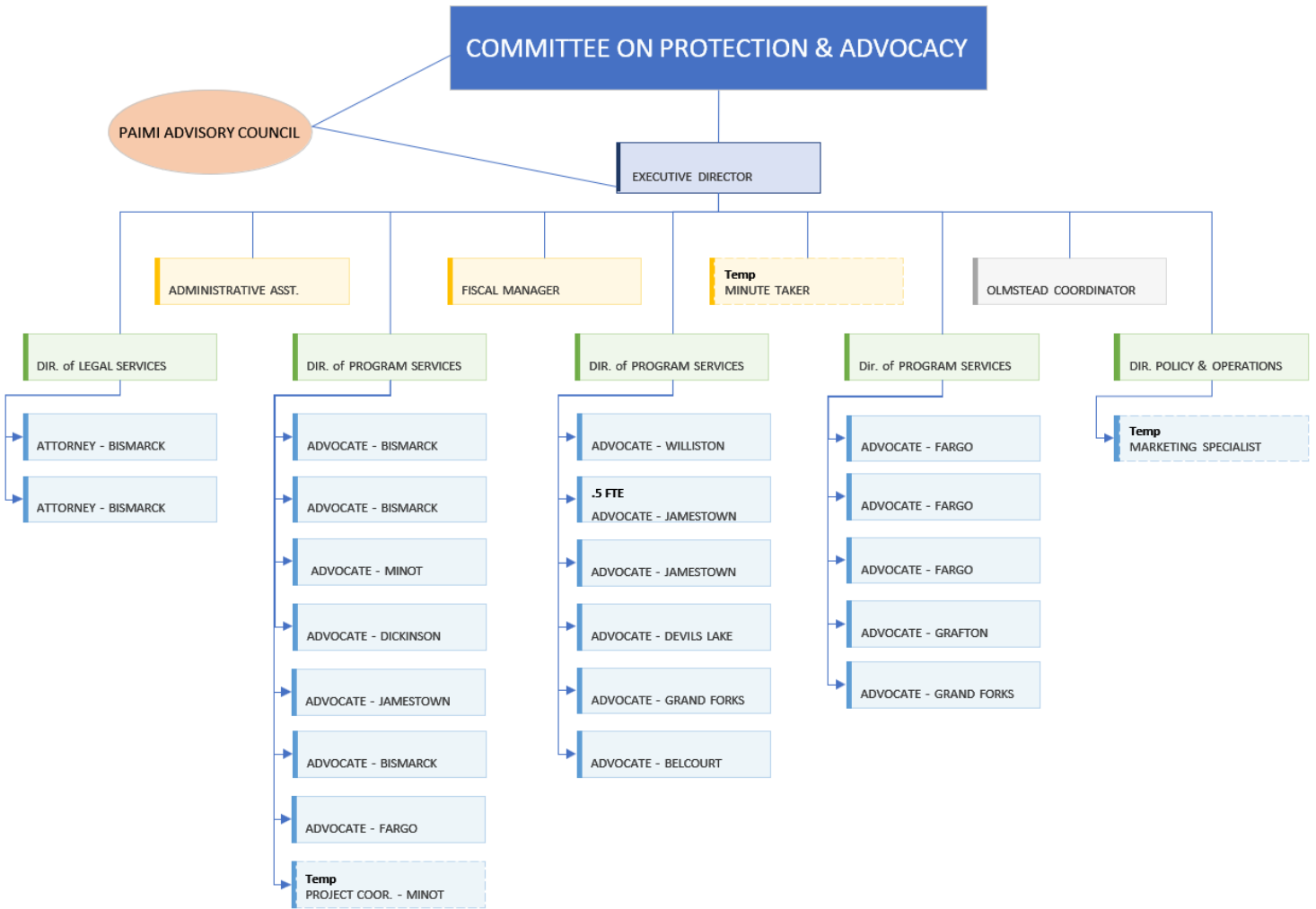
Veronica Zietz
Executive Director Protection & Advocacy Project
vzietz@nd.gov

P&A's Itemized Requests

P&A made three new budget requests for the 2025 - 2027 biennium:

1. \$237,878 for a workforce technology program coordinator (1 FTE). This item was fully supported in both Governors' budgets and P&A requests this recommendation be adopted by the legislature.
2. \$19,288 for retirement payouts. This item was fully supported in both Governors' budgets and P&A requests this recommendation be accepted by the legislature.
3. \$237,878 for a communications specialist (1 FTE). This item was not included in either Governors' budgets; however, P&A requests this item be included in the appropriation.

Protection & Advocacy Organizational Chart



2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Roughrider Room, State Capitol

HB 1014
2/7/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.

10:31 a.m. Chairman J. Nelson called the meeting to order.

Members Present: Chairman J. Nelson, Vice Chairman Stemen, Representatives B. Anderson, Berg, Mitskog, Murphy, O' Brien, Wagner.

Discussion Topics:

- Budget comparison
- Committee action

10:32 a.m. Adam Mathiak, Senior Fiscal Advisor, Office of Management and Budget, discussed the long sheet #36215.

10:44 a.m. Chairman J. Nelson adjourned the meeting.

Jan Kamphuis, Committee Clerk



Protection and Advocacy Project - Budget No. 360
Agency Worksheet - House Bill No. 1014

	Burgum Budget				Armstrong Budget				Armstrong Budget Compared to Burgum Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	Increase (Decrease)			
									FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	28.50	\$3,431,853	\$4,359,417	\$7,791,270	28.50	\$3,431,853	\$4,359,417	\$7,791,270	0.00	\$0	\$0	\$0
2025-27 Ongoing Funding Changes												
Salary increase		\$145,537	\$155,789	\$301,326		\$118,965	\$127,366	\$246,331		(\$26,572)	(\$28,423)	(\$54,995)
Health insurance increase		85,936	94,222	180,158		85,936	94,222	180,158				0
Funding to replace the 2023-25 vacant FTE pool		72,725	93,591	166,316		72,725	93,591	166,316				0
FTE workforce technology services position	1.00	118,940	118,940	237,880	1.00	118,940	118,940	237,880				0
Information technology rate increases		17,661	22,477	40,138		17,661	22,477	40,138				0
Adjusts federal funding			(24,002)	(24,002)			(24,002)	(24,002)				0
Total ongoing funding changes	1.00	\$440,799	\$461,017	\$901,816	1.00	\$414,227	\$432,594	\$846,821	0.00	(\$26,572)	(\$28,423)	(\$54,995)
One-Time Funding Items												
Accrued leave payments		\$19,288		\$19,288		\$19,288		\$19,288				\$0
Total one-time funding changes	0.00	\$19,288	\$0	\$19,288	0.00	\$19,288	\$0	\$19,288	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	1.00	\$460,087	\$461,017	\$921,104	1.00	\$433,515	\$432,594	\$866,109	0.00	(\$26,572)	(\$28,423)	(\$54,995)
2025-27 Total Funding	29.50	\$3,891,940	\$4,820,434	\$8,712,374	29.50	\$3,865,368	\$4,792,011	\$8,657,379	0.00	(\$26,572)	(\$28,423)	(\$54,995)
<i>Federal funds included in other funds</i>			\$4,820,434				\$4,792,011				(\$28,423)	
<i>Total ongoing changes - Percentage of base level</i>	3.5%	12.8%	10.6%	11.6%	3.5%	12.1%	9.9%	10.9%	N/A	N/A	N/A	N/A
<i>Total changes - Percentage of base level</i>	3.5%	13.4%	10.6%	11.8%	3.5%	12.6%	9.9%	11.1%	N/A	N/A	N/A	N/A

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Roughrider Room, State Capitol

HB 1014
2/11/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.

8:33 a.m. Chairman J. Nelson called the meeting to order.

Members Present: Chairman J. Nelson, Vice Chairman Stemen, Representatives B. Anderson, Berg, Mitskog, Murphy, O' Brien, Wagner.

Discussion Topics:

- Budget analysis

8:37 a.m. Adam Mathiak, Senior Financial Analyst, Office of Budget and Management, discussed the long sheet #37024, #37026.

8:47 a.m. Representative Mitskog moved to adopt the amendment HB 1014, LC #25.0158.01001, #37026

8:48 a.m. Representative O'Brien seconded the motion.

Roll call vote

Representatives	Vote
Representative Jon O. Nelson	Y
Representative Gregory Stemen	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Alisa Mitskog	Y
Representative Eric J. Murphy	Y
Representative Emily O'Brien	Y
Representative Scott Wagner	Y

Motion passed 8-0-0

8:49 a.m. Representative Mitskog moved a DO PASS as amended HB 1014, LC #25.0158.01001, #30726.

8:50 a.m. Representative O'Brien seconded the motion.

Roll call vote

Representatives	Vote
Representative Jon O. Nelson	Y
Representative Gregory Stemen	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Alisa Mitskog	Y
Representative Eric J. Murphy	Y
Representative Emily O'Brien	Y
Representative Scott Wagner	Y

Motion carried 8-0-0.

Representative Mitskog will carry the bill.

8:52 a.m. Chairman J. Nelson adjourned the hearing.

Jan Kamphuis, Committee Clerk



Protection and Advocacy Project - Budget No. 360
Agency Worksheet - House Bill No. 1014

	Armstrong Executive Budget				House Version				House Compared to Executive Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	Increase (Decrease)			
									FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	28.50	\$3,431,853	\$4,359,417	\$7,791,270	28.50	\$3,431,853	\$4,359,417	\$7,791,270	0.00	\$0	\$0	\$0
2025-27 Ongoing Funding Changes												
Salary increase		\$118,965	\$127,366	\$246,331		\$118,965	\$127,366	\$246,331				\$0
Health insurance increase		85,936	94,222	180,158		85,936	94,222	180,158				0
Funding to replace the 2023-25 vacant FTE pool		72,725	93,591	166,316		72,725	93,591	166,316				0
2025-27 new and vacant pool - vacant				0		(30,521)	(32,829)	(63,350)		(\$30,521)	(\$32,829)	(63,350)
2025-27 new and vacant pool - new				0		(11,894)	(11,894)	(23,788)		(11,894)	(11,894)	(23,788)
FTE workforce technology services position	1.00	118,940	118,940	237,880	1.00	118,940	118,940	237,880				0
Information technology rate increases		17,661	22,477	40,138		17,661	22,477	40,138				0
Adjusts federal funding			(24,002)	(24,002)			(24,002)	(24,002)				0
Total ongoing funding changes	1.00	\$414,227	\$432,594	\$846,821	1.00	\$371,812	\$387,871	\$759,683	0.00	(\$42,415)	(\$44,723)	(\$87,138)
One-Time Funding Items												
Accrued leave payments		\$19,288		\$19,288		\$19,288		\$19,288				\$0
Total one-time funding changes	0.00	\$19,288	\$0	\$19,288	0.00	\$19,288	\$0	\$19,288	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	1.00	\$433,515	\$432,594	\$866,109	1.00	\$391,100	\$387,871	\$778,971	0.00	(\$42,415)	(\$44,723)	(\$87,138)
2025-27 Total Funding	29.50	\$3,865,368	\$4,792,011	\$8,657,379	29.50	\$3,822,953	\$4,747,288	\$8,570,241	0.00	(\$42,415)	(\$44,723)	(\$87,138)
<i>Federal funds included in other funds</i>			\$4,792,011				\$4,747,288				(\$44,723)	
<i>Total ongoing changes - Percentage of base level</i>	3.5%	12.1%	9.9%	10.9%	3.5%	10.8%	8.9%	9.8%	N/A	N/A	N/A	N/A
<i>Total changes - Percentage of base level</i>	3.5%	12.6%	9.9%	11.1%	3.5%	11.4%	8.9%	10.0%	N/A	N/A	N/A	N/A

Other Sections in Protection and Advocacy Project - Budget No. 360

Section Description	Armstrong Executive Budget	House Version
New and vacant FTE pool line item		Section 3 provides for the use of funding in the new and vacant FTE pool line item.

