

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2027

Introduced by

Legislative Council

(Budget Committee on Home and Community Care)

(Senator DeMers)

(Representatives Boucher, Coats, Grumbo)

1 A BILL for an Act to create and enact a new subsection to section 50-06.2-02 and two new
2 sections to chapter 50-06.2 of the North Dakota Century Code, relating to requirements for
3 private providers and qualified service providers; to amend and reenact section 50-06.2-01,
4 50-06.2-03, and subsection 1 of section 50-25.2-03 of the North Dakota Century Code, relating
5 to definitions and requirements for private providers; and to provide a penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 50-06.2-01 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **50-06.2-01. Purpose - Interpretation.** It is the purpose of this chapter to establish a
10 system for planning, coordinating, and providing comprehensive human services administered
11 by county social service boards ~~and~~, human service centers, and private providers. This
12 chapter must be construed to effectuate the following ~~public~~ purposes:

- 13 1. To help individuals or their families to achieve, maintain, or support the highest
14 attainable level of personal independence and economic self-sufficiency.
- 15 2. To prevent, remedy, or alleviate neglect, abuse, or exploitation of children and
16 adults unable to protect their own interests.
- 17 3. To provide a continuum of community-based services adequate to appropriately
18 sustain individuals in their homes and in their communities and to delay or prevent
19 institutional care.
- 20 4. To preserve, rehabilitate, and reunite families.
- 21 5. To assist in securing referral or admission of individuals to institutional care when
22 other forms of care are not appropriate.

23 **SECTION 2.** A new subsection to section 50-06.2-02 of the 1995 Supplement to the
24 North Dakota Century Code is created and enacted as follows:

1 "Private provider" means a person who is registered by the state agency, who
2 agrees to meet and maintain the standards for service and operations established
3 by the state agency, and who, in a place of residence in exchange for a fee,
4 provides at least one of the following services: (a) respite care, (b) home health
5 aide, (c) case management, (d) personal attendant care, or (e) adult family foster
6 care. The term includes a person who provides one or more of the services to
7 private pay clients.

8 **SECTION 3. AMENDMENT.** Section 50-06.2-03 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **50-06.2-03. Powers and duties of the state agency.** The state agency has the
11 following powers or duties under this chapter:

- 12 1. To act as the official agency of the state in the administration of the human
13 services programs for individuals and families in conformity with state and federal
14 requirements.
- 15 2. To prepare, at least biennially, a comprehensive human services plan ~~which~~ that
16 must:
 - 17 a. Include human services determined essential in effectuating the purposes of
18 this chapter.
 - 19 b. Detail the human services identified by the state agency for provision by
20 human service centers and the services ~~which~~ that the county agencies have
21 agreed to make available in approved county plans as a condition for the
22 receipt of any funds allocated or distributed by the state agency.
- 23 3. To make available, through county agencies ~~or~~, human service centers, any or all
24 of the services set out in the comprehensive human services plan on behalf of
25 those individuals and families determined to be eligible for those services under
26 criteria established by the state agency.
- 27 4. To supervise and direct the comprehensive human services administered by
28 county agencies and human service centers through standard-setting, technical
29 assistance, approval of county and regional plans, preparation of the
30 comprehensive human services plan, evaluation of comprehensive human service
31 programs, and distribution of public money for services.

5. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, ~~which~~ that meet standards for services and operations, for the provision of the following services as defined in the comprehensive human service plan which are provided to persons who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:

- a. Homemaker services;
- b. Chore services;
- c. Respite care;
- d. Home health aide services;
- e. Case management;
- f. Family home care;
- g. Personal attendant care;
- h. Adult family foster care; and
- i. ~~Such~~ Any other services as the state agency determines to be essential and appropriate to sustain individuals in their homes and in their communities and to delay or prevent institutional care.

6. To register a private provider for which the state agency may charge a fee not to exceed ten dollars.

7. To maintain a registry of all in-home providers including qualified service providers and private providers.

8. To provide a uniform data base of all providers registered with the state agency and other appropriate boards and agencies as determined by the state agency.

9. To maintain documentation of all complaints reported by an individual receiving services from a private provider or qualified service provider.

10. To take actions, give directions, and adopt rules as necessary to carry out the provisions of this chapter.

For purposes of this chapter, resources do not include the person's primary home and the first fifty thousand dollars in assets.

SECTION 4. A new section to chapter 50-06.2 of the North Dakota Century Code is created and enacted as follows:

**Persons required and permitted to report concerns and complaints against
private providers and qualified service providers - To whom reported.**

1. Any case manager, qualified service provider, or private provider shall report client concerns and complaints to the state agency.
2. Any person aware of concerns or complaints of a client regarding the services provided by a qualified service provider or private provider may report the concerns and complaints to the state agency.

SECTION 5. A new section to chapter 50-06.2 of the North Dakota Century Code is created and enacted as follows:

Penalty - Exceptions. Any unregistered person who provides any service listed in section 2 of this Act is guilty of a class B misdemeanor. This chapter does not prohibit a person:

1. From providing the service on a volunteer basis without compensation;
2. From providing the service for a family member; or
3. Licensed under title 43 or another law from providing the service if the service is included within the scope of the practice for which the person is licensed.

SECTION 6. AMENDMENT. Subsection 1 of section 50-25.2-03 of the North Dakota Century Code is amended and reenacted as follows:

1. A Notwithstanding subsection 1 of section 4 of this Act, a person who has reasonable cause to believe that a vulnerable adult has been subjected to abuse or neglect, or who observes a vulnerable adult being subjected to conditions or circumstances that reasonably would result in abuse or neglect, may report the information to the department or the department's designee or to an appropriate law enforcement agency. A law enforcement agency receiving a report under this section shall immediately notify the department or the department's designee of the report.