



Senate Bill 2012

Senate Appropriations Human Resources Division
Senator Dick Dever, Chairman

Adult and Aging Services Section | Nancy Nikolas Maier - Director
February 1, 2023

NORTH
Dakota
Be Legendary.

Health & Human Services

AGING & ADULT SERVICES: Team Structure and Functions

Adult/Aging Svc (HHS budget)

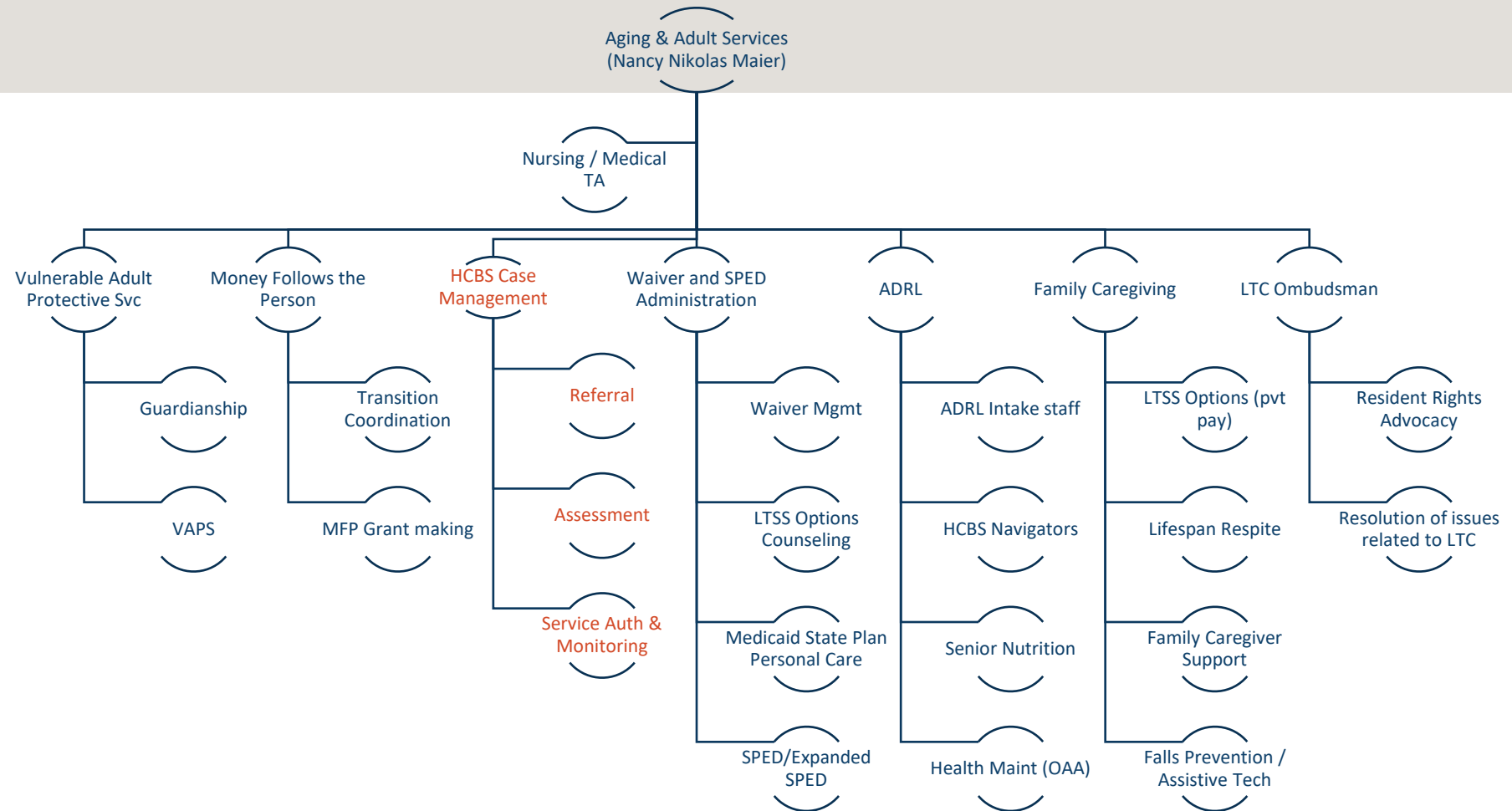
21-23 Authorized FTE Base	23-25 Executive Budget FTE	12-31-22 Vacancies
45.7	127.7	5.0

Avg Age	Avg Yrs of Service	Turnover 2021	Turnover 2022
46	11	5.9%	8.7%

Adult/Aging Svc (457/HSZ budget)

21-23 Authorized FTE Base	23-25 Executive Budget FTE	12-31-22 Vacancies
67.0	0	0

Red font = Staff funded via 457/Human Service Fund



Adult & Aging Services: Who we are

The Adult and Aging Services Section administers and delivers more than 40 in-home and community-based services to eligible North Dakotans.

We also protect the health, safety, welfare and rights of vulnerable adults in the community and long-term care residents.

