

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2276

Introduced by

Senators Cleary, Dever, Lee

1 A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota
2 Century Code, relating to legally responsible individuals providing Medicaid waiver services.

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

4 **SECTION 1.** A new section to chapter 50-24.1 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Eligibility of legally responsible individuals.**

7 1. As used in this section:

8 a. "Extraordinary care" means care exceeding the range of activities a legally
9 responsible individual would ordinarily perform in the household on behalf of an
10 individual without extraordinary medical needs, and which is necessary to assure
11 the health and welfare of the individual and avoid institutionalization.

12 b. "Legally responsible individual" includes a legal decisionmaker, guardian, or
13 parent who is next-of-kin to an individual with extraordinary medical needs.

14 2. The department shall work with the centers for Medicare and Medicaid services to
15 implement a service option that will allow payment to a legally responsible individual
16 who provides extraordinary care to an eligible individual. This service option must be
17 available for participants in the Medicaid 1915(c) waivers.

18 3. The department may utilize an annual assessment of an eligible individual under this
19 section to determine the level of care authorized and to determine the best interests of
20 the individual.

21 4. This section does not apply to the Medicaid 1915(c) waiver for home and community-
22 based services, aged and disabled.