

North Dakota Olmstead Commission
Meeting Minutes of
August 13, 2025

Voting Members Present Veronica Zietz, Tawnya Taylor, Scott Burlingame, Julianne Horntvedt, Donene Feist, Reuben Panchol, Judge Bobbie Weiler, and Representative Alisa Mitskog

Voting Members Absent Senator Kathy Hogan, Christopher Joseph, and Carey Goetz

Non-Voting Members Present Zach Greenberg – DOL, Pat Traynor – HHS, Maggie Williams – DPI, Jessie Carlson (for Chad Frisinger) – DOT, Brad Hawk – Indian Affairs, Kathryn Ralston Howe - Commerce, and Jennifer Henderson – Housing Finance Agency

Other Attendees Becky Rosenkranz and Stephanie Bouche, P & A Project; Cheryl Anderson, Vocational Rehabilitation and Amy Bergan, Rehab Services, Inc.; Kasi Kautz, DD Council; Misty Bouilly Clementich, Trevor Vannett, Tina Bay, and Kirsten Dvorak

Welcome and Introductions

The meeting was called to order at 1:00 p.m. and introductions were made by everyone present. Ms. Bouche took the roll call of all Voting and Non-Voting Members present.

Agenda Approval

The agenda covering Approval of Agenda, Approval of June 2025 minutes, Olmstead Plan Review Goal #7, Presentation on Competitive Integrated Employment: Cheryl Anderson, Presentation on Benefits Planning/Benefits Cliff: Amy Bergan, Rehab Services, Inc., Olmstead Commission Orientation Guide, Olmstead Advisory Council Guidelines, Advisory Council Orientation Guide, and updates on applications, Upcoming Meeting Date, and Public Comment was reviewed. MOTION: A motion was made by Ms. Zietz, and seconded by Judge Weiler, that today's agenda be approved as presented. The motion passed.

Minutes Approval

MOTION: A motion was made by Ms. Horntvedt, and seconded by Ms. Feist, that the June 3, 2025, meeting minutes be approved as typed. The motion passed.

Olmstead Plan Review Goal #7 Employment opportunities & incomes

Mr. Panchol stated that this agenda item was discussed at the Commission's last meeting. He asked if there was a need for discussion on this issue today. It was noted this goal was approved in the Olmstead Plan and there was no further discussion.

Presentation on Competitive Integrated Employment – Cheryl Anderson, Vocational Rehabilitation

Ms. Anderson shared that Customized Employment is defined as "Competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability, designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and carried out through flexible strategies". She added that individuals with the most significant disabilities must meet all criteria in order to participate in Customized Employment. These include: Require and meet criteria for supported employment services; Individuals who are not likely to meet the competitive demands set by employers in existing job descriptions even with the provision of supports; Individuals who would not likely benefit from traditional supported employment services or have been unsuccessful with traditional supported employment services; and Individuals who require employment that is individually negotiated to fit the individual's needs as well as employer or labor market needs. Counselors may also identify individuals as potential referrals for Customized Employment by considering whether they fit into at least one of eight criteria identified.

Ms. Anderson stated that VR's Case Process for Customized Employment includes the following: Eligible for VR Services; Comprehensive Assessment; IPE Services; Employment; and Extended Services.

Ms. Zietz asked about natural supports and obtaining the right supervisor and training based on the employer's needs. She also questioned job coaching that someone might be receiving. Ms. Anderson stated that we all have natural supports at work, and we all ask for help from our coworkers or supervisors. The idea of mentoring was mentioned. Ms. Anderson stated that she loves mentoring.

Ms. Ralston Howe asked if VR uses the In Demand occupations list to help identify a job that clients might be interested in pursuing. Ms. Anderson

stated, yes, we do that for all of our clients. We look at the individual's abilities, make a selection and then the Counselor writes a goal for that.

