

**ND Olmstead Commission Advisory Council**  
**Meeting Minutes of**  
**January 7, 2026**

**Members Present** Sheryl Beard, Trevor Vannett, Brenda Schmid, Katherine Rafferty, Nickie Livedalen, Tami Ternes

**Olmstead Commission Members Present** Julianne Horntvedt, Veronica Zietz

**Other Attendees** Stephanie Bouche, Olmstead Commission Coordinator; Tina Bay, on behalf of Pat Traynor; Tim Eissinger, on behalf of Pat Traynor; Shannon Coulter, XR for VR

**Welcome and Introductions**

The meeting was called to order at 1:01 p.m. and Ms. Bouche went through attendance.

**Advisory Council Guide**

Ms. Bouche reviewed the Advisory Council Guide. She mentioned that it goes over the history of Olmstead, the Olmstead Commission, and the Olmstead Plan. She then went through the Council's roles and responsibilities: The Council plays a crucial role in providing informed recommendations and expert guidance to the Commission. Its primary function is to advise — offering thoughtful analysis, perspectives, and suggestions on matters under consideration. However, the responsibility for making final decisions rests solely with the Commission. While the Council may recommend a course of action, it does not direct outcomes. This distinction ensures a collaborative process while preserving the Commission's authority to chart the direction forward.

Advisory Council members will be approved by the Commission and serve for one year on a voluntary basis. Reappointment to the Council will be at the Commission's discretion. Any Council member who fails to attend three consecutive meetings without notice or cause may be dropped from the Council at the Commission's discretion. Council members may attend Commission meetings and will be offered an opportunity to provide comment during times identified on the agenda. Council members are not to interject on matters outside of identified agenda slot and are not allowed to vote on Commission matters.

**Olmstead Commission Functional Scope**

Ms. Bouche reviewed the Olmstead Commission's Functional Scope and explained the steps the Commission can take to accomplish their goals. The Commission can

request information, receive speakers and presentations, do research, develop and issue recommendations, write a letter in support, publish white papers, issue position statements, bring legislation in partnership with the Commission's legislative members, provide testimony, submit comments on administrative rules, and file complaints or referrals with licensing entities, the Department of Justice, Department of Labor, Office for Civil Rights, or payors such as Medicaid.

### **Customized Employment**

Ms. Bouche shared information on Customized Employment, explaining that it offers individuals with the most significant disabilities an opportunity to pursue competitive, integrated employment. She noted that North Dakota defines Customized Employment as an individualized approach that aligns an individual's strengths, needs, and interests with the specific needs of an employer. This may include job carving, self-employment, or other customized job development strategies.

North Dakota initially used a North Dakota Center for Persons with Disabilities (NDCPD) grant to fund both training and staff time for provider training, as the process is intensive. While a new grant now covers training costs, it does not reimburse providers for staff time. As a result, fewer providers are sending staff to training due to the out-of-pocket cost for staff wages.

The Commission has several recommendations to consider. One option is to seek legislative appropriation to support workforce training and development in customized employment, allowing providers to be reimbursed for staff time spent on training. Another option is to recommend that Vocational Rehabilitation (VR) reassess and update its reimbursement structure. Ms. Bouche shared that Colorado pays higher hourly rates and milestone payments for customized employment compared to other employment services. While updating VR's reimbursement schedule would require changes across all employment services, a provider Ms. Bouche spoke with supported this idea. Once the training grant ends, providers will be responsible for both training costs and staff time, and higher reimbursement rates could incentivize providers to invest in training and offer customized employment rather than less time-intensive services.

Additional recommendations include supporting and expanding programs that introduce students with disabilities and their families to competitive, integrated employment at an early age. While VR currently does this, there is opportunity for growth. VR and the provider Ms. Bouche spoke with also support broad marketing efforts to highlight successful customized employment outcomes, which could increase awareness and prioritization of these services. Additionally, developing

career pathways for high school and college students into the direct service workforce could help address provider staffing shortages and increase capacity to deliver time intensive customized employment services.

Other states have found that smaller providers are more likely than larger providers to continue offering customized employment, suggesting a need for targeted outreach to these providers. Additionally, the Commission could support state-funded grant initiatives that help providers transition from sheltered employment and subminimum wage models to competitive, integrated employment, including customized employment.

VR suggested an additional idea of designating one provider in each of four or five regions across the state to serve as a customized employment expert. These providers would coordinate with VR to deliver customized employment services within their respective regions.

### **Customized Employment Discussion**

Ms. Horntvedt asked if individual would be VR staff or provider staff. Ms. Bouche stated that it would still be provider staff, and that provider would apply to VR to be the provider in the region and then any customized employment cases would go to them. Ms. Horntvedt indicated she liked this idea.

Ms. Schmid agreed with Ms. Horntvedt, she liked VR's idea. She asked if the providers who are doing customized employment are also providing other services. She asked if the smaller providers are more successful in customized employment because they aren't offering the full gamut of services. She thought that speaks to the idea of having one provider that does customized employment in a region.