25.0158.01001
Title.
Fiscal No. 1

Prepared by the Legislative Council
staff for House Appropriations - Human
Resources Division Committee
February 10, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1014

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the protection and
2 advocacy project.

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

4 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
5 as may be necessary, are appropriated out of any moneys in the general fund in the state
6 treasury, not otherwise appropriated, and from other funds derived from federal funds, to the
7 protection and advocacy project for the purpose of defraying the expenses of the protection and
8 advocacy project, for the biennium beginning July 1, 2025, and ending June 30, 2027, as
9 follows:

	Base Level	Adjustments or Enhancements	Appropriation
12 Protection and advocacy operations	\$7,791,270	\$0	\$7,791,270
13 Total all funds	\$7,791,270	\$0	\$7,791,270
14 Less other funds	4,359,417	0	4,359,417
15 Total general fund	\$3,431,853	\$0	\$3,431,853
16 Full-time equivalent positions	28.50	0.00	28.50
17 Protection and advocacy operations	\$7,791,270	\$417,060	\$8,208,330
18 New and vacant FTE pool	0	361,911	361,911
19 Total all funds	\$7,791,270	\$778,971	\$8,570,241
20 Less other funds	4,359,417	387,871	4,747,288

Sixty-ninth
Legislative Assembly

1	Total general fund	\$3,431,853	\$391,100	\$3,822,953
2	Full-time equivalent positions	28.50	1.00	29.50

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
4 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
5 items included in the appropriation in section 1 of this Act which are not included in the entity's
6 base budget for the 2027-29 biennium and which the entity shall report to the appropriations
7 committees of the seventieth legislative assembly regarding the use of this funding:

8	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
9	Accrued leave payments	\$19,288	\$0	\$19,288
10	Total	\$19,288	\$0	\$19,288

11 **SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The
12 protection and advocacy project may not spend funds appropriated in the new and vacant FTE
13 pool line item in section 1 of this Act, but may request the office of management and budget to
14 transfer funds from the new and vacant FTE pool line item to the protection and advocacy
15 operations line item in accordance with the guidelines and reporting provisions included in
16 House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1014 - Protection and Advocacy Project - House Action

	Base Budget	House Changes	House Version
New and vacant FTE pool		\$361,911	\$361,911
Protection and advocacy operations	\$7,791,270	417,060	8,208,330
Total all funds	\$7,791,270	\$778,971	\$8,570,241
Less estimated income	4,359,417	387,871	4,747,288
General fund	\$3,431,853	\$391,100	\$3,822,953
FTE	28.50	1.00	29.50

Department 360 - Protection and Advocacy Project - Detail of House Changes

	Adds Funding for Salary and Benefit Increases ¹	Adds Funding to Replace 2023-25 FTE Pool ²	Transfers Funding for 2025-27 New and Vacant FTE Pool ³	Adds Workforce Technology FTE Position ⁴	Adjusts Funding for Operating Expenses ⁵	Adds One-Time Funding Item ⁶
New and vacant FTE pool			\$361,911			
Protection and advocacy operations	\$426,489	\$166,316	(449,049)	\$237,880	\$16,136	\$19,288
Total all funds	\$426,489	\$166,316	(\$87,138)	\$237,880	\$16,136	\$19,288
Less estimated income	221,588	93,591	(44,723)	118,940	(1,525)	0
General fund	\$204,901	\$72,725	(\$42,415)	\$118,940	\$17,661	\$19,288
FTE	0.00	0.00	0.00	1.00	0.00	0.00

	Total House Changes
New and vacant FTE pool	\$361,911
Protection and advocacy operations	417,060
Total all funds	\$778,971
Less estimated income	387,871
General fund	\$391,100
FTE	1.00

¹ The following funding is added for 2025-27 biennium salary adjustments of 3 percent on July 1, 2025, and 3 percent on July 1, 2026, and increases in health insurance premiums from \$1,643 to \$1,893 per month:

	General Fund	Other Funds	Total
Salary increase	\$118,965	\$127,366	\$246,331
Health insurance increase	85,936	94,222	180,158
Total	\$204,901	\$221,588	\$426,489

² Funding of \$166,316 is added to replace 2023-25 biennium new and vacant FTE pool funding for vacant FTE positions, including \$72,725 from the general fund and \$93,591 from federal funds.

³ Funding of \$449,049 for new FTE positions and estimated savings from vacant FTE positions is removed and funding of \$361,911 is added for a 2025-27 new and vacant FTE pool line item as follows:

	General Fund	Other Funds	Total
Vacant FTE positions	(\$101,738)	(\$109,431)	(\$211,169)
New FTE positions	(118,940)	(118,940)	(237,880)
Total	(\$220,678)	(\$228,371)	(\$449,049)
Funding pool line item	178,263	183,648	361,911
Net savings	(\$42,415)	(\$44,723)	(\$87,138)

⁴ Funding of \$237,880 is added for 1 FTE workforce technology services position, including \$118,940 from the general fund and \$118,940 from federal funds.

⁵ Operating funding is adjusted as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
IT rate increases	\$17,661	\$22,477	\$40,138
Decreases federal funding	<u>0</u>	<u>(24,002)</u>	<u>(24,002)</u>
Total	\$17,661	(\$1,525)	\$16,136

⁶ One-time funding of \$19,288 from the general fund is added for accrued leave payouts.

The House version also adds a section regarding the use of funding in the new and vacant FTE pool line item.

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

HB 1014
2/12/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.

2:35 p.m. Chairman Vigesaa called the meeting to order.

Members Present: Chairman Vigesaa, Vice Chairman Kempenich, Representatives Anderson, Berg, Bosch, Brandenburg, Fisher, Hanson, Louser, Martinson, Meier, Mitskog, Monson, Murphy, Nathe, Nelson, O'Brien, Pyle, Richter, Sanford, Stemen, Swiontek

Members Absent: Representative Wagner

Discussion Topics:

- Committee action

2:36 p.m. Representative Mitskog introduced Amendment LC# 25.0158.01001, #37436.

2:38 p.m. Representative Mitskog moved to adopt Amendment LC#25.0158.01001.

2:28 p.m. Representative Stemen seconded the motion.

2:40 p.m. Roll Call Vote

Roll Call Vote Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glen Bosch	Y
Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	Y
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy L. Pyle	Y
Representative David Richter	Y

Representative Mark Sanford	Y
Representative Gregory Stemen	Y
Representative Steve Swiontek	Y
Representative Scott Wagner	A

2:41 p.m. Motion Passed 21-0-2

2:41 p.m. Representative Mitskog moved for a Do Pass as amended.

2:41 p.m. Representative O'Brien seconded the motion.

2:41 p.m. Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glen Bosch	Y
Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	Y
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy L. Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Gregory Stemen	Y
Representative Steve Swiontek	Y
Representative Scott Wagner	A

2:42 p.m. Motion passed 22-0-1.

2:42 p.m. Representative Mitskog will carry the Bill.

2:42 p.m. Chairman Vigesaa closed the meeting.

Sierra Schartz, Committee Clerk

RS 2/12/25
1 of 2

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1014

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the protection and
2 advocacy project.

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

4 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
5 as may be necessary, are appropriated out of any moneys in the general fund in the state
6 treasury, not otherwise appropriated, and from other funds derived from federal funds, to the
7 protection and advocacy project for the purpose of defraying the expenses of the protection and
8 advocacy project, for the biennium beginning July 1, 2025, and ending June 30, 2027, as
9 follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>	
11				
12	Protection and advocacy operations	\$7,791,270	\$0	\$7,791,270
13	Total all funds	\$7,791,270	\$0	\$7,791,270
14	Less other funds	4,359,417	0	4,359,417
15	Total general fund	\$3,431,853	\$0	\$3,431,853
16	Full-time equivalent positions	28.50	0.00	28.50
17	<u>Protection and advocacy operations</u>	<u>\$7,791,270</u>	<u>\$417,060</u>	<u>\$8,208,330</u>
18	<u>New and vacant FTE pool</u>	<u>0</u>	<u>361,911</u>	<u>361,911</u>
19	<u>Total all funds</u>	<u>\$7,791,270</u>	<u>\$778,971</u>	<u>\$8,570,241</u>
20	<u>Less other funds</u>	<u>4,359,417</u>	<u>387,871</u>	<u>4,747,288</u>

1	<u>Total general fund</u>	<u>\$3,431,853</u>	<u>\$391,100</u>	<u>\$3,822,953</u>
2	<u>Full-time equivalent positions</u>	<u>28.50</u>	<u>1.00</u>	<u>29.50</u>

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
4 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
5 items included in the appropriation in section 1 of this Act which are not included in the entity's
6 base budget for the 2027-29 biennium and which the entity shall report to the appropriations
7 committees of the seventieth legislative assembly regarding the use of this funding:

8	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
9	Accrued leave payments	\$19,288	\$0	\$19,288
10	Total	\$19,288	\$0	\$19,288

11 **SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The
12 protection and advocacy project may not spend funds appropriated in the new and vacant FTE
13 pool line item in section 1 of this Act, but may request the office of management and budget to
14 transfer funds from the new and vacant FTE pool line item to the protection and advocacy
15 operations line item in accordance with the guidelines and reporting provisions included in
16 House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

**REPORT OF STANDING COMMITTEE
HB 1014**

Appropriations Committee (Rep. Vigesaa, Chairman) recommends **AMENDMENTS** ([25.0158.01001](#)) and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1014 was placed on the Sixth order on the calendar.