1,147

Qualified Services Providers (QSPs) provide services

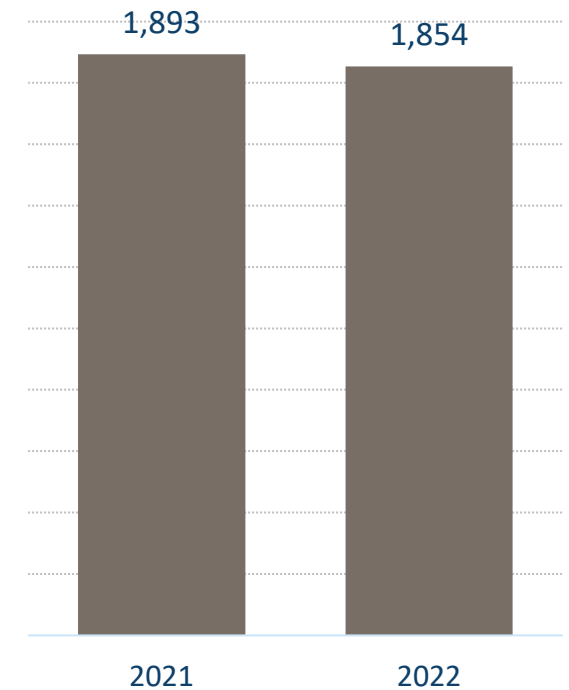
67

HCBS case managers supervised by Adult & Aging Services

158 and 86

On average, 158 new referrals and 86 new cases opened for HCBS each month

HCBS Case Management Referrals



ND Century Code Chapters

Chapter	Chapter Name
50-06	Department of Human Services
50-06.2	Comprehensive Human Services Programs
50-10.2	Rights of Health Care Facility Residents
50-10.2-02 (1)	Nursing Homes and Basic Care Facilities
50-11	Foster Care Homes for Children and Adults
50-24.1	Medical Assistance for Needy Persons
50-24.7	Expanded Service Payments for the Elderly and Disabled
50-25.2	Vulnerable Adult Protective Services
50-24.5	Aid to Aged, Blind, and Disabled Persons



Providing programs that help adults access services closer to home



Support in-home and community-based living

- Service Payments to the Elderly & Disabled (SPED)
- Expanded Service Payments to the Elderly and Disabled (Ex-SPED)
- HCBS Medicaid Waiver/ State Plan-Personal Care, Money Follows the Person



Protect vulnerable adults

- Long-term Care Ombudsman
- Vulnerable Adult Protective Services
- Guardianship Establishment Fund



Administer Older Americans Act svcs

- Contract with local providers for nutrition services, health maintenance and assistive technology
- Legal assistance, falls prevention classes, companionship services



Support caregivers

- Family Caregiver Support Program
- Lifespan Respite
- Dementia Care Services

ADULT & AGING SERVICES

Older Americans Act (OAA) Services

30,554

Older adults
served in FFY2021

30% increase since FFY 2020

- Serves people age 60+
- No income limits
 - Voluntary contribution
 - Cannot deny service due to unwillingness or inability to contribute
- Federal, state, and local funds



Implementing the Settlement Agreement between U.S. DOJ & State of North Dakota

PURPOSE is to ensure that ND will **meet Americans with Disabilities Act (ADA) requirements** by providing services, programs, and activities for individuals with physical disabilities in the most integrated setting appropriate to their needs.

Effective Dec. 14, 2020

Agreement will terminate eight years after effective date if Parties agree that the state has attained substantial compliance with all provisions and maintained that compliance for a period of one year.



WHO ARE WE TRYING TO REACH?

Defining Target Population

Basic Eligibility

- Individual with physical disability
- Over age 21
- Eligible or likely to become eligible to receive Medicaid long-term services and supports (LTSS)
- Is likely to require LTSS for at least 90 days.



IF in skilled nursing setting

- Receive Medicaid-funded nursing facility services AND
 - Likely to require long term services and supports
- Receive nursing facility services AND
 - Likely to become eligible for Medicaid within 90 days, have submitted a Medicaid application, and have approval for a long-term nursing facility stay

IF in hospital or home setting

- Referred for a nursing facility level of care determination AND
 - Likely to need services long term
- Need services to continue living in the community AND
 - Currently have a HCBS Case Manager or have contacted the ADRL

Guardianship Establishment Fund

Fund pays legal costs associated with petitioning for guardianship for eligible adults who are incapacitated

179

adults served
July 2021 – Dec 2022

\$2,500

Max petitioning cost per person



Included in 2023-25 Executive Budget Request

Increase funding cap for guardianship establishment fund

- Fund covers most petitioning costs for eligible adults who are incapacitated.
- Increase max petitioning costs paid to local attorneys who are willing to assist vulnerable adults and their families by \$500 (from \$2,500 to \$3,000).
- The original request in the 23-25 EBR does not increase the number of people served; it just increases the max reimbursement rate.

Total	General	Other
\$70,500	\$70,500	\$0
\$177,000	\$177,000	\$0

**Note: This item was included in the Executive Budget Request but due to changing utilization, department requests consideration of higher amount*



Senior Nutrition Services

The pandemic changed the **way meals are delivered** to older adults.

