

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.