25.0158.01001
Title.
Fiscal No. 1

Prepared by the Legislative Council
staff for House Appropriations - Human
Resources Division Committee
February 10, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1014

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the protection and
2 advocacy project.

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

4 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
5 as may be necessary, are appropriated out of any moneys in the general fund in the state
6 treasury, not otherwise appropriated, and from other funds derived from federal funds, to the
7 protection and advocacy project for the purpose of defraying the expenses of the protection and
8 advocacy project, for the biennium beginning July 1, 2025, and ending June 30, 2027, as
9 follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Protection and advocacy operations	\$7,791,270	\$0	\$7,791,270
Total all funds	\$7,791,270	\$0	\$7,791,270
Less other funds	4,359,417	0	4,359,417
Total general fund	\$3,431,853	\$0	\$3,431,853
Full-time equivalent positions	28.50	0.00	28.50
Protection and advocacy operations	\$7,791,270	\$417,060	\$8,208,330
New and vacant FTE pool	0	361,911	361,911
Total all funds	\$7,791,270	\$778,971	\$8,570,241
Less other funds	4,359,417	387,871	4,747,288

1	<u>Total general fund</u>	<u>\$3,431,853</u>	<u>\$391,100</u>	<u>\$3,822,953</u>
2	<u>Full-time equivalent positions</u>	<u>28.50</u>	<u>1.00</u>	<u>29.50</u>

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

4 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
5 items included in the appropriation in section 1 of this Act which are not included in the entity's
6 base budget for the 2027-29 biennium and which the entity shall report to the appropriations
7 committees of the seventieth legislative assembly regarding the use of this funding:

8	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
9	Accrued leave payments	<u>\$19,288</u>	<u>\$0</u>	<u>\$19,288</u>
10	Total	<u>\$19,288</u>	<u>\$0</u>	<u>\$19,288</u>

11 **SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The
12 protection and advocacy project may not spend funds appropriated in the new and vacant FTE
13 pool line item in section 1 of this Act, but may request the office of management and budget to
14 transfer funds from the new and vacant FTE pool line item to the protection and advocacy
15 operations line item in accordance with the guidelines and reporting provisions included in
16 House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1014 - Protection and Advocacy Project - House Action

	Base Budget	House Changes	House Version
New and vacant FTE pool Protection and advocacy operations	\$7,791,270	\$361,911 417,060	\$361,911 8,208,330
Total all funds	\$7,791,270	\$778,971	\$8,570,241
Less estimated income	4,359,417	387,871	4,747,288
General fund	\$3,431,853	\$391,100	\$3,822,953
FTE	28.50	1.00	29.50

Department 360 - Protection and Advocacy Project - Detail of House Changes

	Adds Funding for Salary and Benefit Increases ¹	Adds Funding to Replace 2023-25 FTE Pool ²	Transfers Funding for 2025-27 New and Vacant FTE Pool ³	Adds Workforce Technology FTE Position ⁴	Adjusts Funding for Operating Expenses ⁵	Adds One-Time Funding Item ⁶
New and vacant FTE pool Protection and advocacy operations	\$426,489	\$166,316	\$361,911 (449,049)	\$237,880	\$16,136	\$19,288
Total all funds	\$426,489	\$166,316	(\$87,138)	\$237,880	\$16,136	\$19,288
Less estimated income	221,588	93,591	(44,723)	118,940	(1,525)	0
General fund	\$204,901	\$72,725	(\$42,415)	\$118,940	\$17,661	\$19,288
FTE	0.00	0.00	0.00	1.00	0.00	0.00

	Total House Changes
New and vacant FTE pool Protection and advocacy operations	\$361,911 417,060
Total all funds	\$778,971
Less estimated income	387,871
General fund	\$391,100
FTE	1.00

¹ The following funding is added for 2025-27 biennium salary adjustments of 3 percent on July 1, 2025, and 3 percent on July 1, 2026, and increases in health insurance premiums from \$1,643 to \$1,893 per month:

	General Fund	Other Funds	Total
Salary increase	\$118,965	\$127,366	\$246,331
Health insurance increase	85,936	94,222	180,158
Total	\$204,901	\$221,588	\$426,489

² Funding of \$166,316 is added to replace 2023-25 biennium new and vacant FTE pool funding for vacant FTE positions, including \$72,725 from the general fund and \$93,591 from federal funds.

³ Funding of \$449,049 for new FTE positions and estimated savings from vacant FTE positions is removed and funding of \$361,911 is added for a 2025-27 new and vacant FTE pool line item as follows:

	General Fund	Other Funds	Total
Vacant FTE positions	(\$101,738)	(\$109,431)	(\$211,169)
New FTE positions	(118,940)	(118,940)	(237,880)
Total	(\$220,678)	(\$228,371)	(\$449,049)
Funding pool line item	178,263	183,648	361,911
Net savings	(\$42,415)	(\$44,723)	(\$87,138)

⁴ Funding of \$237,880 is added for 1 FTE workforce technology services position, including \$118,940 from the general fund and \$118,940 from federal funds.

⁵ Operating funding is adjusted as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
IT rate increases	\$17,661	\$22,477	\$40,138
Decreases federal funding	<u>0</u>	<u>(24,002)</u>	<u>(24,002)</u>
Total	\$17,661	(\$1,525)	\$16,136

⁶ One-time funding of \$19,288 from the general fund is added for accrued leave payouts.

The House version also adds a section regarding the use of funding in the new and vacant FTE pool line item.

2025 SENATE APPROPRIATIONS

HB 1014

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Harvest Room, State Capitol

HB 1014
3/7/2025

A Bill for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.
--

8:36 a.m. Senator Dever opened the hearing.

Members present: Chairman Dever and Senators Cleary, Davison, Magrum and Mathern.

Discussion Topics:

- Protective Services
- Self-Advocacy Assistance
- Advocacy & Legal Representation
- Information & Referral
- Training & Education
- Collaboration
- Systems & Legislative Advocacy
- Budget Request Review
- Workforce & Technology Project

8:36 a.m. Keith Mantz, Fiscal Analyst, LC, submitted testimony #39519.

8:36 a.m. Veronica Zietz, Director, ND Protection and Advocacy Project (ND P&A), testified in favor and submitted testimony #39474.

9:08 a.m. Renae Bloms, Fiscal Management Analyst, OMB, testified neutral.

9:15 a.m. Veronica Zietz, Director, ND P&A, continued testimony #39474.

10:15 a.m. Jordan Wetsel, Project Coordinator, Workplace & Technology Project, ND P&A, testified in favor and submitted testimony #39361 and #39548.

10:39 a.m. Scott Hansen, Private Citizen, testified online in opposition and submitted written testimony #39497.

Additional written testimony:

Carlotta McCleary, Executive Director, ND Federation of Families for Children's Mental Health (NDFFCMH); Executive Director for Mental Health America of ND (MHAND) submitted testimony in favor #39322.

10:57 a.m. Senator Dever adjourned the meeting.

Joan Bares, Committee Clerk

HB 1014 Testimony
Senate Appropriations-Human Resources Committee
Senator Dever, Chairman
March 7, 2025

Chairman Dever and Members of the Committee, I am Carlotta McCleary, the Executive Director of the ND Federation of Families for Children's Mental Health (NDFFCMH), which is a parent run organization that focuses on the needs of children and youth with emotional, behavioral, or mental health needs and their families. I am also the Executive Director for Mental Health America of ND (MHAND) which is a consumer-run organization whose mission is to promote mental health through education, advocacy, understanding, and access to quality care for all individuals.

Today we are here to speak in support of Protection and Advocacy (P&A) and their budget that is before you. P&A provides needed services for individuals with disabilities. They advocate on behalf of individuals with disabilities whose rights have been violated or who are being unlawfully denied access to services. P&A protects individuals with disabilities from abuse and neglect by receiving reports of alleged abuse, neglect, and exploitation. When there is probable cause, they investigate the allegation. If it is needed, they access protective services. Legal representation is also provided to individuals with disabilities. In addition, they also provide individuals or groups assistance with self-advocacy, education and training, systems advocacy, and legislative advocacy.

In the 2019 Session, Protection and Advocacy became the point of contact for the Olmstead Commission. The Olmstead Commission monitors services and conducts planning in order to comply with the United States Supreme Court's *Olmstead* decision which ruled that Americans with disabilities have the right to community services before being placed in institutional facilities. Since the Olmstead Commission redesign, Protection and Advocacy answers questions from individuals and providers. If inquiries from individuals and providers are determined to be outside the purview of the Olmstead Commission, they give those individuals referrals to more appropriate entities. Protection and Advocacy also provides education and communications regarding commission requirements for businesses and community groups.

Protection and Advocacy's is well respected for the work they do on behalf of individuals with disabilities, including adults and children with mental illness. Many of the children, youth and adults that our agencies work with have needed to access the services that P&A provides. As a parent of a son with a disability, I cannot tell you how important the role of P&A is. Therefore, we ask you to fully fund Protection and Advocacy as recommended in the Governor's recommended budget.

Thank you for time. I would be happy to answer any questions that you may have.

Carlotta McCleary

Executive Director, ND Federation of Families for Children's Mental Health
Executive Director, Mental Health America of North Dakota

PO Box 4106
Bismarck, ND 58502

(701) 222-3310
cmccleary@ndffcmh.com



Protection & Advocacy Project

400 E. Broadway, Suite 409
Bismarck, ND 58501
701-328-2950
1-800-472-2670
TTY: 711
www.ndpanda.org



House Bill 1014 - March 7, 2025

ND Protection and Advocacy Project - Workforce and Technology Project

Testimony of Jordan Wetsel, P&A Project Coordinator

Greetings Chairman Dever and Members of the Human Resource Division of the Senate Appropriations Committee. Thank you for the opportunity to speak with you today. I am Jordan Wetsel, Project Coordinator for the Workforce and Technology Project with the North Dakota Protection and Advocacy Project. Our agency, an independent state organization established in 1977, works tirelessly to assert and advance the civil, human, and legal rights of individuals with disabilities. It is through initiatives such as the Workforce and Technology Project that we work to fulfill this mission and improve the lives of those we serve.

The Workforce and Technology Project empowers individuals with disabilities by providing access to assistive technology (AT) that significantly enhances their independence. Through the integration of innovative AT solutions, we've seen firsthand how these tools can transform lives, reduce reliance on costly institutional care, and foster greater community participation.

Assistive technology provides individuals with the tools to perform daily tasks with greater independence, helping to break down barriers that traditionally required the presence of caregivers or institutional care. These tools range from simple, low-cost items like smart light bulbs and automatic door openers to more specialized devices such as medication management systems, smart security devices, and remote monitoring solutions. The versatility and cost-effectiveness of these technologies have been revolutionary, not only in improving the quality of life for individuals with disabilities, but also for alleviating pressures on workforce and in creating substantial savings for the state.