Ms. Anderson provided information on the 2015-2018 Expanded Supported Employment Pilot Project through Minot State/NDCPD. She noted that there were four providers involved in the pilot – HIT, CLS, Pride, and Kalix. This was a three-year pilot program that was established to gather data and information on what North Dakota needed to consider when implementing Customized Employment. A grant was awarded to Minot State to coordinate and provide training and technical assistance to the four community providers. They also gave the providers dollars for that to happen so they could hire staff. From October 2018 – September 2020, training was provided by VR to Opportunity Foundation-Williston, Lake Region-Devils Lake, Hav-It-Jamestown, and Red River-Wahpeton. From October 2020-September 2022 training was provided to Anne Carlsen-Grand Forks, Triumph-Jamestown, Easter Seals-Minot, and VTC-Fargo. Ms. Anderson stated that in October 2019 services were in place, but in March of 2020 Covid hit. This is when they noticed that the providers were struggling with staffing. Customized employment isn't just getting someone a job. The discovery process is about 40 hours. Providers stated the process takes too long and if you don't have the staffing and the resources for that to happen, it made it really difficult.

Ms. Zietz asked if the provider rate is \$55 across the board for all employment services. Is there any limit on hours. Providers are paid for 40 hours for the discovery process. Ms. Zietz asked if the issue was the workforce shortage or the rate when it came to utilizing Customized Employment. Ms. Anderson stated the providers have to navigate a ton of services and there is a lot of turnover of staff. Ms. Zietz asked if this affected all employment services and Ms. Anderson states, yes. Ms. Zietz asked if the providers can get reimbursed for participating in training. Ms. Anderson stated, no, VR doesn't have the ability to pay providers for attending training. Training was covered during the first pilot project through a grant but then Rehab Services Administration (RSA) said they couldn't do that anymore. Ms. Henderson asked if RSA is federal. Ms. Anderson stated RSA is the federal funding source that tells us what to do. Ms. Henderson added that it could be a legislative opportunity to fund training for workforce development. Ms. Anderson stated that a free training was offered through a technical assistance center, but not a lot of providers took advantage of it. The training might be free, but it's also a time commitment. When you're doing the training, you're not providing support to individuals. Providers ask

VR if they can be paid for the training. VR can't pay for the training, but that's what needs to happen. A stipend for providers for the training could increase the number of providers who use customized employment.

Presentation Debrief – discuss next steps on this topic for Olmstead Commission

Mr. Panchol asked if there was any discussion on this presentation. Ms. Zietz stated that she would like to see some research done about the rules around reimbursement for providers to encourage a change in this. Ms. Horntvedt stated that she was thinking the same thing. Mr. Panchol stated that folks should reach out to himself, Ms. Bouche or Mr. Joseph with any input on this issue.

Presentation on Benefits Planning/Benefits Cliff – Amy Bergan Rehab Services, Inc.

Ms. Bergan asked the Commission to imagine if they had to ask for something that didn't exist, and that threatened your ability to live and work independently or cost you thousands of dollars. She added that this is happening in North Dakota for people with disabilities. She stated that people are missing out on Workers with Disabilities (WWD) Medicaid because the system has failed them. People's jobs are being threatened, and it is costing them thousands of dollars because they are not being tested for eligibility for WWD Medicaid. If they make the choice to work, there can be a real loss of benefits. People are losing in-home supports and job coaching supports.

The WWD Medicaid is in the state plan for someone who is working and disabled. Their income should be able to increase without affecting their recipient liability. WWD Medicaid says you can have \$13,000 in assets as opposed to traditional Medicaid asset limit of \$3,000. The Medically Needy Medicaid group has an income limit of \$1,174 per month; anything over that amount becomes the recipient liability. If the individual was on WWD Medicaid, they would pay significantly less, but the eligibility process is not automated to test for any earned income.

