

## NDACP 2019 Legislative Summary

NDACP had the following legislative goals going into the 2019 Legislative Assembly:

<b>Summary of Outcomes</b>	
<b>Goal</b>	<b>Outcome</b>
3% & 3% inflationary increases in State budget years beginning 7/1/19 and 7/1/20	Inflationary increases of 2% beginning 7/1/19 and 2.5% 7/1/20.
Another 3% as a catch-up for three years of no increases	None.
20 New Guardianship Slots for DD corporate guardianship, and 3/3% for both years of coming biennium	20 new guardianship slots and 2% & 2.5% inflationary increases.
Support other Medicaid providers in their requests for inflationary increases generally matching ours	Same inflationary increases for Medicaid providers.
Decrease administrative burdens	<u>SB 2247</u> , below, requests review of regulations from perspective of direct service professional and client/ individual.
Enhanced funding and/or other infrastructure support for serving people with advanced medical, behavioral and other needs.	<u>SB 2247</u> , below, directs expanded community provider capacity, with reports to interim Legislative Management committees.

Summary of key bills:

<b>NDACP Summary of Bills - Sixty-sixth Assembly (2019)</b>		
<b>Bill No.</b>	<b>Bill Title</b>	<b>Brief Outcome</b>
<u>HB 1032</u>	Relating to a sliding fee schedule for the service payments for elderly and disabled program.	Sliding fee scale will return allowing lower cost-share for participants with lowest incomes
<u>HB 1033</u>	Relating to an expanded service payments for elderly and disabled pilot project on intensive care coordination.	No funding but allows outside providers (non-gov't) to perform care coordination. Grant possibilities may be explored.

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<u>HB 1099</u>	Relating to the delegation of administration of routine medications to a qualified service provider, agency foster homes for adults, criminal history record investigations, and the implementation of residential habilitation and community support services in a residential setting or private residence; and to provide for application.	Adds some community access and support services formerly only available in DD to HCBS Waiver F/K/A "aged and disabled." Med admin. will be based on DD Med module.
<u>HB 1105</u>	Relating to treatment services for children with serious emotional disorders and the substance use disorder treatment voucher system.	Prevention/HCBS services to child w SED similar to existing out of home services
<u>HB 1107</u>	Relating to the duties of the state long-term care ombudsman and vulnerable adult protective services.	Ombudsman not advised by County Soc. Svcs; Omb. is not mandated reporter; access to hospital records;
<u>HB 1259</u>	Relating to the misrepresentation of a pet as a service animal; and to provide a penalty.	Knowing deception is infraction; up to \$1000 fine
<u>HB 1359</u>	A BILL for an Act to provide for a study of the efficacy of hyperbaric oxygen therapy (HBOT); and to provide an appropriation.	Defeated but language amended into SB 2012 with \$300k funding for HBOT for people with TBI/concussions
<u>HB 1378</u>	Relating to supported decisionmaking, a process for making well-informed, voluntary decisions by methods less restrictive than guardianship or conservatorship.	Recognizes emerging alternative to guardianship in code to make hospitals and banks more willing to recognize & stretch g'ship resources
<u>HB 1406</u>	Relating to an income tax credit for the employment of individuals with developmental disability or severe mental illness; to amend and reenact section 57-38-01.16 of the North Dakota Century Code, relating to an income tax credit for the employment of individuals with developmental disabilities or severe mental illness; and to provide an effective date.	\$300k in tax credits to employers hiring people eligible for customized employment according to VR. \$1500 per worker per year. Removed existing, unused \$300 credit available to all people with DD/SMI. The Arc of ND lead effort and NDACP helped draft and promote.
<u>HB 1498</u>	Relating to pharmacist administration of drugs.	Limited admin of drugs by pharmacists may increase healthcare access in small towns, etc. if nursing unavailable