For example, a participant in our pilot program, previously residing at the Life Skills and

Transition Center (LSTC) was supported with an annual cost of \$560,647, transitioned to a community-based apartment with just \$1,250 worth of assistive technology. This technology, including tools for medication management, visual cues for daily tasks, and smart home devices, reduced the need for intensive staff support and allowed the individual to live more independently. This transition resulted in a savings of \$402,967 annually for the state.

The benefits of assistive technology extend beyond cost savings. Technology promotes greater independence, autonomy, and dignity for individuals with disabilities, enabling them to make choices, manage their environment, and engage in daily activities without the need for constant supervision. AT solutions like smart locks, voice-activated devices, and medication dispensers allow individuals to maintain control over their lives in a way that was previously not possible, improving both physical and mental well-being.

Furthermore, the integration of AT has a far-reaching positive impact on workforce challenges. By reducing the amount of direct support required, AT alleviates some of the pressure on the already strained workforce of direct support professionals (DSPs). Through the transformative use of assistive technology, we've seen individuals go from requiring around-the-clock staffing to needing only part-time support, saving both the state and families money while allowing for more effective use of limited resources.

For instance, in one case, a participant with severe muscular dystrophy and a profound intellectual disability required 24-hour care in a facility. By implementing assistive technologies such as a ceiling lift, automatic door openers, and environmental controls, the participant's care needs were significantly reduced, allowing one caregiver to safely provide support. This resulted in a savings of approximately \$10,900 annually by reducing just one hour of daily care at an average LPN wage. These kinds of savings are sustainable and increase over time, especially when considering the long-term benefits of reduced reliance on institutional care. To highlight the real-world impact of this technology, we have created a video demonstrating how assistive technology enhances daily life and independence. You can view the video here: [Empowering Independence with Technology](#)

Additionally, assistive technology empowers individuals to remain in less restrictive, community-based environments. This not only enhances their quality of life but also encourages greater social inclusion and participation. A participant who has had the opportunity to move into his own apartment with integrated AT can now accomplish tasks such as opening doors, adjusting environmental settings, or reaching things out of the upper cabinets in his apartment, all of which he otherwise would require assistance to do. This not only reduces reliance on caregivers but also

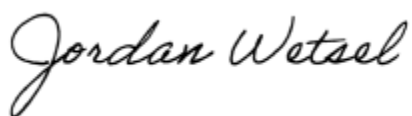
provides a sense of empowerment and control over his daily routine.

The success stories from our pilot program are powerful testaments to the potential of assistive technology to change lives. One of the major takeaways is that AT is not just about reducing costs—it's about enhancing lives. By fostering inclusion, independence, and a greater sense of control, AT provides individuals with disabilities the opportunity to live, learn, work, and play on their terms. It is an investment in the future of our state, ensuring that people with disabilities have the tools they need to thrive in their communities.

Through collaborations with organizations like Warehouse 13, ND Assistive, the DD Council, and Anne Carlsen, we've expanded the availability of AT, integrated it into Medicaid billing codes and state waivers, and we are working to increase knowledge and awareness about the potential of assistive technology, ensuring that more individuals and providers understand how these life-changing solutions can be utilized to enhance independence and quality of life. We've also gained invaluable insights from other states like Ohio, Minnesota, Tennessee, and Washington, which have successfully implemented AT to support individuals with disabilities, further cementing the potential for positive outcomes here in North Dakota.

However, this work is far from complete. The demand for assistive technology continues to grow, and the need for dedicated support to maintain and expand these initiatives is paramount. That is why I urge you to support the continued funding of the Workforce and Technology Project and the creation of a permanent full-time employee to oversee and expand this crucial work. Investing in AT not only improves the lives of individuals with disabilities but also supports our state's efforts to reduce costs, improve workforce efficiency, and build a more inclusive society. For more information on the benefits of assistive technology, please see the appendix where I have included information on our pilot participants.

Thank you for your time and consideration. I am more than happy to provide additional data, participant testimonials, or further clarification to illustrate the impact of this initiative on the lives of North Dakotans with disabilities.



Jordan Wetsel,
P&A Program Coordinator
jowetsel@nd.gov
(701) 328-3994

Appendix

Workforce and Technology Pilot Participant Summaries:

Pilot Participant 1: Cost Savings and Independence

This participant is diagnosed with a combination of developmental, emotional, and physical disabilities, including limited mobility, intellectual disability, and behavioral challenges. He required significant assistance with daily tasks such as medication management, meal preparation, and emotional regulation. His care was initially provided in the Life Skills Transition Center, where the total cost of his care was \$1,536.02 per day, amounting to \$560,647 annually.

With the implementation of assistive technology (AT), including smart home devices, visual cues, habit-tracking apps, and a security system, the participant transitioned to a community-based apartment with a roommate. The total cost for the AT tools was approximately \$1,250. These tools reduced the need for direct staff intervention while promoting independence. As a result, his new living arrangement requires fewer hours of care. The average cost for a DSP is \$18.00/hour, or \$432.00/day, which allows for this individual to have available support, 24 hours a day. The cost of this community care amounts to \$157,680/year, which is a cost-saving to the state of \$402,967, when compared to his previous institutionalized care.

Pilot Participant 2: Empowering Independent Living

This young adult has a severe physical disability and relies on a power wheelchair to navigate daily activities. He faces challenges in accessing essential parts of his home, such as opening doors, blinds, and retrieving items. Before transitioning, he lived with his parents and required assistance with many tasks, including locking doors and adjusting environmental settings. His previous care costs were not specified but included significant support from family and occasional caregivers.

Through the use of assistive technology, such as an automatic door opener, security smart lock, and voice-activated systems, he successfully moved into an accessible apartment. The total cost for the AT equipment was \$5,760.39. This investment has enabled him to perform daily tasks independently, reducing his reliance on caregivers. For instance, cutting back on one hour of daily care—valued at \$18.00 per hour for a DSP saves approximately \$6,570.00 annually. His transition to independent living in a new setting highlights how AT can reduce the need for ongoing caregiver support, ultimately saving costs for the state.

Pilot Participant 3: Mental Health and the Need for Education

This individual faces complex challenges due to a combination of Autism, Diabetes, Obsessive Compulsive Disorder (OCD), and other mental health conditions. Due to medication non-compliance and difficulties managing daily tasks, he had a history of hospitalization and reliance on institutional care. His care was previously provided in a structured environment, which involved significant support staff and costs that were not fully quantified but were high due to his

mental health needs.

The assistive technology solutions provided included a medication dispenser, smart locks for apartment access, and tools for daily organization and mobility. However, mental health barriers, such as resistance to using the technology and challenges with routine changes, have delayed the full implementation of these tools. The cost for the AT equipment was \$572.30, which was minimal compared to the potential savings from reducing hospitalization and external caregiving needs. Although full success has not yet been achieved, he transitioned from a basic care facility to an apartment, which created cost savings by reducing institutional care. The daily rate at a Basic Care Facility is \$146.25/day. Over time, with continued education and support for his mental health, this participant's independence and quality of life are expected to improve, providing long-term cost savings, and decreasing acute care hospitalizations. This individual is provided services through community organizations such as Better Together and Interim HealthCare.

Pilot Participant 4: Enhancing Quality of Life with Complex Medical Needs

This individual has severe muscular dystrophy and a profound intellectual disability, which necessitates constant supervision and assistance with nearly all daily activities, including transfers, mobility, and communication. He also faces challenges in engaging with his environment due to his physical limitations and nonverbal communication. Previously, he required 24-hour care in a highly structured facility, with costs associated with caregiver support and equipment for mobility. For a large portion of his day, he was reliant upon two caregivers, whom were both nurses.

With the implementation of assistive technology, including a ceiling lift, automatic door openers, smart bulbs, and a Bluetooth-enabled neckband for controlling devices, the participant now has more control over his environment. The total cost for the assistive technology was \$17,769.93. These tools have allowed the individual to engage more independently with his environment, reducing caregiver strain and providing for significant benefits to his health and safety. One caregiver can now support him safely within his own apartment. At an average LPN nurse's hourly wage of \$29.88, reducing even one hour of daily care results in an annual savings of approximately \$10,900.00.

This shift to a less restrictive setting allowed the participant to engage more fully in his community while significantly lowering the state's financial burden. AT solutions in this new setting allowed the provider, at times, to reduce staffing from two LPN-level caregivers 24/7 to one LPN-level caregiver 24/7. This cuts the costs associated with his care significantly. The reduction in caregiver time, particularly for mobility and environmental control, translates into significant savings over time. Along with the cost-saving benefits, the implementation of assistive technology has also made the environment safer for both the individual and his staff, providing peace of mind and allowing the caregivers to feel more confident and secure in performing their duties, knowing that the technology supports their efforts and reduces the risk of injury.

Empowering Independence with Technology - Project Video:

<https://www.youtube.com/watch?v=AyziMnoZWcE&t=1s>

Protection & Advocacy Project HB 1014



Mission & Philosophy

Uniting to champion the equality and inclusion of people with disabilities where we live, learn, work and play.

P&A...

- Fosters independence, productivity, and community integration
- Works exclusively for the client (person with the disability)
- Promotes client control in decision-making
- Seeks to fulfill the client's expressed wish within legal rights
- Empowers people with disabilities to self-advocate to the extent possible
- Ensures people with disabilities can shape their personal destiny

State & Federal Authorities

- 1975 Developmental Disabilities Assistance & Bill of Rights Act
- 1986 Protection and Advocacy for Individuals with Mental Illness Act
- 1973 Section 509 of the Rehabilitation Act
- 1994 Technology-Related Assistance for Individuals with Disabilities Act
- 1996 Traumatic Brain Injury Act
- 1999 Section 1150 of the Social Security Act
- 2002 Help America Vote Act
- 2018 Strengthening Protections for Social Security Beneficiaries Act
- North Dakota Century Code § 25-01.3
- North Dakota Administrative Code § 65.5

Who does P&A serve?

- Residents of North Dakota
- All Ages
- All types of disabilities
- Must have a qualifying disability as provided by federal programs
- No cost for services



What does P&A do?

