

**Sixty-fifth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2017**

SENATE BILL NO. 2041  
(Legislative Management)  
(Human Services Committee)

AN ACT to amend and reenact subsection 1 of section 25-01.2-01 of the North Dakota Century Code, relating to the definition of developmental disability; and to provide for a report.

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

**SECTION 1. AMENDMENT.** Subsection 1 of section 25-01.2-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Developmental disability" means a severe, chronic disability of an individual which:
  - a. Is attributable to a mental or physical impairment or combination of mental and physical impairments, including Down syndrome;
  - b. Is manifested before the individual attains age twenty-two;
  - c. Is likely to continue indefinitely;
  - d. Results in substantial functional limitations in three or more of the following areas of major life activity:
    - (1) Self-care;
    - (2) Receptive and expressive language;
    - (3) Learning;
    - (4) Mobility;
    - (5) Self-direction;
    - (6) Capacity for independent living; and
    - (7) Economic sufficiency; and
  - e. Reflects the individual's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

**SECTION 2. DEPARTMENT OF HUMAN SERVICES MEDICAID WAIVER STUDY - REPORT TO LEGISLATIVE MANAGEMENT.**

1. During the 2017-18 interim, as part of the ongoing review of existing and potential Medicaid waivers performed by the department of human services, the department shall conduct a study of the current eligibility requirements for the developmental disability Medicaid waiver.
2. The study must include an analysis of whether the current developmental disability Medicaid waiver eligibility determination protocol uses age-appropriate assessment methods, uses assessment tools reliable and valid in nature for level of need determinations, and utilizes assessment information that may already be available in an individual's record.

3. The study must include an evaluation of the feasibility and desirability of including in the eligibility determination under the developmental disability Medicaid waiver, consideration of related conditions and the possible use of certain medical conditions, such as Down syndrome.
4. Before April 1, 2018, the department shall make a report to the legislative management on the outcome of this study, including any recommendations, together with any legislation required to implement the recommendations.

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President of the Senate

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Speaker of the House

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Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2041.

Senate Vote:    Yeas 46            Nays 0            Absent 1

House Vote:    Yeas 92            Nays 0            Absent 2

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2017,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State