

**HOUSE BILL NO. 1112**

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 50-24.5-02 of the North Dakota Century Code,  
2 relating to the powers of the department of human services relating to the aid to aged, blind,  
3 and disabled persons program.

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

5 **SECTION 1. AMENDMENT.** Section 50-24.5-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **50-24.5-02. Powers and duties of the department.** The department shall:

- 8 1. Administer aid to vulnerable aged, blind, and disabled persons and supervise and  
9 direct county agencies in the administration of aid to vulnerable aged, blind, and  
10 disabled persons.
- 11 2. Supplement, within the limits of legislative appropriation, the income of an eligible  
12 beneficiary receiving necessary adult family foster care services to the extent that  
13 the eligible beneficiary lacks income sufficient to meet the cost of that care  
14 provided at rates determined by the department.
- 15 3. Supplement, within the limits of legislative appropriation, the income of an eligible  
16 beneficiary receiving necessary basic care services to the extent that the eligible  
17 beneficiary lacks income sufficient to meet the cost of that care, provided at rates  
18 determined by the department.
- 19 4. Pay qualified service providers at rates determined by the department, within the  
20 limits of legislative appropriation, for the provision of the following services  
21 provided to an eligible beneficiary to the extent that the eligible beneficiary lacks  
22 income sufficient to meet the cost of these services:
  - 23 a. Homemaker services;
  - 24 b. Chore services;

- 1 c. Respite care;
- 2 d. Home health aide services;
- 3 e. Case management;
- 4 f. Family home care;
- 5 g. Personal attendant care;
- 6 h. Adult family foster care;
- 7 i. Adaptive assessment; and
- 8 j. Other services the department determines to be essential and appropriate to
- 9 sustain an individual in the individual's home and community and to delay or
- 10 prevent institutional care.
- 11 5. Establish, maintain, and ensure the enforcement of standards for congregate
- 12 housing as may be appropriate to the needs of the residents of congregate housing
- 13 who are receiving services under this chapter. The standards must govern matters
- 14 such as admission policy, safety, sanitation, and protection of civil rights.
- 15 6. Establish an individualized care rate for each eligible beneficiary receiving adult
- 16 family foster care services or assisted living services.
- 17 7. Establish annually per diem rates and limits on actual allowable historical costs
- 18 based on cost reports for all basic care facilities participating in the basic care
- 19 assistance program. The limits established by the department may not be less
- 20 than the per diem rate for the eightieth percentile bed in each cost category. In
- 21 determining allowable historical cost per diems for purposes of establishing limits
- 22 and payment rates, the department shall divide allowable historical costs by the
- 23 actual number of resident days, except when a facility is occupied at less than
- 24 ninety percent of licensed capacity days, the department may establish procedures
- 25 to adjust the computation of the per diem to an imputed occupancy level at or
- 26 below ninety percent. The department may combine one or more cost categories
- 27 and may use different methods for calculating the per diem rate for each cost
- 28 category or combination of cost categories.
- 29 8. Issue payment to basic facilities and adult family foster care facilities for services
- 30 provided to an eligible beneficiary.
- 31 ~~8.~~ 9. Take action and give directions necessary to implement this chapter.