- Protective Services
- Self-Advocacy Assistance
- Advocacy & Legal Representation
- Information & Referral
- Training & Education
- Collaboration
- Systems & Legislative Advocacy



Protective Services

Investigations - 63% of P&A's case work during FFY 2023 - FFY 2024

- Receive & screen reports of abuse, neglect, and exploitation (ANE)
- Perform risk management
- Conduct investigations or reviews investigations completed by providers
- Release Letter of Findings

Monitoring - Approx. 36/biennium

- Collaborates with HHS to conduct desk audits of incidents and onsite visits with DD providers (monitoring completed once every 3 years)
- Additional monitoring as needed

Representative Payee Reviews - Approx. 24/biennium

- Assigned reviews by Social Security Administration
- Perform review of financial records
- Complete interviews of beneficiaries/guardians
- Submit to SSA

Protective Services – Case Example

Neglect Investigation

P&A received a report indicating that an individual with a disability was living in a very rundown home with no running water. P&A investigated and found that the client's living condition was consistent with the report and was contributing to a deterioration of the client's health. P&A assisted the client with accessing Medicaid 1915(i) services, including case management, to support him with obtaining housing and finding a new living arrangement. He was also supported with a referral to Vocational Rehabilitation to work towards obtaining employment, so that he could gain skills to help him live and work more independently. As a result of P&A involvement, the client was able to access a safe and appropriate living environment, while benefiting from services and supports to aid his independence.

Advocacy Services

- Assisting individuals with disabilities whose rights have been violated
- 37% of P&A's case work during FFY 2023 - FFY 2024
- Current focus areas for Advocacy:
 - Community Inclusion
 - Assistive Technology
 - Education
 - Employment
 - Criminal & Juvenile Justice



Advocacy Services – Case Example

Inclusion

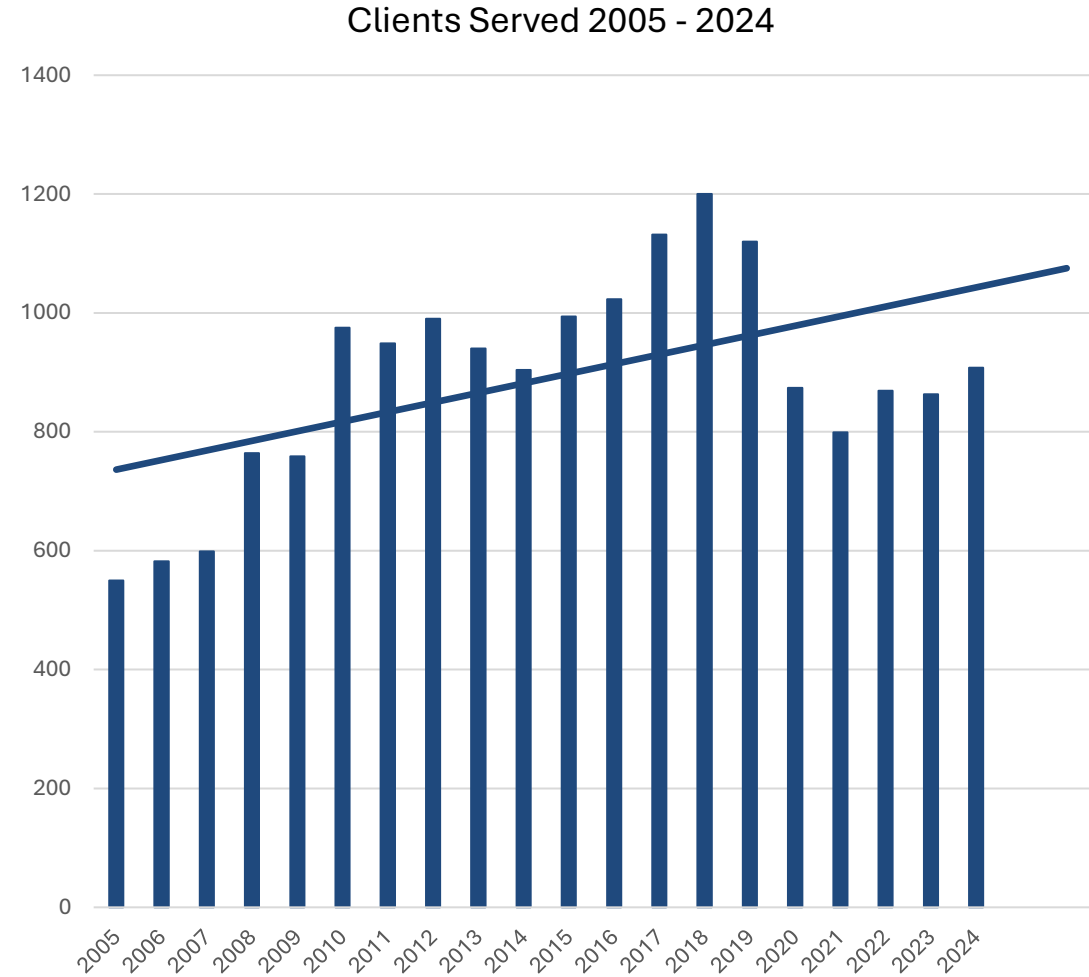
At the time of case opening, a person with a disability had been in an institution for over a year. There was no medical or treatment-related reason for remaining at the institution, but she remained there due to no available community placements. The client's wishes were to move to a border state to be closer to her family. P&A worked with the team to support the client in transitioning out of the institution. A provider from out-of-state had discussion with the team and agreed to provide services and supports for the client. The team assisted in getting the client connected with an out-of-state Money Follows the Person program and Blue Cross Blue Shield Expansion to financially fund her transition. As a result of P&A's involvement, the client is presently living in the least restrictive setting, near her family with the proper services and supports.

Protective & Advocacy Services

FFY 23 - 24 Cases By Focus Area		
Focus Area	# of Cases	% of Cases
Protective Services	1,503	63%
Inclusion	251	11%
Education	411	17%
Health Care	9	0%
Employment	107	4%
Assistive Technology	37	2%
Criminal/Juvenile Justice	63	3%
Other	9	0%
Total	2,390	100%

Protective & Advocacy Services

FFY	TOTAL CASES	TOTAL CLIENTS
2021	1,100	799
2022	1,164	869
'21 Biennium	2,264	1,668
2023	1,156	863
2024	1,234	908
'23 Biennium	2,390	1,771



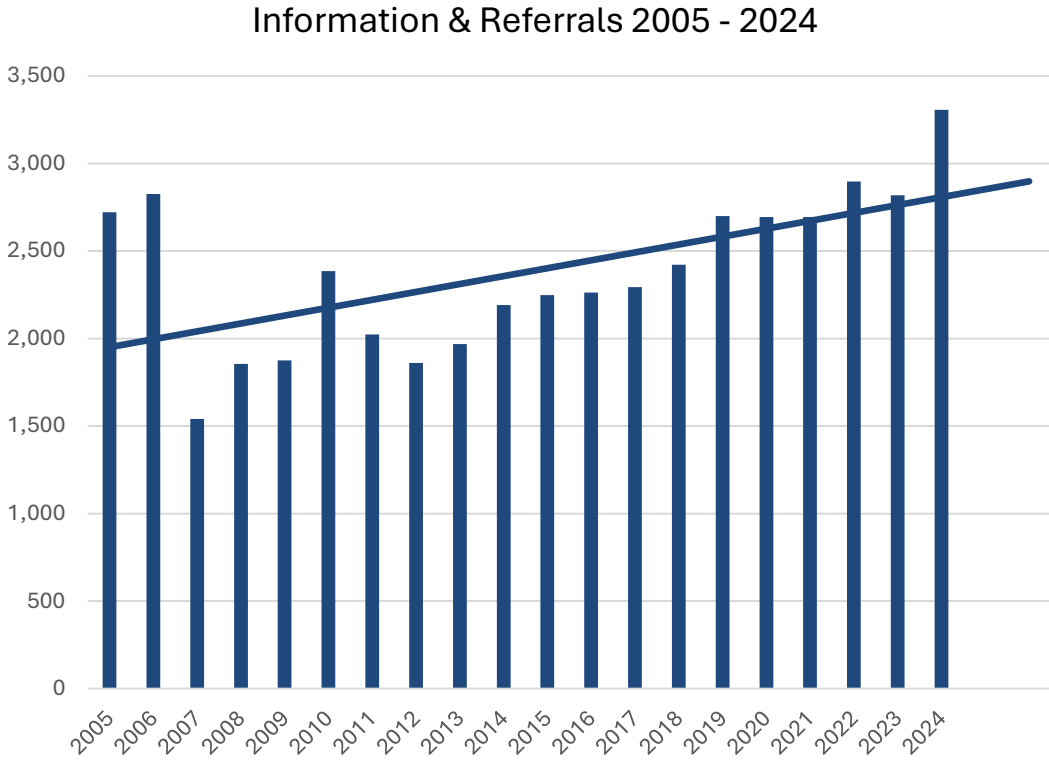
Protective & Advocacy Services

- 99% of cases resolved completely or partially in the client's favor
- 94% agreed that P&A's work is beneficial to people with disabilities



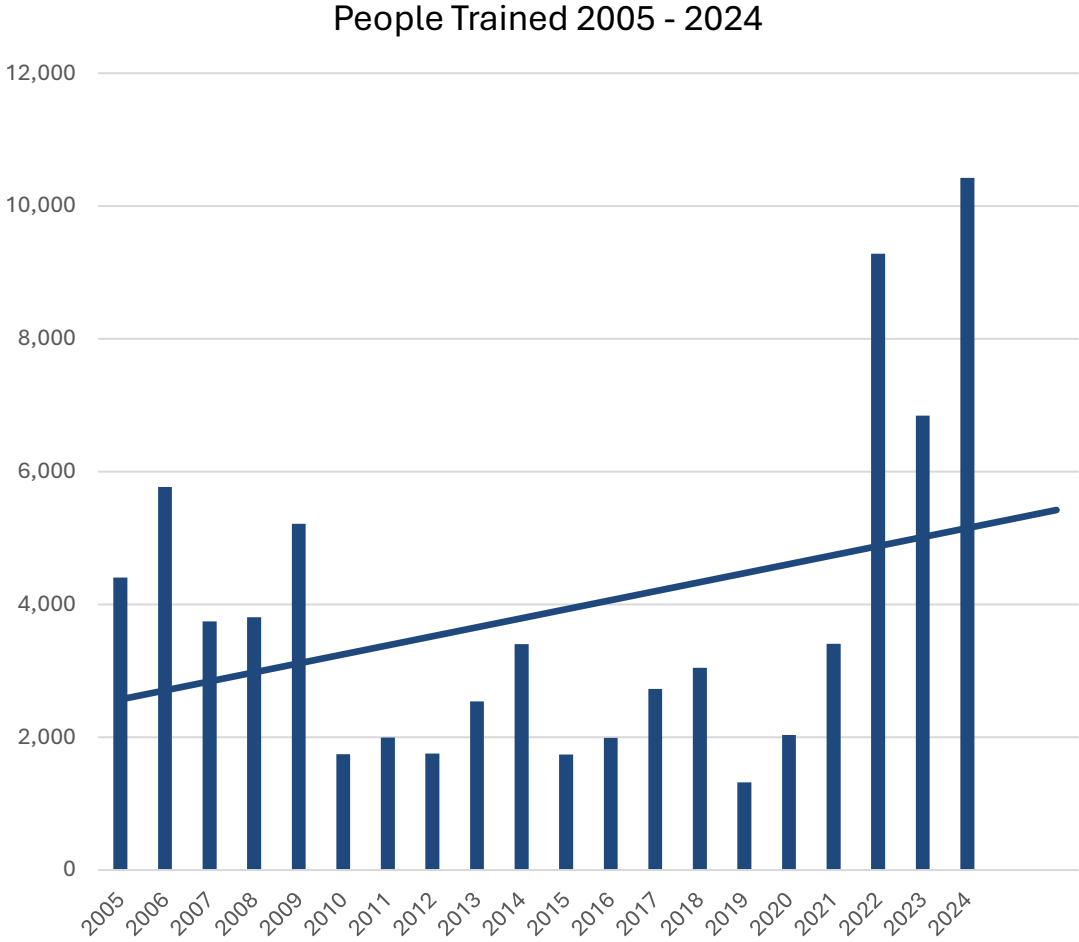
Information & Referral

FFY	TOTAL
2021	2,694
2022	2,896
'21 Biennium	5,590
2023	2,819
2024	3,307
'23 Biennium	6,126