- Home delivered
- Pre-packaged grab-and-go
- Curbside pickup
- Frozen meal options

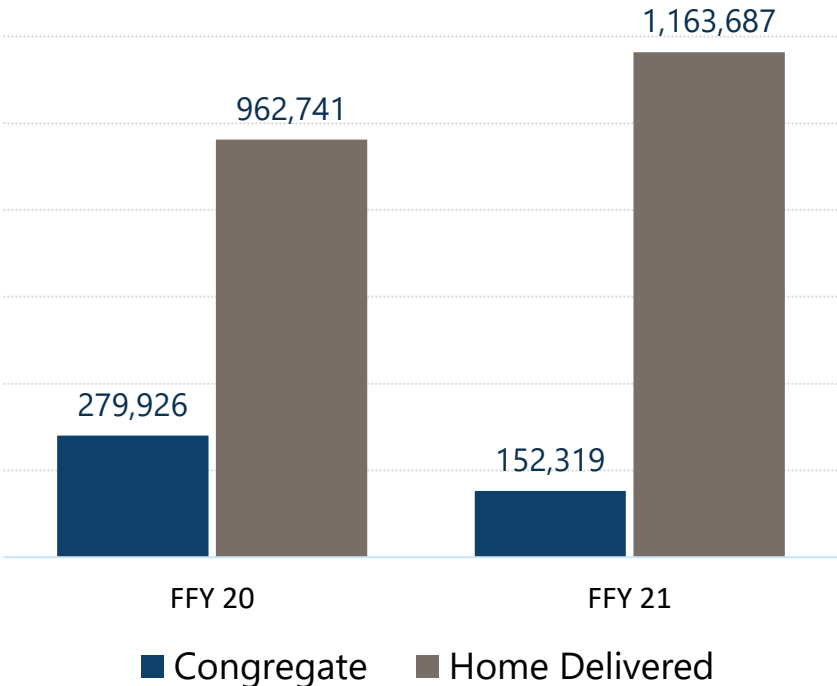
1,316,006

Meals served FFY2021

21,008

Consumers served

Nutrition services shifted toward home-delivered meals during COVID-19



Grant Changes

Changes in **Senior Nutrition** Grants from 21-23 Budget to 2023-25 EBR

North Dakota Department of Human Services
Changes in Nutrition Services from 2021-2023 Appropriation to 2023-2025 Executive Budget

Service Description	2021-2023 Appropriation	Changes in federal funds	Changes in general fund	2023-2025 Budget to OMB	Inflation 4%/3%	2021-2023 Budget To Chamber 1
Congregate Meals	5,102,530	0	2,640,715	7,743,245	0	7,743,245
Home Delivered Meals	9,874,422	(7,047,628)	11,213,579	14,040,373	0	14,040,373
Nutrition Services Incentives	1,693,820	24,071	0	1,717,891	0	1,717,891
State Funds to Providers	1,421,654	0	0	1,421,654	79,044	1,500,698
Total	18,092,426	(7,023,557)	13,854,294	24,923,163	79,044	25,002,207
General Funds	3,212,272	0	13,854,294	17,066,565	79,044	17,145,609

Included in 2023-25 Executive Budget Request

Increase per meal rate for OAA Senior Nutrition program

- Demand and the cost of labor, groceries, fuel, and packaging of home delivered, and congregate meals has increased.
- Nutritionally dense meals help older adults maintain strength which helps maintain their independence.
- All senior nutrition program meals are currently being reimbursed at \$6 per meal.
 - Contract dates July 1, 2022, through June 30, 2023.
- Executive Budget Request increases meal rate to \$7.62 congregate, and \$8.89 for home-delivered meals.

Total	General	Other
\$12,854,294	\$12,854,294	\$0



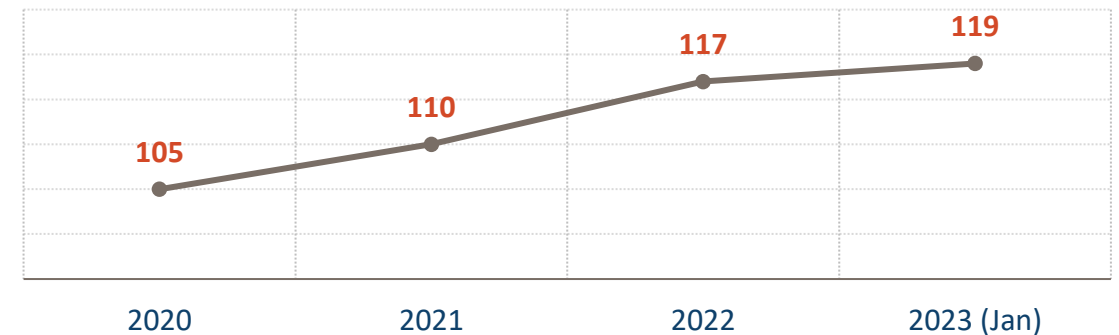
More North Dakotans are choosing home-based community care options every year

