

# CROSS-DISABILITIES ADVISORY COUNCIL

## Hybrid Meeting

Thursday, Jan 8, 2026

9:32 a.m. – 4:38 p.m.

**Cross-Disability Advisory Council Members Present:** Darcy Andahl, Kirsten Dvorak, Kyle Erickson, Andrea Hansen, Julianne Horntvedt, Kayla Johnson, Paul Kolstoe, Heather Lundeen, Toby Lunstad, Kevin Miiller, Jonathan O'Konek, Vicki Peterson, Lorena Poppe, Danielle Robbins, Kendra Vander Wal, Janakate Walker

**Cross-Disability State Agency Representatives Present:** Jackie Adusimilli, Kathy Barchenger, Kayla Fender, Karla Kalanek

**Guests Present:** Erin Leveton, Kathy Miiller, Jillian Salmon, Erin Moore

## WELCOME and ADMINISTRATIVE MATTERS

- The meeting was called to order at 9:32.

## GENERAL BUSINESS

- Role Call
- APPROVAL OF CDAC October Minutes
  - Kevin Miiller opened the floor for discussion on the “ND-CDAC Minutes 16OCT25 DRAFT”
  - Motion: It was moved by Danielle Robbins and seconded by Kyle Erickson to approve the 16OCT25 Minutes
  - Vote (Yes): Darcy Andahl, Kirsten Dvorak, Kyle Erickson, Andrea Hansen, Paul Kolstoe, Heather Lundeen, Toby Lunstad, Jonathan O'Konek, Vicki Peterson, Danielle Robbins, Janakate Walker
  - Vote (No): none
  - Motion carried

## Welcome Activities

- Members were told about the challenges that many states are facing in their upcoming budget cycles. Many are seeing limits on growth.
- Members were asked to keep these challenges that are being seen nationally in mind as they talked about enhancements in North Dakota (ND).

## CDAC Progress Update: High-level Overview

- The full group was given a status update on CDAC's progress in the last six months.
- Members were shown the key priorities for the first six months and how CDAC had achieved or progressed against each of these.

## Waiver Drafting

- The full group was given a high-level overview of an HCBS waiver application, including the information that is needed to complete an application.
  - To create a new children's cross-disability waiver, ND's Health and Human Services (HHS) needs to submit a waiver application to the Centers for Medicare & Medicaid Studies (CMS) for review and approval.
- Members were shown how the topics they've covered in the last 6 months will inform many parts of the HCBS waiver application.

## Read-out from Cross-Disability Waiver (CDW) Subcommittee

- The full group was given a summary of the subcommittee's discussions and takeaways from November and December, and subcommittee members added comments.
- Subcommittee members shared that self-direction is a good option to have, but that it can be challenging to navigate, and more support may be needed.
  - Members shared that it could be beneficial for families to "opt-in" to using their budget to pay for additional self-direction supports, if additional supports were available.
  - This would be instead of impacting all waiver participants' budgets to offer additional self-direction support.

## Read-out from the Individuals with Intellectual Disabilities and Developmental Disabilities (IID/DD) Waiver Subcommittee

- The full group was given a summary of the subcommittee's discussions and takeaways from November and December, and subcommittee members added comments.
- Subcommittee members shared that ND does a great job today of serving kids aged 0-2 with developmental delays, and they want to ensure that the quality of support can continue if this population is served on the CDW instead of the IID/DD Waiver.

