

Testimony
Engrossed House Bill 1134 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
February 20, 2017

Chairman Lee, and members of the Senate Human Services Committee, I am Tina Bay, Director of the Developmental Disabilities (DD) Division of the Department of Human Services (Department). I am here today in support of Engrossed House Bill 1134, which was introduced at the request of the Department.

This bill will revise thirteen sections of North Dakota Century Code chapter 25-01.2, two sections of chapter 25-04, two sections of chapter 25-16, two sections of chapter 25-16.1, and one section of chapter 25-18.

Section 1, definitions were added. These changes are related to changes in federal regulation, specifically the Home and Community-Based Services (HCBS) final rule, to ensure resident rights for licensed providers and to separate licensed and non-licensed providers.

Section 2 updates language to ensure all individuals have the rights identified including individuals residing in individualized settings. This change is necessary to comply with the HCBS final rule.

Section 3 updates language to include all forms of communication and ensures these rights apply to individuals residing in individualized settings. In addition, any restrictions of these rights by licensed providers must be documented in the individual's person-centered service

plan. These changes are necessary to comply with the HCBS final rule and expand client rights.

Section 4 updates language to ensure client rights regarding personal property and to include individuals residing in individualized settings. In addition, any restrictions of these rights by licensed providers must be documented in the individual's person-centered service plan. These changes are necessary to comply with the HCBS final rule and expand client rights.

Section 5 updates language to ensure client rights regarding labor, wages and money and to include individuals residing in individualized settings. In addition, any public or private agency or organization licensed by the Department to provide services to individuals with a developmental disability must document any restrictions of these rights in the individual's person-centered service plan. These changes are necessary to comply with the HCBS final rule and expand client rights.

Section 6 updates language regarding medication and chemical restraints and to ensure clients residing in an individualized setting are not administered any drug or medication, or be chemically restrained without being authorized by a licensed physician and documented in the person-centered service plan. These changes are necessary to comply with the HCBS final rule and expand client rights.

Section 7 updates language and ensures clients residing in an individualized setting are not subject to punishment, isolation, physical restraints, psychosurgery, sterilization and shock treatment except as

allowed in the century code. These changes are necessary to comply with the HCBS final rule and expand client rights.

Section 8 updates language and ensures clients receiving services by a licensed provider may not be placed in seclusion and identifies what process must be followed if a client is physically restrained. These changes are necessary to comply with the HCBS final rule and expand client rights.

Section 9 expands individual rights regarding psychosurgery, sterilization, or research.

Section 10 updates language regarding diet and access to food for clients. In addition, any restrictions of these rights by licensed providers must be documented in the individual's person-centered service plan. These changes are necessary to comply with the HCBS final rule and expand client rights.

Section 11 updates language to reflect current terminology regarding the person-centered service plan.

Section 12 updates language regarding the right to refuse services to include parents or custodian if the client is a minor.

Section 13 updates language to ensure any public or private agency or organization that provides services to individuals with a developmental disability in an institution or facility post a summary of rights.

Sections 14 and 15 update language to reflect people first language.

Section 16 updates language to reflect the entities the Department licenses to provide services to individuals with developmental disabilities.

Section 17 changes the language regarding inspections by the Department. In many cases, sanitation and fire inspections are required by the appropriate city entities. In these situations, the Department would not need to conduct an inspection as these inspections are ensuring that the facility is fit, safe and sanitary.

Section 18 cleans up language to reflect the entities the Department licenses to provide services to individuals with developmental disabilities.

Section 19 makes a punctuation change.

Section 20 updates language to reflect the entities the Department licenses to provide services to individuals with developmental disabilities.

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