

# 2016 State Autism Profiles NORTH DAKOTA

## DEMOGRAPHICS

In 2000, 135 or 0.99% of children ages 3-21 who received special education services in North Dakota have autism. In 2014-2015, 939 or 6.89 % of children with disabilities ages 3-21 who received special education services have autism.

**Table 1-1: IDEA Part B - Children with Autism in North Dakota for 2000-2001 and 2014-2015**  
(Child Count by Age Group)

	2000-2001	2014-2015
Age 3-5	17	82
Age 6-21	118	857
Age 3-21	135	939

Source: Reported by the State of North Dakota in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs

**Table 1-2: IDEA Part B - Children with Disabilities in North Dakota for 2000-2001 and 2014-2015**  
(Child Count by Age Group)

	2000-2001	2014-2015
Age 3-5	1,247	1,801
Age 6-11	5,880	5,708
Age 12-17	5,814	5,492
Age 18-21	711	635
Age 6-21	12,405	11,835
Age 3-21	13,652	13,636

Source: Reported by the State of North Dakota in accordance with Section 618 of IDEA to U.S. Department of Education, Office of Special Education Programs

## STATE TASK FORCE

On April 8, 2009, Governor John Hoeven signed S.B. 2174, creating a task force on autism spectrum disorders. Members of the task force are appointed by the governor, and include legislators, representatives from state agencies, providers, parents, and other professionals with an interest in autism. The task force meets four times per year and reviews early intervention and family support services, programs that transition individuals from schools to adult day programs or employment. Additionally, the task force reviews the costs of providing services and determines whether federal resources could be used. The task force developed a state plan that was presented to the governor and legislature in 2014.

<http://www.nd.gov/dhs/autism/taskforce.html>

<http://www.nd.gov/dhs/autism/>

<http://www.nd.gov/dhs/info/testimony/2013-2014-interim/human-services/asd-state-plan.pdf>

## STATE INSURANCE COVERAGE

The State of North Dakota does not have a specific health insurance mandate for autism at this time. Limited coverage may be available through the state's mental health coverage. Under this law, group health insurers must provide coverage for the diagnosis and treatment of mental illnesses, as with other conditions. (ND Cent Code §26.1-36-09)

## ESSENTIAL HEALTH BENEFITS

North Dakota's benchmark plan does not include autism services or applied behavior analysis (ABA) in its Essential Health Benefits package. Its exchange is being run by the federal government. (Sanford Health Plan HMO)

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## MEDICAID

North Dakota submitted a State Plan Amendment to CMS in June 2016 to add services to treat autism spectrum disorders (ASD) pursuant to EPSDT to traditional Medicaid coverage. The anticipated effective date of the State Plan Amendment is November 1, 2016.

<http://www.nd.gov/dhs/info/pubs/docs/medicaid/state-plan-amend-for-autism-spectrum-disorders-preventive-services-06-20-16.pdf>  
<http://www.nd.gov/dhs/autism/>

### ***North Dakota Home and Community-Based Services Waiver: ND Autism Spectrum Disorder Birth Through Four***

This waiver, amended in June 2014, provides environmental modifications, equipment and supplies, in-home supports, and intervention coordination for children from birth to their seventh birthday with autism. As of June 1, 2014, the waiver consists of five major components grounded in the science of behavioral intervention: 1) Service Management, 2) Program Design and Monitoring, 3) Skills Training, 4) Respite Care, and 5) Assistive Technology. Waiver components are provided by 15 private agencies. Each of these components is individualized based on an annual review of the child's level of support needs. This waiver expires on October 31, 2018.

<http://www.nd.gov/dhs/autism/docs/dn211-autism-waiver-services-brochure.pdf>  
[http://www.medicaid.gov/medicaid-chip-program-information/by-topics/waivers/waivers\\_faceted.html](http://www.medicaid.gov/medicaid-chip-program-information/by-topics/waivers/waivers_faceted.html)  
<http://www.nd.gov/dhs/autism/docs/fact-sheet-autism-services.pdf>

In April 2016, North Dakota filed an amendment to its 1915(c) Home and Community-Based Services Waiver for Autism Spectrum Disorder Services Birth through Age Nine to increase the number of waiver slots to 59 and to increase the eligible age to 9 and reduce the available services.

<http://www.nd.gov/dhs/info/pubs/docs/medicaid/amendment-1915c-hcbs-waiver-autism-spectrum-disorder-services.pdf>  
<http://www.nd.gov/dhs/autism/>

## OTHER RESOURCES

In 2014, the legislature passed and the Governor signed H.B. 1038, establishing an autism spectrum disorder database and a voucher program pilot project to assist in funding equipment and general educational needs for individuals with autism.

