

Sixty-ninth
Legislative Assembly
of North Dakota

SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2305

Introduced by

Senators Hogan, Cleary, Lee, Weston

Representative Dobervich

1 A BILL for an Act to amend and reenact section 50-24.1-47 of the North Dakota Century Code,
2 relating to the family paid caregiver service pilot project and the cross-disability advisory
3 council; and to provide an appropriation.

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

5 **SECTION 1. AMENDMENT.** Section 50-24.1-47 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-24.1-47. Family paid caregiver service pilot project –~~Report~~. (Contingent**
8 **expiration date - [See note](#))**

- 9 1. The department shall ~~establish~~manage and operate the family paid caregiver service
10 pilot project to ~~assist in making payments~~make payments to a legally responsible
11 individual who provides extraordinary care to an eligible individual who is a participant
12 in the Medicaid 1915(c) waivers, excluding the home and community-based services
13 aged and disabled waiver.
- 14 2. The family paid caregiver service pilot project ~~may~~must include funding for
15 extraordinary care, which means care:
- 16 a. Exceeding the range of activities a legally responsible individual would ordinarily
17 perform in the household on behalf of an individual without extraordinary medical
18 or behavioral needs; and
- 19 b. Is necessary to assure the health and welfare and avoid institutionalization of the
20 individual in need of care.
- 21 3. The department may adopt rules addressing management of the family paid caregiver
22 service pilot project and establish the eligibility requirements and exclusions for the

family paid caregiver service pilot project. The department shall manage and operate the family paid caregiver service pilot project in accordance with the adopted rules and within the limits of legislative appropriation for the family paid caregiver service pilot project. The department shall utilize an assessment of an eligible individual to determine the level of care authorized and to determine the best interests of the individual in need of care. The pilot project may not provide a payment for need for extraordinary care which must consider the unique needs and circumstances of applicants including age, activities of daily living, medical needs, and social emotional needs. The department may not make payments to a legally responsible individual which duplicate any care that is otherwise compensated through a service or assistance provided, administered, or supervised by the department, including Medicaid 1915(c) waiver or the Medicaid state plan. A legally responsible individual shall attest on an annual basis that the legally responsible individual agrees not to seek reimbursement for extraordinary care through the family paid caregiver service pilot project on days when other 1915(c) waiver services are paid by the department.

4. A decision on an application which is issued by the department under this section may be appealed as provided under chapter 28-32. An individual may not appeal a denial, a revocation, a reduction in payment, or the termination of the family paid caregiver service pilot project administered by the department due to the unavailability of funding received for the purpose of issuing payments as part of the family paid caregiver service pilot project for the biennium.

5. ~~The department shall provide the legislative management with periodic reports on the impact, usage, and costs associated with the family caregiver service pilot project.~~ A payment under this section to a legally responsible individual must be commensurate with the rate for family caregiving in the home and community-based services aged and disabled waiver.

6. The cross-disability advisory council under section 50-06-46 shall participate with and provide feedback to the department on the planning, design, and ongoing implementation of the family paid caregiver service pilot project and future centers for Medicare and Medicaid services children's cross-disability 1915(c) waiver. The council

1 shall provide input into the development of the assessment method used to determine
2 the need for extraordinary care.

3 **SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES -**
4 **ONE-TIME FUNDING - FAMILY PAID CAREGIVER SERVICE PILOT PROJECT.** There is
5 appropriated out of any moneys in the general fund in the state treasury, not otherwise
6 appropriated, the sum of \$7,300,000, or so much of the sum as may be necessary, to the
7 department of health and human services for the purpose of establishing and issuing payments
8 as part of the family paid caregiver service pilot project, for the biennium beginning July 1, 2025,
9 and ending June 30, 2027.