Training & Education

FFY	TOTAL
2021	3,408
2022	9,283
'21 Biennium	12,691
2023	6,843
2024	10,423
'23 Biennium	17,266



Goals & Challenges

- Goals

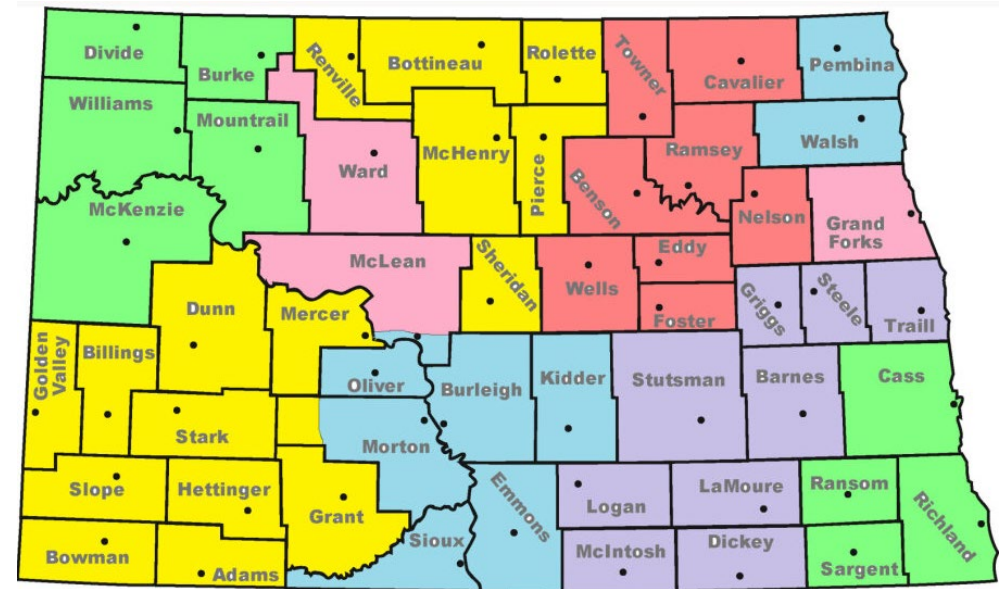
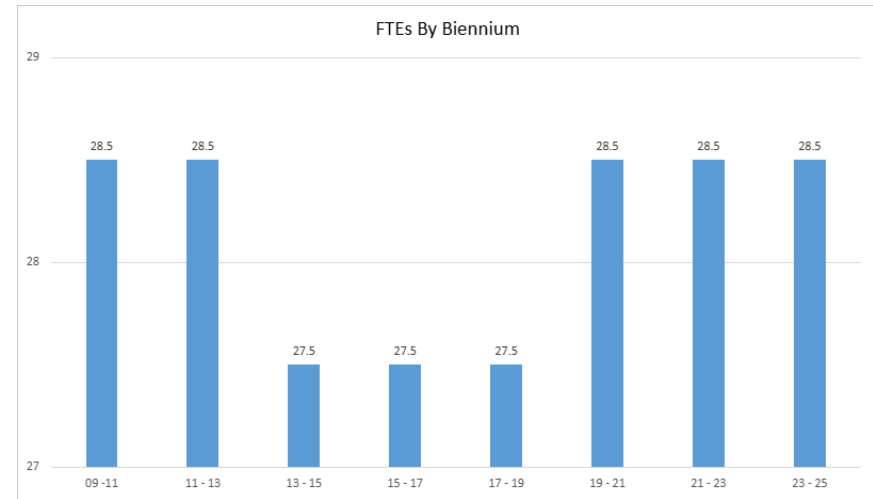
- Awareness
- Quality & Timely Services
- Collaboration
- Engaged Staff
- Operational Efficiency

- Challenges

- Increased Request for Services
- Lack of Resources
 - Staffing
 - Level Funding
 - Increased costs

Staffing & Operations

1. Bismarck/Administration - 13 FTEs
2. Belcourt - 1 FTE
3. Devils Lake - 1 FTE
4. Dickinson - 1 FTE
5. Fargo - 5 FTEs
6. Grafton - 1 FTE
7. Grand Forks - 2 FTEs
8. Jamestown - 2.5 FTEs
9. Minot - 1 FTE
10. Williston - 1 FTE

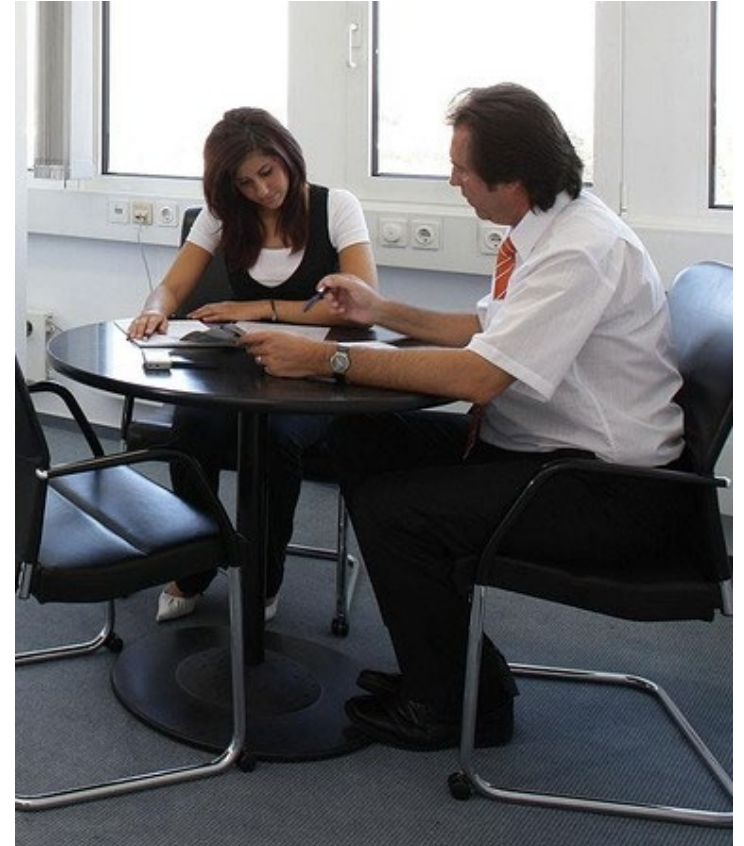


Turnover

- 7/23 - 6/24 Turnover = 32%
- 7/24 - 3/25 Turnover = 11%
- Average time to fill = 3 months

FTE Funding Pool

- Removed \$72,725 state general funds from P&A's budget
- Allocated \$50,908 to the FTE Pool
- \$192,964 incurred by P&A due to vacancies



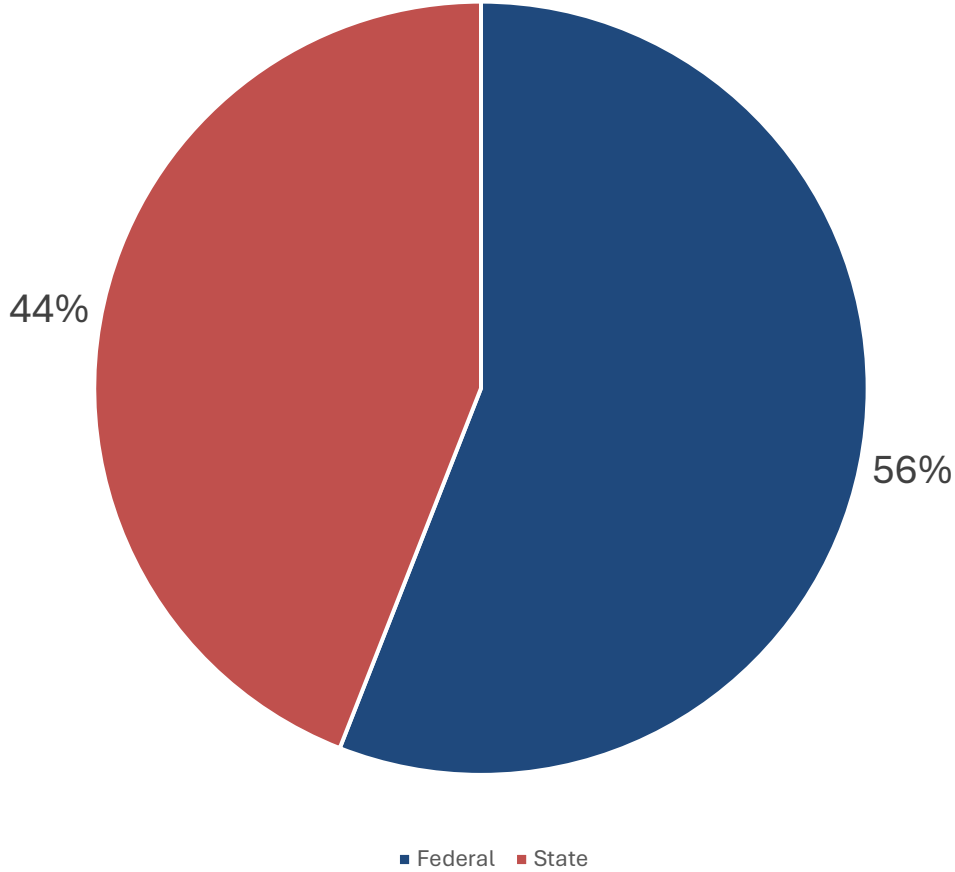
Agency Funding

FEDERAL INCOME / PROGRAMS	ANNUAL AWARD
P&A for Developmental Disabilities	\$414,977
P&A for Mental Health	\$473,700
P&A for Individual Rights	\$195,895
P&A for Brain Injury	\$50,000
P&A for Assistive Technology	\$50,000
P&A for Voting Access	\$141,043
P&A for Beneficiaries of Social Security	\$123,965
P&A for Beneficiaries of Representative Payee	\$73,076