- ✓ Since the pandemic, the **demand** for in-home and community-based services has continued to **increase**
- ✓ Increased demand has increased the **average weighted caseload** per HCBS Case Manager
- ✓ **Many HCBS participants have complex needs** (medical and behavioral health needs) that increase the amount of time it takes to provide quality case management services
- ✓ Increased **need** for **additional** HCBS case management **staff**

Unduplicated HCBS Recipients



Average Caseload per Case Manager

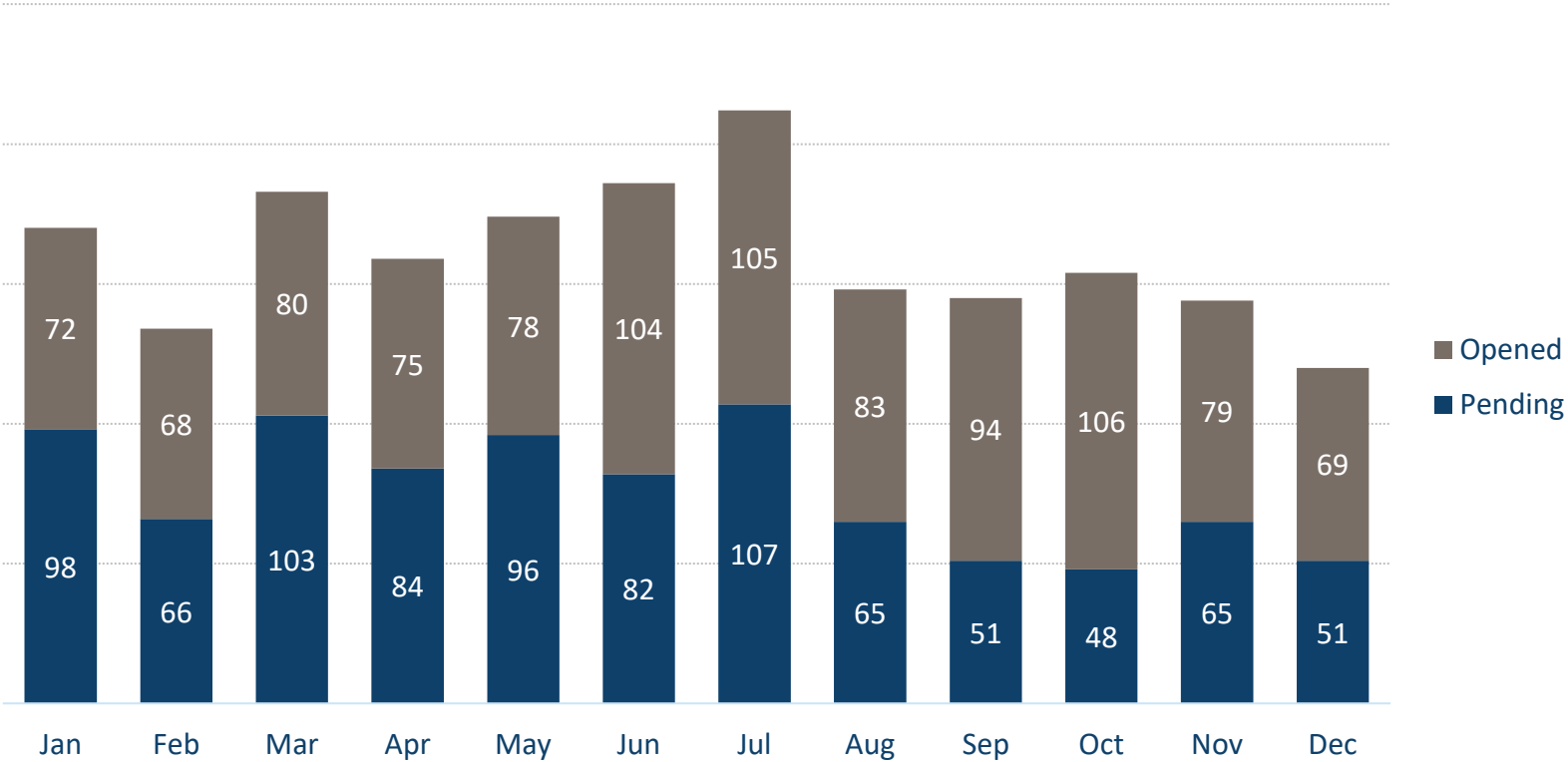


HCBS Case Managers handle pending cases, new referrals and case closures

The nature of HCBS work means that caseloads are constantly changing -- there are many cases opening and closing each month due to:

- Changes in chronic health conditions
- Medical emergencies (stroke, falls) that increase level of disability and need for assistance
- Death

2022 HCBS Referral Summary



Included in 2023-25 Executive Budget Request

Increase staff capacity to deliver HCBS case management and implement DOJ Settlement Agreement

Executive Budget Request includes funds to hire 14 FTE to meet demand and strengthen the HCBS delivery system.

