

Department of Human Services (DHS)
2019 House Bill 1145
2017 DHS Agency Legislation examples

Bill No.	Description	Details	House Actions	Senate Actions
HB 1116	Relating to the structure of the Department of Human Services and Changes in terminology.	THIS WAS A CLEAN UP BILL AND THERE ARE NO SUBSTANTIVE CHANGES: Four changes in this Bill: (1) Changed The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) to The Joint Commission as the Commission was renamed; (2) changed mental health services to behavioral health; and (3) with DHS centralizing fiscal functions, the Bill removed the specific reference to fiscal staff from the ND State Hospital to reference the broader DHS fiscal administration; and (4) changed "Health Care Finance Administration" to "Centers for Medicare and Medicaid Services" as the federal agency name changed some time ago. THE AMENDMENTS ADOPTED WERE AT THE REQUEST OF THE DEPARTMENT.	12-0 Do Pass Recommendation from House Human Services Committee. Passed on House Floor 91-0, and passed as amended on House Floor with 90-0 vote	7-0 Do Pass Recommendation from Senate Human Services. Amendments were adopted, at request of Department. Passed Senate Floor 46-0.
HB 1117	Relating to changes in terminology with respect to substance abuse and behavioral health.	THIS WAS A CLEAN UP BILL AND THERE WERE NO SUBSTANTIVE CHANGES: The changes updated language to be consistent with the current version of the Diagnostic and Statistical Manual of Mental Disorder, for example "substance use disorder" instead of "drug abuse" or "alcoholism." The changes also updated the "Division of Mental Health and Substance Abuse" to the "Behavioral Health Division" – a change initiated by the Department in May 2015. The changes also utilized person-first language. The bill changed "chronically mentally ill individuals" to "individuals with a serious mental illness." THERE WERE NO AMENDMENTS TO THIS BILL	11-1 Do Pass Recommendation from House Human Services Committee. Passed on House Floor 82-11.	Received 7-0 Do Pass Recommendation from Senate Human Services. Passed Senate Floor 45-0.
HB 1118	Relating to the definition of eligible beneficiary for the aid to aged, blind, and disabled persons.	CLEAN UP BILL WITH NO SUBSTANTIVE CHANGES. Amended North Dakota Century Code Section 50-24.5-01, relating to Basic Care Assistance Program (BCAP) eligibility. The changes removed language that is no longer applicable to BCAP program. The language should have been removed with the revisions to this section in the 2013 Legislative session at which time Expanded Service Payments for Elderly and Disabled Chapter 50-24.7 was created and removed from this section of North Dakota Century Code. THERE WERE NO AMENDMENTS TO THIS BILL.	14-0 Do Pass Recommendation from House Human Services Committee. Passed on House Floor 91-0	7-0 Do Pass Recommendation from Senate Human Services. Passed Senate Floor 45-0.

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<p>HB 1119</p>	<p>Relating to collection of overpayments for service payments for elderly and disabled program and expanded service payments for elderly and disabled program.</p>	<p>The changes in the bill provided authority for the Department to collect overpayments for the Service Payments for the Elderly and Disabled (SPED) program and the Expanded Service Payments for the Elderly and Disabled (Ex-SPED) program when a recipient or legal representative of the recipient provides inaccurate information for the purpose of obtaining benefits. (In order to qualify for SPED or Ex-SPED services, an individual or their legal representative must provide sufficient information to determine their functional and financial eligibility for the service.) If an individual or legal representative provides inaccurate or false information about finances, health status, or ability to complete everyday tasks, the Department had previously lacked the authority to recoup the funds that were paid for the services received when the individual was not eligible. This authority had previously existed for home and community based services (HCBS) that are Medicaid-funded, but did not exist for SPED and Ex-SPED, which are funded through State general fund. THE AMENDMENTS ADOPTED WERE AT THE REQUEST OF THE DEPARTMENT.</p>	<p>14-0 Do Pass as amended Recommendation from House Human Services Committee. Passed on House Floor 94-0</p>	<p>7-0 Do Pass Recommendation from Senate Human Services. Passed Senate Floor 44-3</p>
<p>HB 1120</p>	<p>Relating to the prior authorization program.</p>	<p>Department proposed the bill to allow prior authorization of generics when the brands are less expensive (net of rebates). This situation more common and can account for cost differentials in all drug classes, including the six classes affected by this portion of the North Dakota Century Code. The Department's original proposed language would also have established prior authorization of stimulates used for treatment of ADHD for adults 21 and over to assist in finding solutions to address the substance use issues facing the State. Some language was amended by legislators.</p>	<p>Received a 12-2 Do Pass as amended Recommendation from House Human Services Committee. Passed on House Floor 89-0</p>	<p>5-2 Do Pass as Amended Recommendation from Senate Human Services. Passed Senate Floor 34-11. House refused to concur with Senate amendments, went to conference committee where the Senate receded from their amendments. Passed 45-1 in Senate.</p>