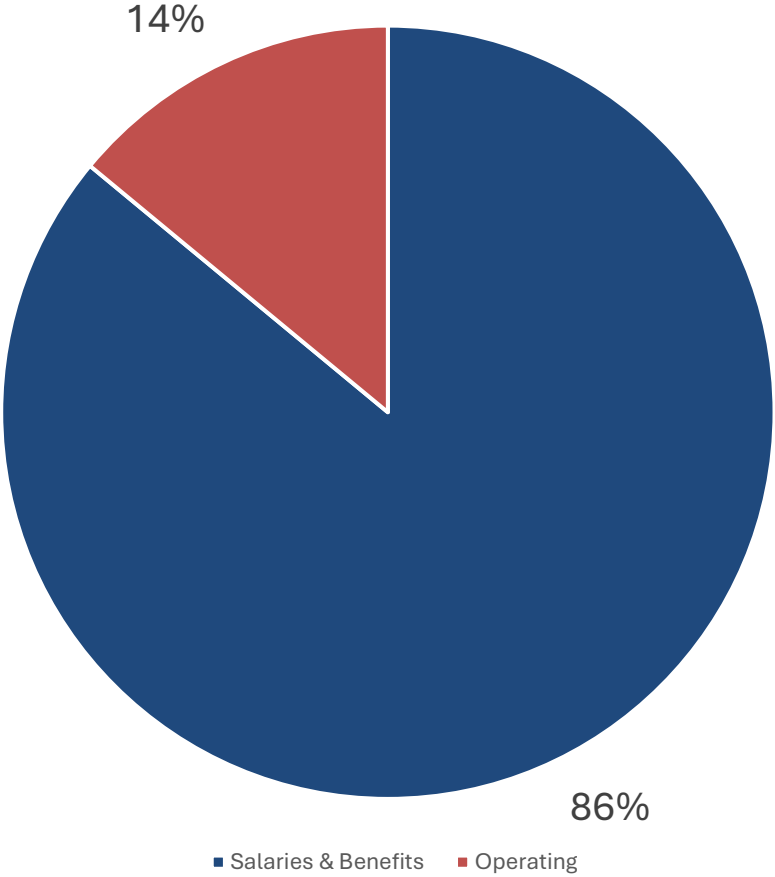
CONTRACT INCOME	ANNUAL AWARD
Client Assistance Program	\$139,652
Serious Event Screening	\$112,309

23-25 Biennium

Budget By Income



Budgeted Expenditures



25-27 Biennium Comparison

	Base Level	P&A Budget	Gov. Armstrong Budget	House Budget	Base vs. House
Federal Funds	4,359,417	4,451,483	4,792,011	4,747,288	387,871
State General Funds	3,431,853	4,017,283	3,865,368	3,822,953	391,100
Total	7,791,270	8,468,766	8,657,379	8,570,241	778,971
FTE	28.50	30.50	29.50	29.50	1.00

25-27 P&A Budget Request

Funding	
Federal Funds	4,451,483
State General Funds	4,017,283
Total	8,468,766

Optional Budget Requests	
1 FTE Workforce Technology Project	237,878
Retirement Payout	19,288
1 FTE Communications Specialist	237,878

25-27 House Budget

	Federal	State	Total
Base Level	4,359,417	3,431,853	7,791,270
Salary & Benefits Increase	221,588	204,901	426,489
23-25 FTE Pool	93,591	72,725	166,316
25-27 FTE Pool	(44,723)	(42,415)	(87,138)
1 FTE Workforce Technology Project	118,940	118,940	237,880
IT Rate Increase	22,477	17,661	40,138
Federal Funding Adjustment	(24,002)	-	(24,002)
Retirement Payouts	-	19,288	19,288
Total	4,747,288	3,822,953	8,570,241

P&A's Priorities

- Maintain House Changes
- Consider additional adjustment of State/Federal Funding
- Consider funding the communications specialist FTE



Additional Information

- No findings in most recent audit
- No other bills with financial impact





DISABILITY RIGHTS
NORTH DAKOTA

Veronica Zietz
vzietz@nd.gov
701-328-2950
www.ndpanda.org

Organizational Chart

COMMITTEE ON PROTECTION & ADVOCACY

PAIMI ADVISORY COUNCIL

EXECUTIVE DIRECTOR

ADMINISTRATIVE ASST.

FISCAL MANAGER

Temp
MINUTE TAKER

OLMSTEAD COORDINATOR

DIR. of LEGAL SERVICES

DIR. of PROGRAM SERVICES

DIR. of PROGRAM SERVICES

Dir. of PROGRAM SERVICES

DIR. POLICY & OPERATIONS

ATTORNEY - BISMARCK

ATTORNEY - BISMARCK

ADVOCATE - BISMARCK

ADVOCATE - BISMARCK

ADVOCATE - MINOT

ADVOCATE - DICKINSON

ADVOCATE - JAMESTOWN

ADVOCATE - BISMARCK

ADVOCATE - FARGO

Temp
PROJECT COOR. - MINOT

ADVOCATE - WILLISTON

.5 FTE
ADVOCATE - JAMESTOWN

ADVOCATE - JAMESTOWN

ADVOCATE - DEVILS LAKE

ADVOCATE - GRAND FORKS

ADVOCATE - BELCOURT

ADVOCATE - FARGO

ADVOCATE - FARGO

ADVOCATE - FARGO

ADVOCATE - GRAFTON

ADVOCATE - GRAND FORKS

Temp
MARKETING SPECIALIST

Additional Case Examples

Protective Services – Case Example

Abuse Investigation

It was reported to P&A that there was an inadequate response by a facility in relation to a suicide attempt of a person with a disability and that facility staff were being verbally abusive to him. A subsequent report of a second suicide attempt was received soon after this. Through investigation, P&A found evidence to determine that appropriate medical attention was not sought in a timely manner for the first suicide attempt, which resulted in hospitalization. It was found that the facility had not kept the client safe when there was a second suicide attempt. Evidence also confirmed that staff cursed at the individual. As a result of P&A involvement, recommendations were made to the facility regarding reporting, documentation, medical care, and training. In response to P&A's investigation the facility developed a procedure to prevent individuals from having access to materials that may cause self-harm. As a result of P&A's involvement, individuals in this facility will be safer and receive proper medical care.

Protective Services – Case Example

Exploitation Investigation

P&A was contacted regarding potential exploitation of an individual with a disability who was homeless and didn't have any income. The individual's mother was his appointed guardian and representative payee. The client's mother had told him that he was not receiving SSDI benefits, and he didn't have any income. P&A investigated and found that the client's mother had continued to receive his SSDI payments; however, she was not providing for her son's basic needs. After concluding the investigation activities, P&A helped the client with obtaining a new representative payee and with the removal of his mother as his guardian in court. After the investigation, the client secured housing and support through the HCBS aged and disabled waiver, and his representative payee ensured that his bills were paid. As a result of P&A involvement, the client was able to safeguard his income and access appropriate services and housing.

Advocacy Services – Case Example

Employment

P&A was contacted by an individual with a disability due to concerns about employment with a large retail company. He had been employed for a long time performing self-checkout duties. He had concerns about his employment, because he was placed at a regular checkout register and had difficulties with this due to his disabilities. P&A assisted the client by contacting his supervisor and assisting with a request for a reasonable accommodation. As a result of P&A's involvement, the client was able to obtain a reasonable accommodation from his employer. The company gained information about reasonable accommodations and the client learned about his rights as an employee with a disability.

Advocacy Services – Case Example

Assistive Technology

P&A was contacted by the client and his mother, because they were experiencing challenges with ND Medicaid denying coverage for a new wheelchair. The client's wheelchair was over seven years old, was no longer safe, and could not be repaired. When P&A became involved it was found that the durable medical equipment provider had not complied with Medicaid's request to itemize the various supplemental equipment that was submitted with the initial quote, so that a determination could be made on medical necessity. Once this was done, it was discovered that items had been built into the chair that were not medically necessary and would not be approved. P&A was able to work with the client's case manager to obtain funding from the Waiver under the service category of equipment and supplies to cover the cost of the items that ND Medicaid denied. As a result of P&A involvement, all components of the chair were funded, and the client received a chair that fits him and will allow for his independence.

Advocacy Services – Case Example

Criminal/Juvenile Justice

A juvenile with a disability was facing legal charges due to the educational system citing him for disability-related behavior. P&A assisted the client with creating an individual justice plan (IJP) to limit further involvement with the justice system. The IJP identified enhanced supports through the Human Service Center and Youthworks, so the client could access academic, social, and emotional support and learning opportunities. In addition, the team was able to amend his Individualized Education Program (IEP) to include a behavior analyst that could further assess the student's behavior. As a result of P&A involvement, the IJP was implemented and the wrap around services were effective in supporting the student with intervention services through the developmental disabilities service delivery system.

Testimony of Scott M. Hanson RE Protection and Advocacy funding

I live in Rolla, along with my wife, Elizabeth, and my daughters, Sarah and Hannah. Sarah is 31 years old, has moderate autism and is nonverbal. She goes to dayhab at the Kalix center in Rolla each weekday. On November 27, 2024, Sarah was the victim of abuse perpetrated by two Kalix employees. No other Kalix employees, although mandatory reporters, reported the incident. Sarah's Easter Seals caregiver, who happened to witness the incident, reported it to her Easter Seals supervisor within minutes. Since the incident happened at the end of the day, it was not possible to report it to Protection and Advocacy (P & A) nor Kalix that day. Because it happened the day before Thanksgiving, Kalix and P&A were closed until December 2. My wife reported the incident first thing Monday morning (Dec. 2nd) to P & A and Kalix. From that point Kalix followed the law to report abuse to P & A within the time limit outlined by law. However, they did little to protect our daughter at her day program by allowing the two abusers to continue working in the same building and the same room with our daughter each day. This caused additional distress to Sarah. It was not until P & A reported their decision on January 14 that one of the abusers was let go and the other reprimanded.

P & A took our report on the 2nd of December, as well as the Kalix internal report later the same day. From there it was referred to our local P & A representative. My wife and I heard nothing from anyone after that. When 3 weeks had passed, my wife was finally able to reach our P & A representative to ask how things were proceeding. Unfortunately, they had not had time, with all the other cases she was handling, to even open our daughter's file. Finally, on January 14, P&A concluded that, based upon the video evidence, the two Kalix employees did commit an act of abuse against Sarah. They also saw that the written testimony provided by the Easter Seals caregiver was spot on. However they NEVER have interviewed the Easter Seals caregiver. That should have been part of any investigation. Kalix did not talk to the Easter Seals caregiver either.