- 10 FTE HCBS Case Management
- 1 FTE Aging Services Generalist
- 2 FTE provider navigators
- 1 FTE quality assurance

Total	General	Other
\$2,943,225	\$331,718	\$2,611,507

What do HCBS Case Managers Do?

- Determine eligibility
- Complete functional assessments
- Create provider service authorizations
- Monitor for the health, welfare, and safety of HCBS and Medicaid eligible Basic Care recipients.



Included in 2023-25 Executive Budget Request

Shift funding for HCBS Case Management from HSZ/457 Fund to HHS

- HCBS Case Managers designated as part of state team in the Social Service Redesign legislation.
- 457 Fund pays for salary, travel, supplies, and other related costs for these staff.
- EBR proposes change in funding source for HCBS Case Management costs from 457 Fund to HHS budget.



Total	General	Other
\$14,763,939	\$13,779,234	\$984,705

Included in 2023-25 Executive Budget Request

Staff person to assist with continued implementation of US DOJ Settlement Agreement

- Requesting 1 FTE for the US DOJ Settlement Support Specialist
- Language in 2021-2023 HB 2012 included a sunset for this position.
- State implementation of settlement is 8 years if we can show substantial compliance.
- Job responsibilities include, administrative support for the Agreement Coordinator, data collection and overseeing the development of the semi-annual and ad hoc requirements in the Settlement Agreement.

Total	General	Other
\$ 235,208	\$0	\$ 235,208



ADULT & AGING SERVICES

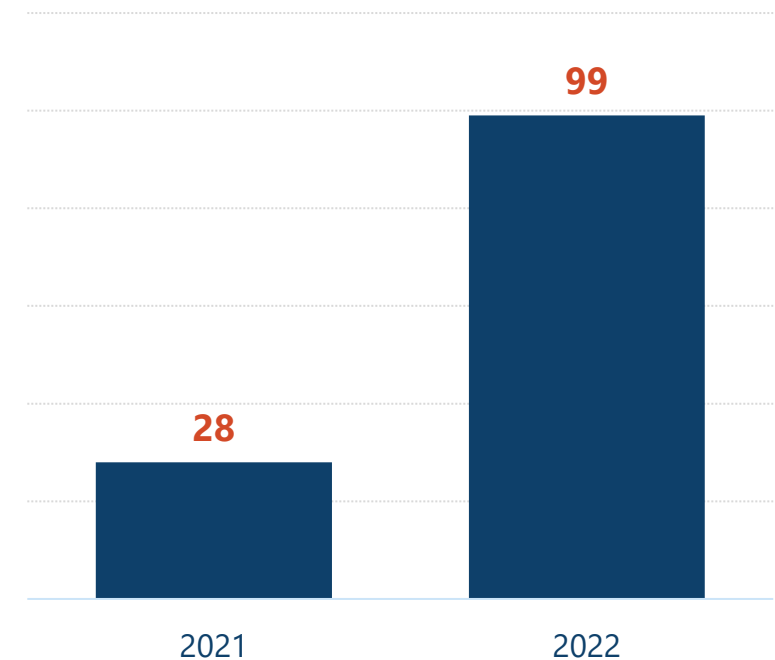
TPMs Receiving Permanent Supported Housing

“Permanent Supported Housing” is providing affordable housing, rental assistance, meeting with landlords, application assistance etc., in addition to other traditional HCBS that allows an individual to live in a private residence alone or with family, their significant other or roommates of their choosing.

DOJ Settlement Agreement REQUIRED
ND to provide this service to
20 individuals by Dec. 13, 2021, and
30 individuals by Dec. 13, 2022

Benchmark achieved 

TPM Receiving Permanent Supported Housing



ADULT & AGING SERVICES

TPM Accessing Various Forms of Rental Help

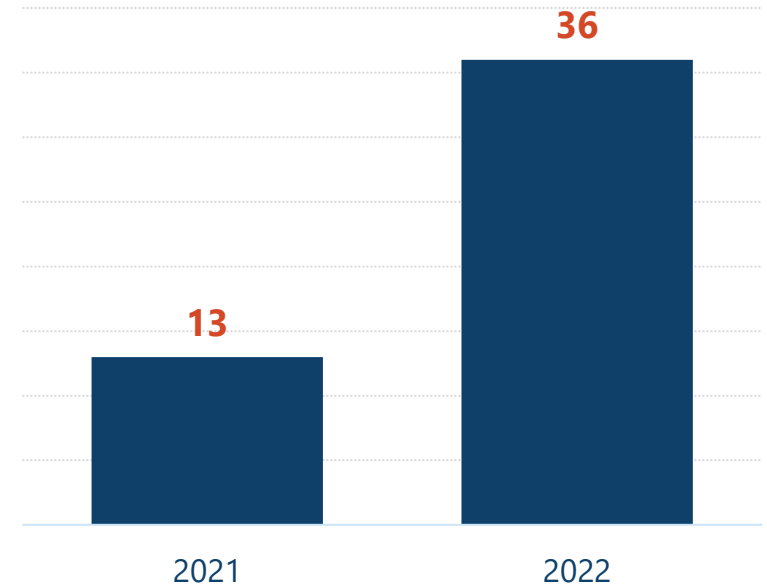
“**Rental assistance**” is assisting individuals in paying for affordable housing in the community and may also involve paying for affordable housing costs during an institutional stay, so the individual does not lose their place to live in the community.