## Voting on CDAC's Guiding Principles for HHS on DD Definitions / Functional Areas

- Members reviewed the guiding principles that have been gathered from their input in previous CDAC meetings and provided minor modifications before voting.
  - These guiding principles are about modernizing the definitions of the target population and eligibility rules for the IID/DD Waiver.
- Members then conducted a brainstorming exercise where they identified examples of functional limitations that are assessed for eligibility for the IID/DD Waiver:
  - Conceptual adaptive deficits – receptive / expressive language, learning, etc.
  - Practical adaptive deficits – mobility, fine motor skills, etc.
  - Social adaptive deficits– gullibility, problem-solving, etc.
- Members talked about the non-waivered supports for kids with disabilities:
  - Private insurance
  - Medicaid State Plan
  - Community resources (lifespan respite)
  - Community organizations
  - It was clarified that waivers are meant to meet functional needs of kids with DD when integrated supports can't fully support those needs first.
- Members voted on their approval to share these guiding principles for HHS to keep in mind when modernizing the IID/DD Waiver's eligibility requirements.

## CDAC's Guiding Principles on DD Definitions / Functional Areas (1)

CDAC Feedback / Recommendation	A&M Notes
The language North Dakota uses to define a developmental disability can be hard to follow. This could make it hard to understand whether someone may or may not be eligible for the IID/DD Waiver.	Creating plain language, parent-friendly guides could help to better explain the state's definition of developmental disability and eligibility rules for the IID/DD Waiver.
It can be hard to understand the difference between comprehensive waivers, like the IID/DD waiver, and family supports waivers (what the CDW would be). It is confusing who is eligible for what waiver when there is more than one waiver that looks like it might fit.	Comprehensive support waivers are designed for people with lifelong high-support needs and include residential services. Family support waivers focus on providing integrated supports to families living in the community. In general, states try to start by serving people on family support waivers whenever possible.
Children who only have a physical-disability – meaning, no intellectual disability – need additional services and supports. There are currently no North Dakota waivers that serve kids with only physical disabilities after the age of 3.	The IID/DD Waiver is designed to serve both adults and children with an intellectual disability. The CDW will be designed to serve children with disabilities who may or may not need supports related to intellectual functioning. This is an area we have heard is a gap. A&M agrees that the new CDW is a potential opportunity to serve these children.



## CDAC's Guiding Principles on DD Definitions / Functional Areas (2)

CDAC Feedback / Recommendation	A&M Notes
Adding social adaptive deficits could help make the IID/DD Waiver more accessible to different people who previously haven't been able to qualify for the Waiver. It might be hard to find the right assessment to capture social needs, and it may take time to train direct support professionals who are good at supporting Activities of Daily Living to be able to address people's social needs (such as not being gullible).	This could help make the IID/DD Waiver more accessible to people who weren't eligible before. The Waiver is not designed to serve someone who only has social functional needs, so someone must still have at least one intellectual deficit (conceptual adaptive deficit).
It can be hard to assess for an intellectual disability at a young age. Requiring an intellectual component for the IID/DD Waiver may make it more difficult for younger children to qualify for the IID/DD Waiver who could benefit from it.	As part of modernizing level of care, North Dakota will seek a tool that is validated across the lifespan. This includes looking at the best options for younger kids. The CDW may also be a good option for young kids when full intellectual functioning is not yet known.



- After the full group voted on approving these guiding principles, members received a refresher on the eligibility process for HCBS waivers:
  - A person must have certain disabilities / conditions and must have functional limitations that could benefit from the waiver’s specific services.
  - A person must meet a certain institutional level of care (LOC). This means that if not for the waiver, they would be served in that kind of institution.
    - The IID/DD Waiver’s LOC is Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID).
      - This means that having an intellectual disability (ID) is required to be eligible for this waiver.
    - The CDW may serve people who can meet different LOC. They could meet ICF/IID, as well as Nursing Facility (NF) and Hospital.
      - This means that the CDW would be able to serve people with developmental disabilities (DD) who may not have an ID.
    - This explains why kids with physical disabilities-only (i.e., no ID) haven’t always been able to be served on the IID/DD Waiver because it is meant to serve people with an ID.
      - This echoes what CDAC members have shared before, that there is currently a gap for youth with physical disabilities-only who need support on a different waiver (the Aging and Physically Disabled Waiver serves people aged 18 and older).
- This information was first presented to the full group as part of the “Medicaid 101” series conducted in the first few months that CDAC met.
  - Members asked to see the materials that explained this eligibility process again, so that they could refresh their understanding of baseline topics that inform CDAC discussions.