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<p><u>SB 2012</u></p>	<p>Relating to peer support specialist certification and the establishment of a community behavioral health program; to amend and reenact subsection ... relating to the brain injury advisory council, optional medical assistance for children, the Medicaid expansion program, and tobacco settlement trust fund allocations; to provide a statement of legislative intent; to provide for transfers; to provide for a legislative management report; to provide for a legislative management study; to provide an exemption; to provide an effective date; to provide an expiration date; and to declare an emergency.</p>	<p>This is the main bill to fund the Department of Human Services, including Medicaid, the DD Waiver, and all other waivers. It is the largest appropriation in ND, totaling more than \$4.1 Billion. DD Services will make up about \$650M of that. See summary below table for more details.</p>
<p><u>SB 2014</u></p>	<p>AN ACT to provide an appropriation for defraying the expenses of the committee on protection and advocacy; and to provide a report to the legislative assembly.</p>	<p>P&amp;A received an extra attorney to staff the Olmstead Commission for the Governor's Office, advocating HCBS and community integration.</p>
<p><u>SB 2113</u></p>	<p>Relating to authorized electronic monitoring of facility residents; to amend and reenact sections 12.1-31-14 and 50-10.2-01 of the North Dakota Century Code, relating to authorized electronic monitoring of facility residents and privacy; and to provide a penalty.</p>	<p>LT Care only (includes Basic Care); DD Providers should review in case extended to us in future; in LTC must be at family cost, fixed position in resident room not including roommate or bathroom, have roommate's consent, be timestamped, 45 CFR compliant authorization, and fit facility plan.</p>
<p><u>SB 2124</u></p>	<p>Relating to creation of human service zones; to amend and reenact ....</p>	<p>County Social Service Directors become state employees. All counties join one of 19 zones. County employees likely to become state's in coming years.</p>
<p><u>SB 2125</u></p>	<p>Relating to the regulation of the practice of physical therapy; and to amend and reenact sections ... of the North Dakota Century Code, relating to the board of physical therapy and physical therapy licensure; and to provide for application.</p>	<p>Expands role of telehealth in PT and allows PT to generally supervise a PT Assist. remotely if the PT remains immediately available for consult.</p>
<p><u>SB 2154</u></p>	<p>Relating to hospital discharge policies.</p>	<p>Requires hospital to complete discharge plan, identify family or informal caregivers, and train the caregivers in patient's individualized care.</p>
<p><u>SB 2187</u></p>	<p>Relating to a motor vehicle excise tax exemption for motor vehicles used to transport the elderly or disabled; and to provide an effective date.</p>	<p>Corrects unintended taxation of nonprofit DD provider vehicles used exclusively to transport people with disabilities. Expected savings to DD Providers: \$50k.</p>

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<u>SB 2225</u>	Relating to familial duty to support for health services; to repeal section 50-01-19 of the North Dakota Century Code, relating to familial duty to support for county welfare; to provide for application; and to declare an emergency.	Provider may recover debt for health services to a parent or adult child who acted in bad faith by misappropriating, misusing, or diverting income or assets that would have paid the bill. This may apply to DD providers but further research is needed.
<u>SB 2231</u>	Relating to pharmacists limited prescriptive practices.	After MD diagnoses or sets protocols, a pharmacist may prescribe and modify Rx, and then report to MD & health records.
<u>SB 2236</u>	Relating to the licensure and regulation of behavior analyst professionals; to amend and reenact sections 43-32-01, ... of the North Dakota Century Code, relating to relating to the regulation of applied behavioral analysts of psychologist examiners and to the board of integrative health care; to provide a penalty; and to provide an effective date.	Creates new Century Code chapter 43-64 for State Board of Integrative Health Care to license applied behavioral analysts instead of Board of Psychologist Examiners.
<u>SB 2247</u>	Relating to the developmental disabilities system reimbursement project; to provide a statement of legislative intent; and to provide for a legislative management report.	NDACP requested bill with three major parts: 1) update DD payment system steering committee to include family and self advocates; 2) Dept. shall consider effect of new regulations on effective and efficient direct services to client; 3) Dept. shall continue to develop capacity of community providers to deal with advanced client needs, such as medical and behavioral, and report to interim legislative committees.
<u>SB 2347</u>	AN ACT to provide for liability for false medical assistance claims and to provide for a Medicaid fraud control unit; and to provide a penalty.	Allows Atty Gen. to collect triple damages plus up to \$10k plus costs for each knowing practice of fraud; double damages plus costs for fraud of less than \$100k where accused doesn't know it is fraud and cooperates. Criminal prosecution of Class C Felony possible. Six year time limit.
<u>SCR 4004</u>	A concurrent resolution directing the Legislative Management to consider studying the impact of students who experience behavioral health crisis or who engage in intense and aggressive behavior for communication purposes, both of which result in behaviors that make learning environments unsafe for other students, teachers,	Mandatory study for 2019-20 Legislative Interim. A uniform reporting system will be considered. Physical violence, spreading bodily fluids, property destruction, extreme profanity mentioned as examples.

Additional Notes:

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If a link to the text of a bill takes you to the wrong link, let me know at [brucemurry@NDACP.org](mailto:brucemurry@NDACP.org) and go to <https://www.legis.nd.gov> and enter the bill number in the 2nd cell just below the top right of the page.

If you read a bill referencing existing Century Code, that may be found here: <https://www.legis.nd.gov/general-information/north-dakota-century-code>

North Dakota Department of Human Services testimony on bills can be found at: <http://www.nd.gov/dhs/info/testimony/index.html>. NDDHS testimony on the budget can be found under the Appropriations committees for the House and Senate on that page.

If you want our NDACP testimony or the voting record on a certain bill, write me at: [brucemurry@NDACP.org](mailto:brucemurry@NDACP.org).

DD providers received \$3M in enhanced medical supports and individual employment tax credits. (Compare to Long Term Care providers receipt of \$4.2M in adjustments to costs to reduce facility closings. Legislators indicated any extra to LTC means other providers first in 2021 session.)

A link to the NDDHS summary of legislative outcomes will be provided on the website and this document this summer.