As Sarah's parents and legal guardians, we are horrified that such an event has happened. Moreover, our grief and anger have been multiplied by the fact that Chris Haseleu, the CEO of Kalix, has refused to let us see the video of the incident, saying that it is Kalix policy to not release the video. However, at a recent meeting with Kalix, an employee of Kalix read to us the published Kalix policy that stated that sharing of the video was "at the discretion of the CEO."

As if Haseleu's callous refusal to let us see the video was not painful enough, P&A added to the affront: When referring to Haseleu's refusal to let us see the video, Veronica Zietz, P&A Executive Director, wrote in an email "I'm sure they (Kalix) could be forced to hand over the video, but the issue has been dealt with so I wouldn't really see the point unless there was

an interest in a civil suit by the parent against the provider.” So Zietz cannot even imagine that, if a parent is told that their child has been abused on camera, the parent would want to see the video! Imagine being a parent of a child that has been abused! Also imagine if that child could not verbally express to you the terror she felt (because our daughter cannot speak) and describe to you what happened. Would you not want to see the video of what took place? But Zeitz clearly states, in her own words, that she does not understand why a parent would care to see the video! How unfeeling, cold, unsympathetic does a person have to be to say that??? It is a cruel irony that such an individual is the executive director of an organization dedicated to advocating for disabled persons and their families!!!

For this reason, I recommend that, at the very least, P&A funding be suspended pending an investigation. We should find out whether P&A is really doing what it should. Each family that has asked them for help in the last 5 years should be asked how well P&A has served them. I want to add that my wife and I had a meeting with Kalix on January 27th and had invited our P&A representative but the P&A representative said that they don't typically attend such meetings. However, they have done so in the past, because we saw it ourselves in meetings we had with the school when Sarah was in elementary school. So something has gone radically wrong with P&A since then.



Protection and Advocacy Project - Budget No. 360
Agency Worksheet - House Bill No. 1014

	Armstrong Executive Budget				House Version				House Compared to Executive Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	Increase (Decrease)			
									FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	28.50	\$3,431,853	\$4,359,417	\$7,791,270	28.50	\$3,431,853	\$4,359,417	\$7,791,270	0.00	\$0	\$0	\$0
2025-27 Ongoing Funding Changes												
Salary increase		\$118,965	\$127,366	\$246,331		\$118,965	\$127,366	\$246,331				\$0
Health insurance increase		85,936	94,222	180,158		85,936	94,222	180,158				0
Funding to replace the 2023-25 vacant FTE pool		72,725	93,591	166,316		72,725	93,591	166,316				0
2025-27 new and vacant pool - vacant				0		(30,521)	(32,829)	(63,350)		(\$30,521)	(\$32,829)	(63,350)
2025-27 new and vacant pool - new				0		(11,894)	(11,894)	(23,788)		(11,894)	(11,894)	(23,788)
FTE workforce technology services position	1.00	118,940	118,940	237,880	1.00	118,940	118,940	237,880				0
Information technology rate increases		17,661	22,477	40,138		17,661	22,477	40,138				0
Adjusts federal funding			(24,002)	(24,002)			(24,002)	(24,002)				0
Total ongoing funding changes	1.00	\$414,227	\$432,594	\$846,821	1.00	\$371,812	\$387,871	\$759,683	0.00	(\$42,415)	(\$44,723)	(\$87,138)
One-Time Funding Items												
Accrued leave payments		\$19,288		\$19,288		\$19,288		\$19,288				\$0
Total one-time funding changes	0.00	\$19,288	\$0	\$19,288	0.00	\$19,288	\$0	\$19,288	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	1.00	\$433,515	\$432,594	\$866,109	1.00	\$391,100	\$387,871	\$778,971	0.00	(\$42,415)	(\$44,723)	(\$87,138)
2025-27 Total Funding	29.50	\$3,865,368	\$4,792,011	\$8,657,379	29.50	\$3,822,953	\$4,747,288	\$8,570,241	0.00	(\$42,415)	(\$44,723)	(\$87,138)
<i>Federal funds included in other funds</i>			\$4,792,011				\$4,747,288				(\$44,723)	
<i>Total ongoing changes - Percentage of base level</i>	3.5%	12.1%	9.9%	10.9%	3.5%	10.8%	8.9%	9.8%	N/A	N/A	N/A	N/A
<i>Total changes - Percentage of base level</i>	3.5%	12.6%	9.9%	11.1%	3.5%	11.4%	8.9%	10.0%	N/A	N/A	N/A	N/A

Other Sections in Protection and Advocacy Project - Budget No. 360

Section Description	Armstrong Executive Budget	House Version
New and vacant FTE pool line item		Section 3 provides for the use of funding in the new and vacant FTE pool line item.



Protection & Advocacy Project

400 E. Broadway, Suite 409
 Bismarck, ND 58501
 701-328-2950
 1-800-472-2670
 TTY: 711
www.ndpanda.org



What are the Benefits of Assistive Technology?

Assistive technology encompasses devices and tools designed to enhance the functional capabilities of individuals with disabilities. The benefits include:

- **Improved Independence:** Enables individuals to perform daily tasks with greater autonomy, reducing reliance on caregivers.
- **Enhanced Quality of Life:** Facilitates participation in activities and environments that might otherwise be inaccessible, leading to increased satisfaction and well-being.
- **Sense of Empowerment:** Provides individuals with greater control over their environment and decisions, boosting confidence and self-esteem.
- **Improved Social Participation:** Supports engagement in social interactions and community activities, fostering connections and reducing feelings of isolation.
- **Reduction in Barriers:** Addresses physical, sensory, and cognitive challenges, making tasks and environments more accessible.
- **Flexibility and Adaptability:** Allows individuals to adapt to various situations and environments, promoting versatility in daily life.
- **Self-Advocacy Skills:** Empowers individuals to express their needs and preferences effectively, leading to better outcomes in various settings.
- **Stress Reduction:** Alleviates physical and emotional stress by simplifying tasks and reducing dependency on others.
- **Enhanced Personal Growth:** Encourages skill development and personal development, contributing to overall growth and fulfillment.
- **Perception of Inclusion:** Promotes a sense of belonging and acceptance in various environments, enhancing social integration.

These benefits are supported by findings from the Workforce and Technology Project, based on survey results provided by service providers and participants to assess the impact of assistive technology on individuals' lives.

For more information on these reported benefits, visit our website at <https://www.ndpanda.org/resources/assistive-technology> to watch our new video.



ND Protection and Advocacy Workforce and Technology Project

What is P&A?

P&A is an independent state agency that is charged with asserting the legal rights of people with disabilities. P&A operates in a manner which is consistent with the belief that people with disabilities have the same legal and constitutional rights and guarantees as every other American citizen.

What is Assistive Technology?

Assistive technology (AT) is any item, piece of equipment, software program, service, or product system that is used to increase, maintain, or improve the functional capabilities of persons with disabilities.

Project Funding

Income for the project is being pooled from 3 different funding sources. These sources include the ND Department of Health and Human Services, ND State Council on Developmental Disabilities, and ND Protection and Advocacy.

Throughout the past couple of years, the human service delivery system has seen a new level of challenges with workforce shortages, including the recruitment and retention of staff to provide critical front-line work to support people with disabilities. This requires a system, which was already stressed in many ways, to find innovative and creative ways to ensure that the support and services needed to meet client needs is done in new ways. Exploring the use of technology within home and work settings is a significant need and one that the state of North Dakota is now embarking on.

In collaboration with various partners, P&A is spearheading a taskforce to explore innovative technology practices and address the barriers related to access, affordability, and acceptability.

Plan for Sustainability : Currently the use of technology within the service delivery is at its beginning stage in North Dakota. Through recent contacts with the state of Minnesota, Protection and Advocacy is aware that this concept can be implemented. The intent through this project is to establish billing avenues through Medicaid or waived services to ensure sustainable use without the barrier of funding.

Our Goals

- Show Benefits Of AT
- Help Individuals Maintain Their Independence
- Keep Individuals In The Least Restrictive Environment
- Reallocate Staff To Alleviate Workforce Shortage
- Create Pathways For Funding

Our Mission

Research Technology - Research technology-based practices that could create independence and decrease dependence on caregiver needs within the services delivery system. Showcase the benefits of assistive technology.

Establish Pilot Project – Four pilot projects have been established with individuals who are willing to explore and establish options to use technology to address workforce needs within the system and to create independence for individuals with disabilities.

Research Funding - Research and create pathways for funding for technology assessments, purchasing of technology, and sustainability of technology use through Medicaid or our current waiver structure.

Conduct Cost-Benefit Analysis - Conduct a cost-benefit analysis of the use of technology by the pilot project providers to further analyze the long-term benefits or barriers of the use of assistive technology.

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Harvest Room, State Capitol

HB 1014
3/14/2025

A Bill for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.
--

8:10 a.m. Chairman Dever opened the hearing.

Members present: Chairman Dever and Senators Cleary, Davison, Magrum and Mathern.

Discussion Topics:

- Full Time Equivalent (FTE) Positions
- Committee Action

8:14 a.m. Senator Cleary moved a Do Pass.

8:14. a.m. Senator Davison seconded the motion.

Senators	Vote
Senator Dick Dever	Y
Senator Sean Cleary	Y
Senator Kyle Davison	Y
Senator Jeffrey J. Magrum	N
Senator Tim Mathern	Y

Motion passed 4-1-0

Senator Cleary will carry the bill.

8:22 a.m. Chairman Dever closed the hearing.

Joan Bares, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

HB 1014
3/17/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.

4:30 p.m. Chairman Bekkedahl opened the hearing.

Members Present: Chairman Bekkedahl, Vice-Chairman Erbele, and Senators Burckhard, Cleary, Conley, Dever, Dwyer, Magrum, Mathern, Meyer, Schaible, Sickler, Thomas, Wanzek.

Members Absent: Senators Davison, Sorvaag.

Discussion Topics:

- Added FTE Update
- Assistive Technology

4:30 p.m. Senator Cleary introduced the bill.

4:34 p.m. Senator Cleary moved a Do Pass.

4:34 p.m. Senator Dever seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	Y
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	A
Senator Dick Dever	Y
Senator Michael Dwyer	N
Senator Jeffery J. Magrum	N
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	A
Senator Paul J. Thomas	Y
Senator Terry M. Wanzek	Y

Motion Passed 12-2-2.

Senator Cleary will carry the bill.

Senate Appropriations Committee

HB 1014

03/17/2025

Page 2

4:36 p.m. Chairman Bekkedahl closed the hearing.

Elizabeth Reiten, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1014 ([25.0158.02000](#))**

Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). HB 1014 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.