When an individual with a disability goes to work it can create fear and anxiety; wondering if working is even worth it. If an individual is not enrolled in WWD Medicaid they are turning down jobs and not taking raises; this is not new. Individuals who are working are placed in a Medically Needy group for Recipient Liability because the system isn't automatically testing. The individual does XYZ but still told that they are not eligible and told to reapply

and that it is their fault. They are told the individual needs to ask to enroll in WWD Medicaid. There's very little awareness that this program exists and it doesn't make sense that they would put it on the person to ask for it; Medicaid is not doing their job. Once the individual is finally enrolled it doesn't say that anything is corrected going backwards; only going forward. People are not being tested and they should have been. Ms. Bergan stated that RSI is doing workarounds and helping people the best we can. She shared some information on an individual that owed \$5,000 in Recipient Liability; they did not test him for WWD Medicaid. ND Medicaid state policy is to test everyone, but the system doesn't automatically test, and it is literally built into the system. She dug into the same policies that Medicaid follows; federal policies mirror ND policy. Ms. Bergan stated that it's not just ND policy being violated and she went to the policy administrator and asked them to explain. They admitted that they do not test everyone. The policy administrator stated that she thought about 500 people enrolled in WWD Medicaid, with approximately 200 more to be enrolled. There needs to be a flag to remind people to test. Testing is apparently being deprioritized due to the big beautiful bill. Ms. Bergan stated that she reached out (phone call and e-mail) to the state Medicaid director and confirmed that automation is missing, and the Medicaid director did say that it was a systemic error, and the person was terminated unnecessarily. The director stated that she doesn't think the system can identify those people that were harmed by this. This is a violation of state and federal policy. She did offer for Ms. Bergan to bring people forward that were impacted. There have been about 20 people impacted since the COVID unwinding started and this information was shared with the director. They are not sure if the system can go back and check. Ms. Bergan stated that she has reached out to the Protection and Advocacy Project on this issue. She is seeking support and encouragement from the Olmstead Commission to push for automation of the Medicaid system as a minimum.

Judge Weiler stated that she feels the RSI is doing some good work and encouraged Ms. Bergan to keep going. Mr. Vannett stated that he agrees with Ms. Bergan. He stated that Medicaid doesn't know what they are doing. He added that families need help. He stated that guardians are being accused of not doing the paperwork. He would like the Olmstead Commission to look into that issue.

Judge Weiler stated Medicaid claimed that they did not get her paperwork for her son. She personally dropped it off at the Medicaid office and it took

another 2 months to hear back from them. She has started to turn things in via email so there is no chance of them getting lost.

Ms. Bergan stated that notices are hard to read, they are not clear on what they need the individual to do. It has been difficult to understand for everyone. Mr. Vannett added that the county was told what they needed to improve on and it just didn't happen. They were given several opportunities to do it right.

Ms. Feist stated that during the reauthorization process, her office received many calls regarding waivers and eligibility. We let the Medicaid director know what we were seeing and that individuals needed help to expedite some of these things. There was only one person at the state Medicaid office to answer questions and help solve issues. This is happening all across the board with the waivers also.

Mr. Burlingame stated that the frustrating part is that there are a lot of barriers to getting them employed. The reality is that there is so much turnover in state positions and the lack of knowledge around everything; how do we reeducate folks. There are low expectations. Knowledge is power; give them knowledge so that they can advocate for themselves. Training for providers is needed. Also, more outreach efforts to tribal affiliations. Judge Weiler asked about the schools and whether this is something they can give the parents. Ms. Bergan stated the more people we can spread the word to on this issue the better.

Ms. Henderson stated that there is a meeting next Tuesday, August 19, 2025, at 2:00 p.m. of the ND Medicaid Advisory Committee. Ms. Bergan was encouraged to pull all the pieces together that took place in the last few months and present them during the Public Comment section of this meeting.

Ms. Bergan was thanked for her very informative presentation.

Presentation Debrief – discuss next steps on this topic for Olmstead Commission

The question was raised whether a letter should be written and sent in regarding the issues surrounding WWD Medicaid. Ms. Zietz stated that this is totally up to the Commission. Doing research projects, having speakers, or providing testimony to an interim group can provide insight and awareness.

Ms. Bergan stated that taking this to the next level by writing a letter of support could be very beneficial.