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<p>HB 1134</p>	<p>Relating to updating definitions and code sections to reflect person first language, updating language to reflect rights of the developmentally disabled, and to clarify inspection of facilities.</p>	<p>This bill updated language to reflect changes in federal law, and to update the rights of clients with Developmental Disabilities. Amendments were offered by legislators on the House and Senate sides.</p>	<p>14-0 Do Pass Recommendation from House Human Services Committee, as amended Passed on House Floor 91-0. House concurred with Senate amendments, and passed the bill 90-0</p>	<p>Received 7-0 Do Pass Recommendation from Senate Human Services with a further amendment from the Senate. Passed Senate Floor 46-0.</p>
<p>HB 1135</p>	<p>Relating to consolidating the committee on employment of people with disabilities into the state rehabilitation council and updating the categories of positions in the state service.</p>	<p>THIS BILL CONSOLIDATED COMMITTEES: Specifically the committee on employment of people with disabilities into the state rehabilitation council, renaming the employment of disabilities fund to allow the Council to access the funds, and “updating the categories of positions in the state service.” This efficiency will serve to expand employment opportunities for people of all ages with disabilities by identifying and reducing barriers to competitive and integrated employment for persons with disabilities. The Council is a Governor-appointed council, mandated since 1992 by federal regulation for a state to receive federal VR funds. The Council is a group of North Dakota residents, more than 50% of the membership are persons with disabilities, who are appointed by the Governor to advise the VR agency on issues related to the competitive and integrated employment of persons with disabilities. Membership is defined in federal regulation and provides states the flexibility to add additional members. Through the consolidation of the committees, the council will offer recommendations to the Governor to add the Department’s Developmental Disabilities Division Director and the Executive Director of the North Dakota Association of Community Providers to SRC’s membership. THERE WERE NO AMENDMENTS TO THIS BILL.</p>	<p>Received a 14-0 Do Pass Recommendation from House Human Services Committee, Passed on House Floor 91-0.</p>	<p>Received 6-1 Do Pass Recommendation from Senate Human Services. Passed Senate Floor 45-0.</p>

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HB 1136	<p>Relating to substance use disorder treatment voucher system; relating to departmental updates for statutory consistency, technical corrections, powers and duties of the department, department structure, program activities, regional human service centers, leases, and aging and disability resource center funding; and to repeal sections of the North Dakota Century Code.</p>	<p>THIS BILL REPRESENTED A THOROUGH REVIEW OF CHAPTER 50-06. DHS initiated this review after the 2015 Session and updated the entire chapter to remove obsolete references and update code with practice. There was nothing controversial in this clean up bill and both chambers voted unanimously to approve. THE AMENDMENT ADOPTED WAS AT THE REQUEST OF THE DEPARTMENT.</p>	<p>Received a 14-0 Do Pass Recommendation from House Human Services Committee, as amended. Passed on House Floor 94-0.</p>	<p>Received 7-0 Do Pass Recommendation from Senate Human Services. Passed Senate Floor 47-0.</p>
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<p>SB 2114</p>	<p>Relating to the definition of permanency hearing, reasonable efforts for sibling placement, definition of group home, and liability coverage to foster homes for children.</p>	<p>THIS BILL ALLOWED DHS TO COMPLY WITH FEDERAL CHANGES AND PROMOTES CONTINUED INTEREST BY FAMILIES TO PROVIDE FOSTER CARE. North Dakota Century Code chapter 27-20 addresses juvenile court proceedings. The changes in this bill were made to meet compliance with federal legislation "Preventing Sex Trafficking and Strengthening Families Act" (P.L. 113-183) which requires states to engage earlier with young people in efforts to build their independent living skills. The change was expected to reduce the age required in foster care permanency planning from age 16 to age 14 when case managers must assist youth with goals and tasks to transition to successful adulthood. The changes also include requiring sibling language be present in permanency hearings and case planning only if applicable. The Bill also corrected the definition of a group home to include the number four, allowing an agency to operate as a group home if the agency has at least four, but less than thirteen beds licensed for children in need of placement. The changes allow the Department limited discretion when more than \$25,000 of total damage is caused to a property. At the time the bill was introduced, the Department would reimburse up to \$5,000 per claim with a maximum of \$10,000 per claimant per year. However, the change allowed the Department to reimburse the claimant more than \$5,000 per claim if determined appropriate, but still not exceed the \$10,000 annual maximum. THERE WERE NO AMENDMENTS TO THIS BILL.</p>	<p>Received a 10-4 Do Pass Recommendation from House Human Services Committee. Passed on House Floor 65-24.</p>	<p>Received a 7-0 Do Pass Recommendation from Senate Human Services Committee, as amended. Passed on Senator Floor 46-0</p>
<p>SB 2115</p>	<p>Relating to members of the autism spectrum disorder task force.</p>	<p>Establishes changes to who the members of the autism task force should be. Some amendments were provided by legislators.</p>	<p>Received a 13-0 Do Pass Recommendation from House Human Services Committee. Passed on House Floor 73-17</p>	<p>Received a 7-0 Do Pass Recommendation from Senate Human Services Committee. Passed on Senator Floor 46-0. Senate concurred with House Amendments, and passed the bill 47-0</p>

