

Testimony
Senate Bill 2041 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 10, 2017

Chairman Lee, members of the Senate Human Services Committee, I am Dan Cramer, a licensed clinical psychologist in the state of North Dakota and Regional Director of South Central Human Service Center for the Department of Human Services (Department). I am here today to provide information on Senate Bill 2041.

Senate Bill 2041 is a Bill for an Act to amend subsection 1 of section 25-01.2-01 and section 50-24.1-02 of the North Dakota Century Code. The intention of this bill is to identify all individuals diagnosed with Down Syndrome as Developmentally Disabled without regard to the presence of intellectual disability or functional impairment.

It appears Senate Bill 2041 was introduced based, at least in part, on the assumption that the diagnosis of Down Syndrome by its very nature includes a combination of intellectual and functional deficits consistent with Developmental Disability as it is otherwise defined within section 25-01.2-01. While this is generally true, it is critical to recognize that there are three subtypes of Down Syndrome including Trisomy 21, Mosaic Down Syndrome, and Translocation Down Syndrome. Each of these subtypes is identified based on specific genetic conditions associated with chromosome 21. While individuals who are diagnosed with Down Syndrome share many physical and cognitive characteristics, across and within the identified subtypes there is a broad range of intellectual and

developmental functioning. Indeed, functional deficits among individuals diagnosed with Down Syndrome are generally noted to range anywhere from mild to quite severe.

It is unfair and inaccurate to identify an individual diagnosed with Down Syndrome as Developmentally Disabled without consideration to his or her unique set of skills and deficits. Further, for those who may wish to access long term care services, The Center for Medicare and Medicaid Services (CMS) highlights the necessity of identifying functional impairment to substantiate eligibility within their definitions of Intellectual Disability, Persons with a Related Condition, and Developmental Disability (ICF/IID Glossary). For us to neglect consideration of intellectual and adaptive functioning when making a determination regarding eligibility would be to fall short of the Federal expectations as outlined by CMS as well as to run the risk of unfairly and inaccurately presuming disabilities that may in fact not be present.

This concludes my testimony and I would be happy to answer any questions you may have.