Ms. Schmid shared about her adult daughter, who lives with her and her husband in Fargo. While attending Davies High School, her daughter participated in a social inclusion program in which students earned credit for spending time with and supporting students with disabilities in activities aligned with their interests. The program was very popular, with a waiting list for participation. Ms. Schmid expressed support for the idea of a direct support professional (DSP) course and noted that she currently provides self-directed care for her daughter, who has significant needs, due to limited provider capacity.

Mr. Vannett expressed support for the recommendation to offer financial incentives. Ms. Beard asked if the providers also get training in the other employment services. Ms. Bouche confirmed that providers also receive training in other employment services and noted that providers sometimes choose other

employment services because customized employment is more time intensive. She explained that the discovery phase alone can take up to 40 hours, yet all employment services currently receive the same hourly rate. Ms. Bouche added that higher hourly rates or milestone payments for customized employment could encourage providers to offer it more often.

Mr. Vannett stated that he would like to move forward with recommending that VR update its employment services to provide higher reimbursement for customized employment and seek funding to support training, though he was unsure whether funding for training would be appropriated. Ms. Ternes shared that she was uncertain whether it would be more effective to designate a regional provider or to focus on strengthening the direct service workforce but expressed support for the financial incentive.

### **Customized Employment Recommendations**

The Advisory Council suggests that the Commission recommend VR reassess and update its reimbursement structure. If VR is unable to do so, the Council recommends seeking legislative appropriation to fund training. The Council also recommends designating one provider in each of four to five regions, with a dedicated staff member coordinating customized employment services in that region through VR.

Ms. Schmid volunteered to bring the Advisory Council recommendations to the Olmstead Commission meeting on February 4<sup>th</sup>.

### **Workers with Disabilities Medicaid**

Ms. Bouche presented on Workers with Disabilities (WWD) Medicaid, which allows North Dakotans with disabilities to work while keeping Medicaid coverage. She explained qualifications for the program, the 5% gross income monthly premium, and noted that Medicaid rules require individuals be given the choice between traditional Medicaid (or Medically Needy) and WWD Medicaid. Using an example from Joyce Johnson (HHS), she highlighted the difference in client share between Medically Needy and WWD Medicaid. Because the process is not automated, many eligible individuals are being missed, as eligibility workers must screen manually. HHS estimates automation in 2027, and currently 24,738 individuals are paying a client share.

Ms. Bouche noted that WWD Medicaid requires a \$100 enrollment fee. At the last Commission meeting, there was discussion about eliminating this fee as a barrier. Since it is a state, not federal, requirement, the state could choose to remove it.

Other WWD Medicaid recommendations discussed by the Commission included automating enrollment before 2027, clarifying website terminology to distinguish “gross income,” “countable income,” and “gross countable income,” and publishing a clear, user-friendly guide on how countable income is calculated. They also discussed providing additional training for eligibility workers to screen for WWD Medicaid before automation is in place, contacting individuals currently paying a client share to inform them about the program and schedule appointments, and expanding the list of disregarded income categories.

### **Workers with Disabilities Medicaid Discussion**

Mr. Vannett added that HHS should create an online payment/documentation portal for WWD Medicaid to reduce paperwork and prevent documents from being lost. In his experience, there have been a lot of issues with things being misplaced.

### **Workers with Disabilities Medicaid Recommendations**

The Advisory Council endorsed most of the recommendations and suggests the Commission recommend that HHS automate WWD Medicaid enrollment earlier than 2027 if possible; clarify income terminology on its website with a clear, user-friendly guide explaining how countable income is calculated; and provide additional training for eligibility workers to ensure WWD Medicaid is assessed before automation. HHS should also proactively contact individuals currently paying a client share to inform them about the program and offer appointments, eliminate the \$100 enrollment fee, and create an online portal for payments and document submission to reduce paperwork and prevent lost documents.

Ms. Schmid volunteered to bring the Advisory Council recommendations to the Olmstead Commission meeting on February 4<sup>th</sup>.

### **Future Topic: Housing**

The Commission’s next topic is housing, with Money Follows the Person scheduled to present at the next meeting. The Advisory Council recommends prioritizing home modifications that help individuals remain in their homes. Different waivers have different language regarding home modifications, creating barriers such as requiring multiple bids and 30-day bid expirations. These requirements are especially challenging in rural areas, where builders may be unwilling to travel. The Council noted that these disparities between waivers should be addressed.

Ms. Beard noted that the Commission should also consider individuals who are not on waivers and how they can access home modifications. Ms. Ternes shared that the North Dakota Housing Finance Agency offers the RAP program for those not

enrolled in a waiver. Ms. Ternes also noted that landlords often face challenges understanding what accommodations and modifications are required, and Ms. Livedalen added that workforce issues remain a barrier, particularly in finding contractors willing to complete smaller modification projects.

**Meeting Adjourned**

Ms. Bouche adjourned the meeting at 2:35 p.m.