

**SECOND ENGROSSMENT
with Conference Committee Amendments
REENGROSSED HOUSE BILL NO. 1038**

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to provide for the establishment of an autism spectrum disorder database and
2 an autism spectrum disorder voucher program pilot project; to provide for the expansion of the
3 autism spectrum disorder medicaid waiver; to provide for a legislative management study; to
4 provide for reports to the legislative management; to provide an appropriation; and to provide an
5 expiration date.

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

7 **SECTION 1.**

8 **Autism spectrum disorder database - Rulemaking - Confidentiality.**

- 9 1. The state department of health shall establish and administer an autism spectrum
10 disorder database. The database must include a record of all reported cases of autism
11 spectrum disorder in the state and any other information determined relevant and
12 appropriate by the department in order to complete epidemiologic surveys of the
13 autism spectrum disorder, enable research and analysis of the autism spectrum
14 disorder, and provide services to individuals with an autism spectrum disorder.
- 15 2. The state department of health shall establish criteria regarding who is qualified to
16 report a case of autism spectrum disorder to the database. In establishing this criteria,
17 the department shall require that the reporter be a doctoral-level professional and be
18 appropriately licensed, credentialed, and experienced in the field of autism spectrum
19 disorder, including intellectual testing and other formal evidenced-based assessments
20 for autism spectrum disorders. The department shall consult with experts in
21 establishing this criteria.
- 22 3. The database established under this section must:

- 1 a. Include the reported individual's diagnoses under the most recent edition of the
2 American psychiatric association's diagnostic and statistical manual of mental
3 disorders; and
- 4 b. Include a complete physical evaluation of the reported individual, performed by a
5 licensed physician.
- 6 4. The health council shall adopt rules to provide for mandatory reporting to the autism
7 spectrum disorder database and to establish reporting requirements, including
8 timeliness requirements.
- 9 5. The state department of health shall keep confidential all records of the database
10 which could be used to identify a reported individual; however, the department may
11 provide these records to other state agencies as necessary to effect the purposes of
12 this database without regard to the confidential nature of the records. If the
13 department provides confidential records of the database to a state agency, the
14 department shall notify the receiving agency of the confidential nature of the records
15 and the receiving agency shall treat these records as confidential.

16 **SECTION 2.**

17 **Autism spectrum disorder voucher program pilot project - Legislative management**
18 **report - Appeal.**

- 19 1. The department of human services shall establish a voucher program pilot project
20 beginning July 1, 2014, to assist in funding equipment and general educational needs
21 related to autism spectrum disorder for individuals below two hundred percent of the
22 federal poverty level from age three to under age eighteen who have been diagnosed
23 with autism spectrum disorder. The program may include funding for assistive
24 technology; video modeling videos or equipment; language-generating devices;
25 training and educational material for parents; parenting education; sensory equipment;
26 tutors; safety equipment; travel tools; self-care equipment; timers; visual
27 representation systems; respite care; specialized daycare; language comprehension
28 equipment; and registration and related expenses for workshops and training to
29 improve independent living skills, employment opportunities, and other executive or
30 social skills.

- 1 2. The department shall adopt rules addressing management of this voucher program
2 pilot project and establishing the eligibility requirements and exclusions for this
3 voucher program pilot project. The program may not provide a voucher for early
4 intensive behavioral intervention, including applied behavioral analysis, intensive early
5 interventional behavioral therapy, intensive behavioral intervention, the Lovaas
6 method, the Denver model, LEAP (learning experiences - an alternative program for
7 preschoolers and parents), TEACCH (treatment and education of autistic and related
8 communication handicapped children), pivotal response training, or discrete trial
9 training.
- 10 3. A decision on a voucher application which is issued by the department under this
11 section may be appealed as provided under chapter 28-32.
- 12 4. The department of human services shall report to the legislative management
13 regarding the autism spectrum disorder program pilot project.

14 **SECTION 3. DEPARTMENT OF HUMAN SERVICES AUTISM SPECTRUM DISORDER**

15 **MEDICAID WAIVER.** The department of human services, during the biennium beginning July 1,
16 2013, and ending June 30, 2015, shall seek approval from the federal centers for medicare and
17 medicaid services to expand the department's autism spectrum disorder medicaid waiver to
18 cover seventeen additional individuals from birth through age seven. The expansion to the
19 waiver must become effective on or after January 1, 2014, and must include appropriate
20 behavior intervention and treatment services that may include evidence-based and promising
21 practices, case management services, technology and technology-based support, in-home
22 support, equipment and supplies, home monitoring, respite care, residential supports and
23 services, and behavioral consultation.