2021-2023 approved budget included \$300,000 to fund approx. 375 months of housing assistance over the course of the biennium.

Strategy achieved



TPMs Accessing Rental Assistance



Additional Adult/Aging Svc Request

Rental assistance funds to meet housing requirements in the US DOJ Settlement Agreement

Total	General	Other
\$300,000	\$300,000	\$0

- US DOJ Settlement Agreement requires the State to provide permanent supported housing (PSH), including rental assistance as necessary, to a specified number of target population members each year.
 - Year 1 – 20 people
 - Year 2 – 30 people
 - Year 3 – 60 people
 - Year 4 - # based on aggregate of need
- The item was inadvertently omitted from the executive budget request; it was intended to have been included in the base budget.



Summary of Aging & Adult Services items included in Exec Budget Request

	General	Other	TOTAL
Increase the per petition funding cap available through the guardianship establishment fund *	\$70,500	\$0	\$70,500
Increase per meal rate for OAA senior nutrition program	\$12,854,294	\$0	\$12,854,294
Increase staff capacity to deliver HCBS case management and implement DOJ Settlement Agreement	\$331,718	\$2,611,507	\$2,943,225
Shifting source of funding for HCBS case management from HSZ/457 Fund to state budget	\$13,779,234	\$984,705	\$14,763,939
Staff person to assist with continued implementation of US DOJ Settlement Agreement	\$0	\$235,208	\$235,208

**Note: This item was included in the Executive Budget Request but due to changes in utilization, requesting consideration for additional funding (see additional request summary)*

Adult & Aging Services: Overview of budget changes

Description	2021 - 2023 Budget Base	Increase/ (Decrease)	2023 - 2025 Executive Budget
Salaries and Benefits	\$ 8,748,214	\$ 20,359,994	\$ 29,108,208
Operating	23,443,640	20,968,014	44,411,654
IT Services	6,000	19,800	25,800
Capital Asset Expense	-	-	-
Capital Assets	-	-	-
Grants	4,318,476	(807,503)	3,510,973
Total	\$ 36,516,330	\$ 40,540,305	\$ 77,056,635

General Fund	\$ 11,963,529	\$ 28,094,380	\$ 40,057,909
Federal Funds	23,806,863	9,035,940	32,842,803
Other Funds	745,938	3,409,985	4,155,923
Total Funds	\$ 36,516,330	\$ 40,540,305	\$ 77,056,635

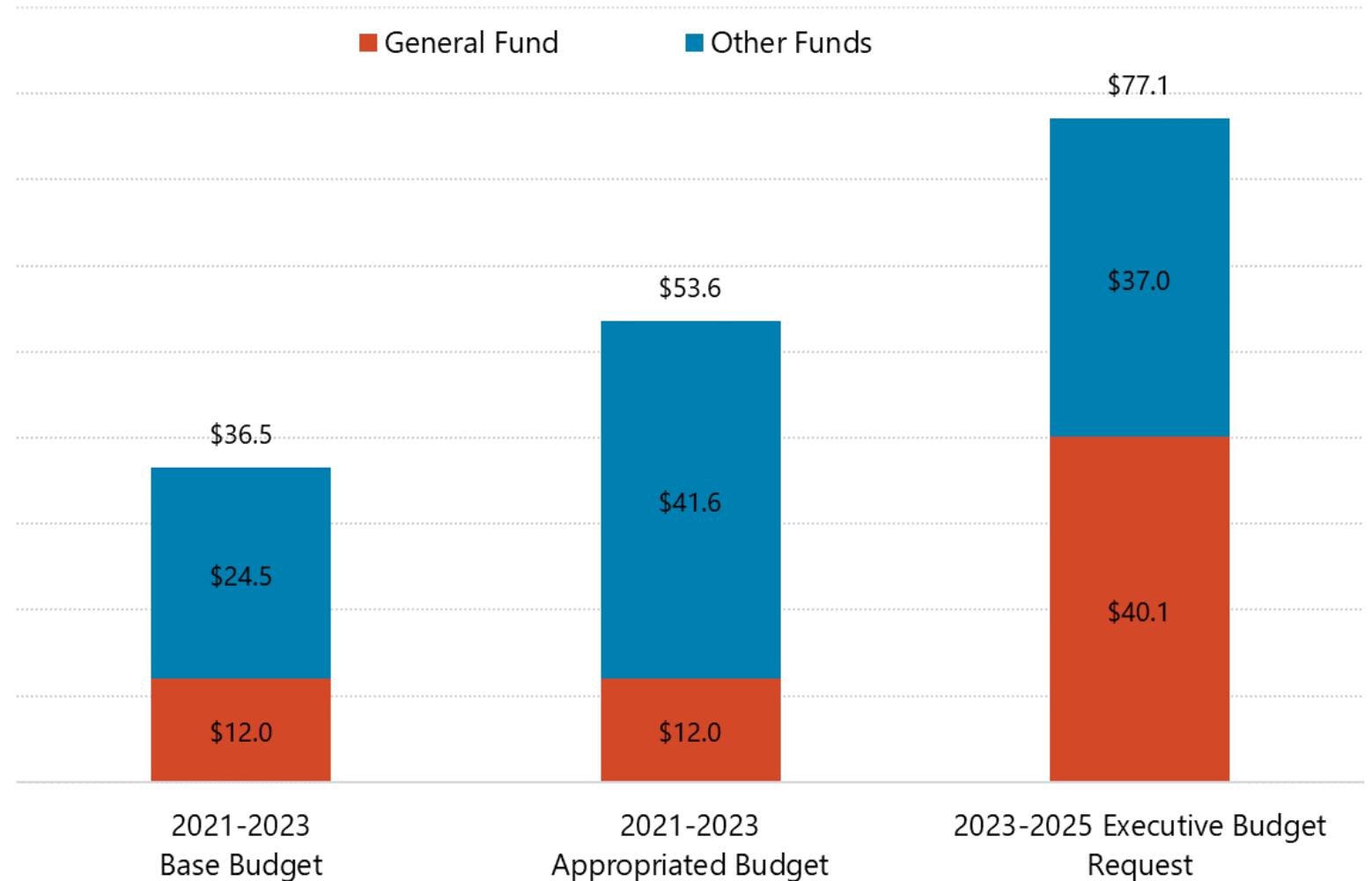
Full Time Equivalent (FTE)	45.70	82.00	127.70
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Adult & Aging Services: Overview of budget changes

