

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1038
(Legislative Management)
(Human Services Committee)

AN ACT to provide for the establishment of an autism spectrum disorder database and an autism spectrum disorder voucher program pilot project; to provide for the expansion of the autism spectrum disorder medicaid waiver; to provide for a legislative management study; to provide for reports to the legislative management; to provide an appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1.

Autism spectrum disorder database - Rulemaking - Confidentiality.

1. The state department of health shall establish and administer an autism spectrum disorder database. The database must include a record of all reported cases of autism spectrum disorder in the state and any other information determined relevant and appropriate by the department in order to complete epidemiologic surveys of the autism spectrum disorder, enable research and analysis of the autism spectrum disorder, and provide services to individuals with an autism spectrum disorder.
2. The state department of health shall establish criteria regarding who is qualified to report a case of autism spectrum disorder to the database. In establishing this criteria, the department shall require that the reporter be a doctoral-level professional and be appropriately licensed, credentialed, and experienced in the field of autism spectrum disorder, including intellectual testing and other formal evidenced-based assessments for autism spectrum disorders. The department shall consult with experts in establishing this criteria.
3. The database established under this section must:
 - a. Include the reported individual's diagnoses under the most recent edition of the American psychiatric association's diagnostic and statistical manual of mental disorders; and
 - b. Include a complete physical evaluation of the reported individual, performed by a licensed physician.
4. The health council shall adopt rules to provide for mandatory reporting to the autism spectrum disorder database and to establish reporting requirements, including timeliness requirements.
5. The state department of health shall keep confidential all records of the database which could be used to identify a reported individual; however, the department may provide these records to other state agencies as necessary to effect the purposes of this database without regard to the confidential nature of the records. If the department provides confidential records of the database to a state agency, the department shall notify the receiving agency of the confidential nature of the records and the receiving agency shall treat these records as confidential.

SECTION 2.

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

1. The department of human services shall establish a voucher program pilot project beginning July 1, 2014, to assist in funding equipment and general educational needs related to autism spectrum disorder for individuals below two hundred percent of the federal poverty level from age three to under age eighteen who have been diagnosed with autism spectrum disorder. The program may include funding for assistive technology; video modeling videos or equipment; language-generating devices; training and educational material for parents; parenting education; sensory equipment; tutors; safety equipment; travel tools; self-care equipment; timers; visual representation systems; respite care; specialized daycare; language comprehension equipment; and registration and related expenses for workshops and training to improve independent living skills, employment opportunities, and other executive or social skills.
2. The department shall adopt rules addressing management of this voucher program pilot project and establishing the eligibility requirements and exclusions for this voucher program pilot project. The program may not provide a voucher for early intensive behavioral intervention, including applied behavioral analysis, intensive early interventional behavioral therapy, intensive behavioral intervention, the Lovaas method, the Denver model, LEAP (learning experiences - an alternative program for preschoolers and parents), TEACCH (treatment and education of autistic and related communication handicapped children), pivotal response training, or discrete trial training.
3. A decision on a voucher application which is issued by the department under this section may be appealed as provided under chapter 28-32.
4. The department of human services shall report to the legislative management regarding the autism spectrum disorder program pilot project.

SECTION 3. DEPARTMENT OF HUMAN SERVICES AUTISM SPECTRUM DISORDER MEDICAID WAIVER. The department of human services, during the biennium beginning July 1, 2013, and ending June 30, 2015, shall seek approval from the federal centers for medicare and medicaid services to expand the department's autism spectrum disorder medicaid waiver to cover seventeen additional individuals from birth through age seven. The expansion to the waiver must become effective on or after January 1, 2014, and must include appropriate behavior intervention and treatment services that may include evidence-based and promising practices, case management services, technology and technology-based support, in-home support, equipment and supplies, home monitoring, respite care, residential supports and services, and behavioral consultation.

SECTION 4. LEGISLATIVE MANAGEMENT STUDY - AUTISM SPECTRUM DISORDER SERVICES. The legislative management shall consider studying, during the 2013-14 interim, autism spectrum disorder services, including the most feasible service delivery system for individuals not served in the developmental disability system who have an autism spectrum disorder. As part of the study, the legislative management may consult with clinicians who have expertise in the evaluation, diagnosis, and treatment of autism spectrum disorder. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fourth legislative assembly.

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

SECTION 6. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATE AUTISM COORDINATOR. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$132,568, or so much of the sum as may be necessary, and from special funds derived from federal funds and other income, the sum of \$132,568, or so much of the sum as may be necessary, to the department of human services for the purpose of hiring a state autism coordinator who would be responsible for implementing a resource and service center to provide information and services for individuals with autism spectrum disorder, developing a statewide outreach plan, conducting regional meetings and a conference, and developing a protocol for use after screenings, for the biennium beginning July 1, 2013, and ending June 30, 2015. The department of human services is authorized one full-time equivalent position for this purpose.

SECTION 7. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - STATEWIDE AUTISM SPECTRUM DISORDER TRAINING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$80,000, or so much of the sum as may be necessary, and from special funds derived from federal funds and other income, the sum of \$80,000, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing a statewide autism spectrum disorder training program. The department of human services shall collaborate with the state department of health and the superintendent of public instruction to implement a training program, including training of medical and behavior health providers, education staff, childcare providers, and parents for the biennium beginning July 1, 2013, and ending June 30, 2015.

SECTION 8. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - AUTISM SPECTRUM DISORDER VOUCHER PROGRAM PILOT PROJECT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$539,186, or so much of the sum as may be necessary, to the department of human services for the purpose of issuing vouchers as part of the autism spectrum disorder voucher program pilot project, for the second year of the biennium beginning July 1, 2013, and ending June 30, 2015. The department shall allocate up to \$12,500 per year to each individual enrolled in the voucher program for paying the costs of eligible services.

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1038.

House Vote: Yeas 80 Nays 12 Absent 2

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State