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SB 2116	<p>Relating to criminal history record checks for medicaid services applicants, providers, and staff members; to amend and reenact section 50-06-01.9 of the North Dakota Century Code, relating to criminal history record checks for job applicants, department staff, county employees, contractors, and medicaid services applicants, providers, and staff members; to provide an effective date; and to declare an emergency.</p>	<p>The changes in Section 1 of the Bill removed redundant language regarding medical records being provided to the Department or the Department's authorized agent as the changes in Section 2 address the disclosure of medical records. The changes in Section 2 of the Bill clarified that certain health professionals and facilities shall disclose to the Department or the Department's authorized agent, records of a patient or client that are deemed relevant for a child abuse or neglect assessment or a services required decision. Amendments were provided by House legislators.</p>	<p>Received a 9-3 Do Pass as amended recommendation from House Human Services, and Passed on House Floor 66-22.</p>	<p>Received a 7-0 Do Pass recommendation from Senate Human Services, and Passed on Senate Floor 46-0. Senate refused to concur to House Amendments, went to conference committee, where Senate acceded to House amendments. Passed on Senate Floor 46-0</p>
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<p>SB 2117</p>	<p>Relating to criminal history record checks for job applicants, department staff, county employees, contractors, and medicaid services applicants, providers, and staff members</p>	<p>The changes in Sections 1 and 2 of the Bill ensure that the Department is in compliance with IRS requirements and federal regulation in regards to criminal history record checks. The Bill added the ability for the Department to conduct criminal history record checks on a job applicant. Previously, the Department was conducting criminal history record checks only upon hiring the employee. This Bill added the ability for the Department to conduct criminal history record checks on job applicants of the county social service agencies and the Department's and county social service agencies' contractors and contractor's subcontractors that have access to FTI received from the IRS. This change was required for the Department to be in compliance with Publication 1075 and Internal Revenue Code 6103(p)(4). Amendments were made by legislators.</p>	<p>Received a 15-0 Do Pass as amended recommendation from House Human Services, and Passed on House Floor 69-23.</p>	<p>Received a 15-0 Do Pass recommendation from Senate Human Services and Passed in Senate 45-1. Senate concurred with House Amendments, Passed on Senate Floor 46-0</p>
<p>SB 2118</p>	<p>Relating to gambling disorder prevention, awareness, crisis intervention, rehabilitation, and treatment services.</p>	<p>THIS IS A CLEAN UP BILL AND THERE ARE NO SIGNIFICANT CHANGES: The bill updated language to be consistent with the current version of the Diagnostic and Statistical Manual of Mental Disorder, for example "Gambling Disorder" instead of compulsive gambling. In addition, the bill ensured individuals providing gambling services are working within the scope of their profession, and the bill made changes to utilize person-first language. The bill changed "compulsive gamblers" to "individuals with a gambling disorder". The North Dakota Problem Gambling Advisory Council provided input to the Department regarding the original bill draft. THERE WERE NO AMENDMENTS TO THIS BILL.</p>	<p>Received a 13-1 Do Pass recommendation from House Human Services, and Passed on House Floor 74-15</p>	<p>Received a 7-0 Do Pass recommendation from Senate Human Services, and Passed on Senate Floor 45-0.</p>