Judge Weiler asked what the Commission's parameters are as far as advocating. Ms. Zietz stated that the executive order does not provide the Commission with any enforcement powers or explicitly define the activities of the Commission. The Commission has recently operated as a group that can make recommendations, provide guidance, do research, propose systems change, etc. Judge Weiler stated that we want to put some teeth into it. We need to look at some research and find out just how many people this has affected and put it in a Letter of Support. Ms. Zietz stated that Ms. Bouche could work something up for the Commission to review at the next meeting. Doing some fact finding so that we can decide what we want to do. She added that looking at the big picture with some different options for action that can be taken.

Judge Weiler asked if there is a brochure about this specific program that we can send out to people. It would be nice to get a copy to look at and would be informational for everyone involved. Ms. Bergan stated that Medicaid just recently updated their eligibility page and fact sheet. Ms. Horntvedt stated that this is a good way for the Commission to look at a system problem and make recommendations.

MOTION: A motion was made by Ms. Horntvedt, and seconded by Mr. Burlingame, that Ms. Bouche do some research, and review all options, including a Letter of Support. This will be brought back to the Commission's next meeting. The motion passed.

Olmstead Commission Orientation Guide

Ms. Bouche highlighted some aspects of the ND Olmstead Commission Orientation Guidelines. The guide shares the History of Olmstead, the make-up of the Commission, including a description of Voting and Non-Voting Members, and a breakdown of the Olmstead Plan.

Olmstead Advisory Council Guidelines, Advisory Council Orientation Guide, and updates on applications

Ms. Bouche stated that the Commission received five (5) applications for its Advisory Council. She'd like the Council to include at least 7-10 people with lived experience. Applications can be submitted to Ms. Bouche or the Olmstead Commission website. Ms. Bouche reviewed the Olmstead Commission Advisory Council Guidelines. The term for each member is for

one year and meetings are held quarterly, in between regularly scheduled Commission meetings. Mr. Traynor and Ms. Horntvedt both expressed an interest in sitting in on Advisory Council meetings.

Follow-up on Customized Employment

Ms. Zietz stated that the Commission is not finished working on employment issues as addressed in Goal #7. What will be the Commission's next move or do we want to put this to rest. MOTION: Regarding Customized Employment, Ms. Zietz made a motion that Ms. Bouche do some research into the opportunity to come up with a mechanism for reimbursement for providers and then bring it back to the Commission at the next meeting. Judge Weiler seconded the motion. The motion passed.

Upcoming Meeting Date

The next Olmstead Commission meeting date is Wednesday, November 12, 2025 from 1:00 – 3:00 p.m. Topic: Housing

Ms. Bouche asked the Commission specifically what they would like to focus on regarding the housing issue. Mr. Vannett stated that he would like to hear more about the new federal requirements for the housing voucher, as it is getting harder and harder to get a voucher.

Mr. Burlingame stated that some of the biggest barriers we are seeing right now related to housing is someone with a criminal background and/or too many evictions. We need some alternative solutions to those issues. Ms. Zietz stated that an interim legislative committee is looking at sealing records. We need to communicate with our legislators. This is preventing people from getting housing.

Ms. Henderson stated that a legislative wrap-up presentation regarding housing on what went through the legislature and what was left on the table would be helpful from the Housing Finance Agency. This would be an opportunity to discuss and make some improvements on the bills for the next legislative session. This information would address Goal #4. Ms. Henderson offered to do part of the presentation. Judge Weiler stated that she would be interested in finding out exactly what housing is available and what is missing. There is a homelessness study scheduled for September 4, 2025. Ms. Henderson, or someone from the Housing Finance Agency, will plan to present at the next Commission meeting, along with potentially someone from DHHS, on the issue of housing.

Public Comment

Mr. Vannett stated that the process of being reimbursed through the Zones for out of state travel is a disaster. It is a 24-month process to get it all done and this needs to be addressed.

Mr. Traynor stated that he would like to continue discussion on some of the issues about Medicaid. Ms. Sally Meyer is his assistant and could help with scheduling a meeting. He wants to address some of these issues that were brought to light to see what can be done.

Meeting Adjourned

MOTION: A motion was made by Ms. Zietz, and seconded by Judge Weiler, that the meeting be adjourned at 2:42 p.m.