

CROSS-DISABILITY ADVISORY COUNCIL CHARTER

Rev Date 07AUG25

RESPONSIBILITIES AND PURPOSE

Authority

NDCC 50-06-46

Statutory Purpose

“The cross-disability advisory council shall participate with and provide feedback to the department regarding the implementation, planning, and design of the cross-disability children's waiver, level of care reform for the comprehensive developmental disabilities Medicaid home and community-based waiver, and a service option that will allow payment to a legally responsible individual who provides extraordinary care to an eligible individual through the Medicaid 1915(c) waivers. This subsection does not apply to the Medicaid 1915(c) home and community-based services aged and disabled waivers.”

NDCC 50-06-46 (1)

“department” refers to the North Dakota Health & Human Services

Type of Engagement

Advisory - Offering advice, recommendations, opinions, or feedback

As an “advisory” body, the Cross-Disability Advisory Council (CDAC) members will:

- Serve as an advisory resource providing feedback to ND Health & Human Services regarding the
 - “implementation, planning, and design of the cross-disability children's waiver”
 - “level of care reform for the comprehensive developmental disabilities Medicaid home and community-based waiver”
 - “a service option that will allow payment to a legally responsible individual who provides extraordinary care to an eligible individual through the Medicaid 1915(c) waivers”*NDCC 50-06-46 (1)*
- Serve as a forum for discussion about lived experiences with the current waiver programs.
- Provide a venue for members to offer feedback on the areas that are well-functioning, need improvement, and existing gaps with current waiver access or services.
- Offer ideas or suggestions for improvement on waivers or services.
- Review and offer feedback regarding proposed changes to the waiver: design, access, goods or service that are included, and support from case management.

Core Functions Defined

“The cross-disability advisory council shall:

- a. Discuss strategies to address gaps or needs regarding individuals with disabilities and Medicaid home and community-based services, including eligibility of legally responsible individuals;
- b. Provide for the active participation of stakeholders, including consumers and providers; and
- c. Receive information from the department and its consultants.”

NDCC 50-06-46 (6)

“The cross-disability advisory council under section 50-06-46 shall participate with and provide feedback to the department on the planning, design, and ongoing implementation of the family paid caregiver service pilot project and future centers for Medicare and Medicaid services children's cross-disability 1915(c) waiver. The council shall provide input into the development of the assessment method used to determine the need for extraordinary care.”

NDCC 50-24.1-47 (6)

COMMITTEE STRUCTURE AND OPERATIONS

Method of Appointment

“The contracted facilitator and the department shall appoint the cross-disability advisory council members in accordance with subsection 3 and establish the length of member terms and the structure of the cross-disability advisory council.”

NDCC 50-06-46 (2)

Term of Appointment

Due to the fact that CDAC is primarily a working council and required to be completing specific tasks as assigned by the North Dakota State Legislature, it will be a tasked based council membership.

- Members will be appointed for a term in accordance with the North Dakota legislative biennium.
- Appointments are based primarily upon the council's assigned task(s) for that biennium.
- Appointments will begin July 1 and will end on June 30 of the biennium.
- Members may be appointed to serve 2 consecutive bienniums; the term limit for voting members is 3 bienniums.
- Members who are either unable or unwilling to attend meetings and/or actively participate in the work of the council may be asked to step down at the discretion of the presiding officer of the advisory council to help ensure a productive council and discussion.
- Resignation from CDAC shall be in writing and received by the presiding officer.
- If a CDAC vacancy occurs, a new member will be appointed and serve the remainder of the term.
- If the partial term is greater than 1 year, it will count as a full term for consecutive terms or limits.

Size of Council

“The cross-disability advisory council consists of fifteen voting members who represent a broad range of disabilities and regions of the state.”

NDCC 50-06-46 (3)

“Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.”

NDCC 50-06-46 (4)

A representative from the contracted facilitator shall serve as the presiding officer of the advisory council.

NDCC 50-06-46 (2)

Subcommittees

“The cross-disability advisory council . . . may appoint subcommittees to address specific topics or disabilities, which may include autism spectrum disorder, traumatic brain injury, and fetal alcohol spectrum disorder.”

NDCC 50-06-46 (4)

The presiding officer and HHS can establish subcommittees as needed. Subcommittees will review and make recommendations for their given assignments. Any subcommittee recommendations shall be brought before the council for review and/or if necessary, ratification at the next full council meeting.

Compensation

“The cross-disability advisory council members, excluding the contracted facilitator, are entitled to reimbursement from the department for travel and lodging at the same rate as provided for state officers and employees.”

NDCC 50-06-46 (7)

Decision Making Model

Most of the Committee’s work will not require formal voting as the primary work is consultative and advisory. However, when Council work does require a vote (i.e., a formal recommendation), the majority vote of the voting members present will constitute the Council’s recommendation.

Votes may only be taken when a quorum (8 or more) of voting members are present. A majority of the voting members of the Council constitutes a quorum. “Present” can include either in person or virtual participation, provided the voting member is able to participate in a synchronous (i.e., live) manner. The meeting host will make remote access available but the burden of maintaining synchronous communication lies with the remote member.

As a general principle, the Council will place a high priority on gathering perspective from all voices at the table.

Coordination of Advisory Council Work

A qualified, independent third party to facilitate and provide support services to the council by posting public meeting notices, coordinating meeting schedules, agendas, provide meeting notes, maintaining the NDCDAC.com website, and reimbursing for compensation and/or reimbursement to which they are entitled. Reimbursements will be according to state rates. They will facilitate meetings and serve as the presiding officer of the advisory council.

Advisory Council Membership as Defined in Authorizing Language

“The members are:

- a. Two individuals with a disability, who receive Medicaid home and community-based services;
- b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;
- c. Seven individuals that work with individuals with disabilities, individuals with behavioral health needs, or individuals with fetal alcohol spectrum disorder;
- d. One individual representing tribal communities, with a focus on disability services;
- e. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and
- f. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.”

NDCC 50-06-46 (3)

Membership Qualifications for Cross-Disabilities Advisory Council

Committee members will be selected based on their ability and willingness to contribute to conversations about issues that affect how HCBS services are accessed, provided and compensated in the State’s system.

Committee members should be able to:

- Share insights and information about their experiences in ways that allow others to learn from them.
- See beyond their own personal experiences or situation.
- Show concern for more than one issue or agenda.
- Listen well.
- Offer balanced feedback that helps lead conversations toward solution.
- Respect the perspectives of others.
- Speak comfortably in a group with sincerity and openness.
- Interact well with many different kinds of people.
- Work in partnership with others.

Meetings

CDAC meetings and council members will comply with North Dakota Open Meeting requirements.

Full council and subcommittee meetings will utilize Robert’s Rules of Order.

CALENDAR

“The cross-disability advisory council shall meet at least quarterly.”

NDCC 50-06-46 (5)

Scheduled and special meetings will be held in accordance with the current workload and objectives as established by legislative directives in the current biennium. The contracted Facilitator, Subject Matter Expert, or Department of Health and Human Services will determine this need.