## Serving Kids Aged 0-2

- Members had asked for more information on ND’s Early Intervention (EI) program for kids aged 0-2 with a developmental delay. The state gave a special presentation on its EI program and how it relates to the specific IID/DD Waiver service for kids aged 0-2 with a developmental delay.
  - ND’s EI program mirrors the federal Individuals with Disabilities Education Act (IDEA) Part C program. It is a state-wide program that is provided at no cost to families. This is funded through both IDEA, Medicaid, and state funds.
  - Infant Development is a specific service on the IID/DD Waiver that covers the same services as IDEA Part C. This is funded through Medicaid.
  - This means that the exact same EI supports are provided to any kid in North Dakota aged 0-2 with a developmental delay, either through the IDEA Part C program or through the Infant Development service on the IID/DD Waiver.
    - The providers are the same, regardless of whether the kid is on the EI or on the IID/DD Waiver. The only difference is the funding source.
- Members had asked for more information about the transition that happens at age 3 for kids who are served on the IID/DD Waiver starting before age 3:
  - Kids may show that they are at / near age level function and no longer need further EI support (waiver or IDEA services) at age 3. Most kids fall into this outcome.
  - Kids may show that they could benefit from continued support but are no longer eligible for the IID/DD Waiver. Some kids fall into this outcome.
    - This additional support could come from IDEA Part B (for kids aged 3-20) or from other waivers, like the CDW.
  - Kids may show that they continue to be eligible for the IID/DD Waiver. The least kids fall into this outcome.

- It was clarified that the goal of serving kids aged 0-2 on the CDW is to minimize the number of kids who experience a program transition at age 3.
  - Most kids will show they are at / near age level function and no longer need further waiver or IDEA services – this would likely result in the same transition experience for the greatest percentage of kids, whether or not they start on the IID/DD Waiver or the CDW.
  - A moderate amount of kids will no longer be eligible for the IID/DD Waiver but will still benefit from additional support and could move to the CDW – this would likely remove a transition this population is currently experiencing (where there is currently no more support).
  - The least kids will show that they need the IID/DD Waiver’s level of support – creates a new transition from the CDW to the IID/DD Waiver for a small percentage of kids.
- If kids aged 0-2 start on the CDW and the CDW still seeks to expand support for kids 3-5, members expressed concerns about the transition that then happens at age 6.
  - At age 6, kids are more likely to get supports from schools through IDEA Part B, the federal program similar to IDEA Part C that instead supports kids aged 3-20.
- Members also wondered whether starting kids aged 0-2 on the CDW would potentially impact the likelihood of being eligible for the IID/DD Waiver – if that level of support is needed later on.
- Members also expressed a desire to better understand what the CDW’s cap on services may look like.
  - There will be analysis that looks at whether any families on ND’s waivers today need to use more services than what a capped CDW may provide.

### **Paid Family Caregiver as a Waiver Service Modality**

- Members were given the same special session presentation that had been presented to CDAC 1.0, with data refreshed to the latest point-in-time information.
- Members were given information about the many federal and state requirements about paid family caregiver that attempt to promote waiver participants’ health and welfare and to minimize the risk of fraud, waste, and abuse.
- Members were given specific case studies of other states that pay legally responsible individuals (LRIs) for providing personal care services or services like personal care.
- Members asked for more information about the state case studies, including more specifics on the safeguards these states implement to reduce risks, such as:
  - Limits on how much LRIs can be paid / how many hours they can be authorized to provide a certain service;
  - Requiring Electronic Visit Verification from LRIs to support their billing;
  - Certifications LRIs are required to get;
  - Targeted assessment for demonstrating extraordinary care;
  - And others.

### **ADJOURNMENT**

- The meeting was adjourned at 4:38 p.m.