

**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.