24 **SECTION 4. LEGISLATIVE MANAGEMENT STUDY - AUTISM SPECTRUM DISORDER**

25 **SERVICES.** The legislative management shall consider studying, during the 2013-14 interim,
26 autism spectrum disorder services, including the most feasible service delivery system for
27 individuals not served in the developmental disability system who have an autism spectrum
28 disorder. As part of the study, the legislative management may consult with clinicians who have
29 expertise in the evaluation, diagnosis, and treatment of autism spectrum disorder. The
30 legislative management shall report its findings and recommendations, together with any
31 legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

1 **SECTION 5. APPROPRIATION - STATE DEPARTMENT OF HEALTH - AUTISM**

2 **SPECTRUM DISORDER DATABASE.** There is appropriated out of any moneys in the general
3 fund in the state treasury, not otherwise appropriated, the sum of \$235,732, or so much of the
4 sum as may be necessary, to the state department of health for the purpose of establishing and
5 administering an autism spectrum disorder database, for the biennium beginning July 1, 2013,
6 and ending June 30, 2015. The state department of health is authorized one full-time equivalent
7 position for this purpose.

8 **SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATE**

9 **AUTISM COORDINATOR.** There is appropriated out of any moneys in the general fund in the
10 state treasury, not otherwise appropriated, the sum of \$132,568, or so much of the sum as may
11 be necessary, and from special funds derived from federal funds and other income, the sum of
12 \$132,568, or so much of the sum as may be necessary, to the department of human services
13 for the purpose of hiring a state autism coordinator who would be responsible for implementing
14 a resource and service center to provide information and services for individuals with autism
15 spectrum disorder, developing a statewide outreach plan, conducting regional meetings and a
16 conference, and developing a protocol for use after screenings, for the biennium beginning
17 July 1, 2013, and ending June 30, 2015. The department of human services is authorized one
18 full-time equivalent position for this purpose.

19 **SECTION 7. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATEWIDE**

20 **AUTISM SPECTRUM DISORDER TRAINING PROGRAM.** There is appropriated out of any
21 moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
22 \$80,000, or so much of the sum as may be necessary, and from special funds derived from
23 federal funds and other income, the sum of \$80,000, or so much of the sum as may be
24 necessary, to the department of human services for the purpose of implementing a statewide
25 autism spectrum disorder training program. The department of human services shall collaborate
26 with the state department of health and the superintendent of public instruction to implement a
27 training program, including training of medical and behavior health providers, education staff,
28 childcare providers, and parents for the biennium beginning July 1, 2013, and ending June 30,
29 2015.

30 **SECTION 8. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - AUTISM**

31 **SPECTRUM DISORDER VOUCHER PROGRAM PILOT PROJECT.** There is appropriated out

1 of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
2 \$539,186, or so much of the sum as may be necessary, to the department of human services
3 for the purpose of issuing vouchers as part of the autism spectrum disorder voucher program
4 pilot project, for the second year of the biennium beginning July 1, 2013, and ending June 30,
5 2015. The department shall allocate up to \$12,500 per year to each individual enrolled in the
6 voucher program for paying the costs of eligible services.

7 **SECTION 9. DEPARTMENT OF HUMAN SERVICES - APPROPRIATION - AUTISM**
8 **SPECTRUM DISORDER MEDICAID WAIVER.** There is appropriated out of any moneys in the
9 general fund in the state treasury, not otherwise appropriated, the sum of \$449,973, or so much
10 of the sum as may be necessary, and from special funds derived from federal funds and other
11 income, the sum of \$449,973, or so much of the sum as may be necessary, to the department
12 of human services for the purpose of expanding the department's autism spectrum disorder
13 medicaid waiver program, for the biennium beginning July 1, 2013, and ending June 30, 2015.

14 **SECTION 10. EXPIRATION DATE.** Section 2 of this Act is effective through June 30, 2015,
15 and after that date is ineffective.