(IN MILLIONS)

INCREASE FROM BASE TO EXECUTIVE RECOMMENDATION
\$ 40.6 MILLION

- Increase in salaries and benefits of \$20.4M
- Increase in operating/IT costs of \$21.0M
- Decrease in grants of (\$0.8M)

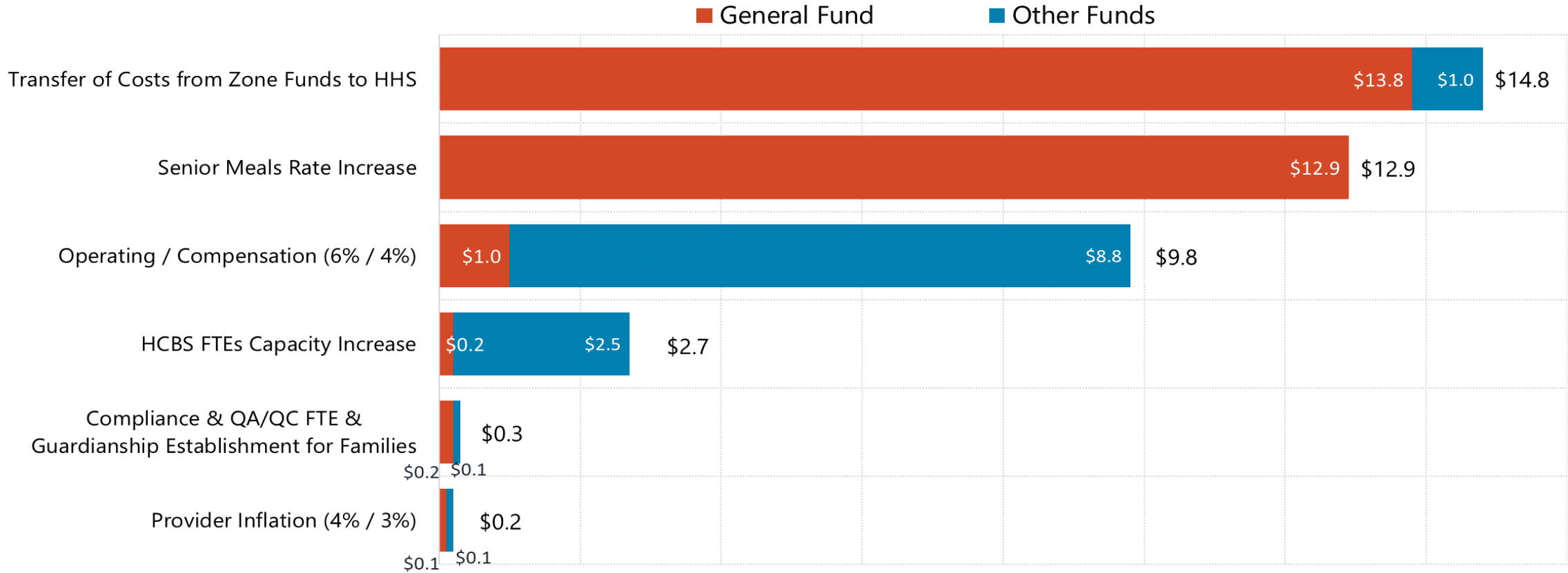


Adult & Aging Svc: COVID Funding 2020-22

- Home Delivered Meals - \$8,171,250
- Family Caregiver Support Program - \$1,921,375
- Supportive Service - \$1,988,500
- Companionship Program - \$600,000
- Money Follows the Person - \$5,000,000
- Public Health Workforce - \$78,610
- Long Term Care Ombudsman - \$259,300
- Vulnerable Adult Protective Services - \$2,576,895
- Supplemental ADRL COVID Grant - \$305,454
- Preventive Health Services - \$218,900
- Expanding Access to COVID-19 Vaccines - \$408,836

