

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2133

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 50-24.1-18.1 of the North Dakota Century  
2 Code, relating to consumer-directed care for medical assistance recipients.

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

4 **SECTION 1. AMENDMENT.** Section 50-24.1-18.1 of the North Dakota Century Code  
5 is amended and reenacted as follows:

6 **50-24.1-18.1. ~~Personal care~~ Consumer-directed health maintenance services -**  
7 **Residing at home.** ~~Subject to the requirements under title 42, Code of Federal Regulations,~~  
8 ~~part 440, section 167, the~~ The department of human services shall provide a personal care  
9 services program for eligible medical assistance recipients ~~who are residing in their own~~  
10 ~~homes.~~ The department shall seek a waiver of federal law provide an attendant care program  
11 ~~to permit disabled and elderly individuals to direct their own care and to permit personal care~~  
12 health maintenance services authorized under this section to be provided by nonlicensed  
13 ~~personal care service providers.~~ Health maintenance services means care that enables an  
14 individual to live at home, and which is based upon the determination of a physician which  
15 concludes that the individual is medically stable and is competent to direct the care provided by  
16 a nonlicensed care provider. Health maintenance services includes assistance with the  
17 activities of daily living such as getting in and out of bed, wheelchair, or motor vehicle;  
18 assistance with routine bodily functions such as bathing and personal hygiene, dressing, and  
19 grooming; and feeding, including preparation and cleanup. Health maintenance services also  
20 include any other medical, nursing, or home health care services that will maintain the health  
21 and well-being of the individual and will allow the individual to remain in the community and  
22 which are services that an individual without a functional disability would customarily and  
23 personally perform without the assistance of a licensed health care provider, such as catheter  
24 irrigation, administration of medications, or wound care.