<http://legiscan.com/ND/text/1038/id/835888>

### ***Autism Voucher Program***

The Autism Voucher Program covers individuals with autism below 200% of the federal poverty level from age 3 to 18. The voucher program helps pay for assistive technology, training, and other approved support services that enhance the quality of life of children with autism and help meet the unique needs of their families. The program provides vouchers totaling up to \$12,500 per year, per qualifying child, to help eligible families with the cost of supporting a child with autism. The program was to expire in June 2015, but legislation in the 2015 session of the legislature (S.B. 2012) deleted the expiration date. S.B. 2012 also included

<http://www.nd.gov/dhs/autism/docs/dn-345-autism-voucher-brochure.pdf>  
<http://openstates.org/nd/bills/64/SB2012/>

### ***Autism Spectrum Disorder Database***

The Autism Disorder Database established and administered under H.B. 1038 by the state department of health must include a record of all reported cases of autism spectrum disorder in the state and any

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other information determined relevant and appropriate by the department in order to complete epidemiologic surveys of the autism spectrum disorder, enable research and analysis of the autism spectrum disorder, and provide services to individuals with an autism spectrum disorder. In 2015, the enabling legislation was amended to require the diagnosis be made by a professional qualified by training, licensure or certification in autism diagnosis.

<http://www.legis.nd.gov/assembly/64-2015/documents/15-0514-02000.pdf?20151113152234>

S.B. 2012 from the 2015 legislative session also included a directive that during the 2015-16 interim, the legislative management shall consider studying services for children with autism. The study must include a review of services currently provided by the department of human services, the superintendent of public instruction, and other state and local agencies, and an evaluation of the effectiveness of the continuum of care, transition between programs, and outcomes. The study must also identify current funding for these programs and projected funding needs in future bienniums by funding source. The legislative management shall report its findings and recommendations, along with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

<http://www.legis.nd.gov/assembly/64-2015/documents/15-8145-05000.pdf?20151113153115>

<http://www.ndhealth.gov/cshs/autism.htm>

### *Statewide Autism Conference*

A statewide conference is held annually, organized by the North Dakota Department of Human Services with key partners from across the state government, universities, and stakeholders. The 2016 conference was held October 26-28, 2016 in Minot, ND.

<http://www.continuingeducationassociates.com/nd-asd-conference>

<http://www.nd.gov/dhs/autism/docs/fact-sheet-autism-services.pdf>

## EDUCATION

### *Special Education Services*

North Dakota offers special education services to children ages 3 to 21. To qualify, a student must undergo an evaluation before a multidisciplinary team. The potential student must display a minimum six symptoms from a variety of three different categories. The student must show at least two symptoms of extreme difficulty in social relationships and at least one symptom of impairment of communication. The student must also display at least one symptom of displaying a preoccupation with objects, sensations, rituals, and routines. The team may use a diagnosis of autism from a medical professional, but it is not required. The team must also utilize two different assessment tools to determine eligibility.

<http://www.dpi.state.nd.us/speced1/guide/autism.pdf>

[http://www.ndcpd.org/sand/pdf/AutismResourceBooklet\\_8%2030%2012.pdf](http://www.ndcpd.org/sand/pdf/AutismResourceBooklet_8%2030%2012.pdf)

### *Legislation*

S.B. 2108 was introduced January 3, 2008 and signed into law April 10, 2008, redefining a student with a disability and including a specific reference to students with autism. A student with a disability is now defined as a person between the ages of 3 and 21 who requires special education and related services. The disabilities include autism, traumatic brain injury, and hearing or visual impairments, among others.

<http://www.legis.nd.gov/assembly/60-2007/bill-text/HQRP0400.pdf>

### *Licensure of Behavior Analysts*

North Dakota passed legislation in 2011 requiring licensure of Applied Behavior Analysts. The authority to regulate Applied Behavior Analysis is with the ND State Board of Psychology Examiners (NDSBPE). Generally, Applied Behavior Analysts may practice at the licensed level (independent) or Registered level (supervised by a licensed Psychologist or Applied Behavior Analyst). For licensure, the requirements are

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Board Certification in Behavior Analysis (BCBA) from the Behavior Analyst Certification Board (BACB) and passing the oral examination by the NDSBPE. To be registered as an Applied Behavior Analyst requires specific coursework, passing the psychology examination and passing the Oral examination of the NDSBPE with an approved plan of supervision by a licensed Psychologist or Applied Behavior Analyst.

North Dakota Century Code 43-32-01, 30, 33 and 34 (<http://www.legis.nd.gov/cencode/t43c32.pdf>)

North Dakota Administrative Code is Article 66-01 (<http://www.legis.nd.gov/information/acdata/pdf/66-01-01.pdf>)

### **STATE LEGISLATIVE CALENDAR**

The North Dakota State Legislature meets biennially from the first week of January through the last week in April. The 2015 Legislative Session convened on January 6, 2015 and adjourned on April 29, 2015. The North Dakota Legislature did not convene in 2016. The 2017 session is expected to convene early in January of 2017 and adjourn late in April of that same year.

<http://www.legis.nd.gov/>

#### ***Sponsors of Autism Legislation***

Sen. Carolyn C. Nelson (D-Fargo) District 21

Sen. Gary Lee (R-Casselton) District 22

Sen. Joan Heckaman (D-New Rockford) District 23

Sen. Rich Wardner (R-Dickinson) District 37

Rep. Dennis Johnson (R-Devils Lake) District 15