Adult & Aging Services: Overview of budget changes

(IN MILLIONS)



Adult & Aging Services: Overview of budget changes

Budget Detail by Account

Description	2021 - 2023 Budget Base	Increase/ (Decrease)	2023 - 2025 Executive Budget
511x Salaries - Regular	\$ 5,909,352	\$ 12,102,558	\$ 18,011,909
513x Salaries Temp	110,082	2,298,204	2,408,286
514x Salaries Overtime	-	116,262	116,262
516x Salaries Benefits	2,728,781	5,842,970	8,571,751
Total Salaries & Benefits	\$ 8,748,214	\$ 20,359,994	\$ 29,108,208
52x Travel	119,167	182,690	301,857
53x Supply	7,918	111	8,029
54x Postage & Printing	11,273	901	12,174
55x Equipment under \$5,000	750	1,750	2,500
57x Insurance	3,300	-	3,300
58x Rent/Leases - Bldg/Equip	61,584	227,715	289,299
61x Professional Development	41,138	21,325	62,463
62x Fees - Operating & Professional	23,198,510	20,533,521	43,732,031
53x Supplies	3,000	-	3,000
60x IT Expenses	3,000	19,800	22,800
71x Grants, Benefits, & Claims	4,072,480	(807,503)	3,264,977
72x Transfers	245,996	-	245,996
Total Operating	\$ 27,768,116	\$ 20,180,310	\$ 47,948,427
Total	\$ 36,516,330	\$ 40,540,305	\$ 77,056,635

About Adult & Aging Services Contracts FFY2022

- Eight OAA Senior Nutrition Program - \$7,570,272
- Six Health Maintenance - \$812,000
- Four Tribal Nutrition/Home visits - \$224,701
- Three Vulnerable Adult Protective Services - \$583,871
- Four Centers for Independent Living – Money Follows the Person transition coordination - \$4,178,799
- Alzheimer's Association Dementia Care Services – \$1,300,000



Adult & Aging Services: Overview of budget changes by Funding Source

Description	2021 - 2023 Budget Base	Increase/ (Decrease)	2023 - 2025 Executive Budget
General Fund	\$ 11,963,529	\$ 28,094,380	\$ 40,057,909
Federal Funds	23,806,863	9,035,940	32,842,803
Other Funds	745,938	3,409,985	4,155,923
Total Funds	\$ 36,516,330	\$ 40,540,305	\$ 77,056,635

SB 2012 Sections 23, 25 and 32 Exemptions

SENATE BILL NO. 2012 DEPARTMENT OF HEALTH AND HUMAN SERVICES' BUDGET AGING SERVICES SECTION

SECTION 23 (Governor's Recommendation). EXEMPTION. The amount appropriated for the purpose of vulnerable adult protection services program in chapter 549 of the 2021 Special Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpected funds from this appropriation are available for the vulnerable adult protection services program during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 25 (Governor's Recommendation). EXEMPTION. The amount appropriated for the purpose of money follows the person capacity program in chapter 549 of the 2021 Special Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpected funds from this appropriation are available for the money follows the person capacity program during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 32 (Governor's Recommendation). EXEMPTION. The amount appropriated for the purpose of federal medical assistance percentage adjustments in chapter 549 of the 2021 Special Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpected funds from this appropriation are available for the home and community-based services 10% plan during the biennium beginning July 1, 2023, and ending June 30, 2025.



Summary of Additional Adult & Aging Services Budget Requests

	General	Other	TOTAL
Increase the per petition funding cap available through the guardianship establishment fund *	\$177,000 <i>(in addition to original request of \$70,500)</i>	\$0	\$177,000 <i>(in addition to original request of \$70,500)</i>
Rental assistance funds to meet housing requirements in the US DOJ Settlement Agreement	\$300,000	\$0	\$300,000
TOTAL	\$477,000	\$0	\$477,000

*Note: This item was included in the Executive Budget Request but due to changes in utilization, requesting consideration for additional funding; this table reflects additional amount

On the horizon for Adult & Aging Services



- Meet the continued implementation and reporting requirements of the US DOJ SA
- Continue to address the workforce shortage and “service deserts” by partnering with the provider community and thinking of creative ways to attract and retain direct service professionals.
- Improve the provider enrollment experience .
- Create opportunities for adults of all ages to complete futures planning by providing education and support to create durable powers of attorney for healthcare etc.



Contact information

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ADRL 1-855-462-5465

[U.S. Department of Justice Settlement Agreement | Health and Human Services North Dakota](#)