

SECTION 1. Family Caregiver service pilot project – Legislative management report – Appeal.

1. The department of health and human services shall establish a service pilot project beginning April 1, 2024, to assist in making payments to a legally responsible individual who provides extraordinary care to an eligible individual who is a participant in the Medicaid 1915(c) waivers, excluding the HCBS Aged and Disabled Waiver.
2. The program may include funding for extraordinary care, which means care exceeding the range of activities a legally responsible individual would ordinarily perform in the household on behalf of an individual without extraordinary medical or behavioral needs, and which is necessary to assure the health and welfare of the individual and avoid institutionalization. A legally responsible individual includes a legal decisionmaker, guardian, or parent who is next-of-kin to an individual with extraordinary medical or behavioral needs.
3. The department may adopt rules addressing management of this service program pilot project and establishing the eligibility requirements and exclusions for this 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. The pilot may not provide a payment for any care that is otherwise compensated through a Medicaid 1915(c) waiver or the Medicaid State Plan.
4. decision on an application which is issued by the department under this section may be appealed as provided under chapter 28-32. A person may not appeal a denial, revocation, reduction in payment, or the termination of the program of service by the department due to the unavailability of funding received for the purpose of issuing payments as part of the family caregiving service pilot project for the biennium beginning July 1, 2023, and ending June 30, 2025.
5. The department of health and human services shall report to the legislative management regarding the family caregiver service pilot project.

SECTION 2. Department of Health and Human Services Cross-Disability Waiver. The department of health and human services, during the biennium beginning July 1, 2023 and ending June 30, 2025, shall [insert the language re cross disability council and Alvarez report work – Sec 1 from House version of 2276]

SECTION 3. Appropriation – Department of health and human services family caregiver service pilot coordinator. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000 or so much of the sum as may be necessary, to the department of health and human services for the purpose of hiring a state family caregiver service pilot coordinator who would be responsible for implementing the service pilot and for establishment of a payment portal, for the biennium beginning July 1, 2023, and ending June 30, 2025. The department of health and human services is authorized one full-time equivalent position for this purpose. The funding providing under this section is a one-time funding item.

SECTION 4. Appropriation – Department of health and human services – Family Caregiving Service Pilot Project. There is appropriated out of any moneys in the general fund in the state treasury, not

otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the department of health and human services, for the purpose of issuing payments as part of the family caregiving service pilot project, beginning January 1, 2024. Participation in this service pilot is capped at 160 individuals. The funding providing under this section is a one-time funding item.

SECTION 5 – Appropriation – Department of health and human services – Cross Disability Council and Waiver. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated the sum of \$726,813 and from special funds derived from federal funds and other income, the sum of \$726,813, or so much of the sum as may be necessary, to the department of health and human services, for the purpose of supporting the work of the Cross Disability Council and the work of developing the cross disability waiver, beginning August 1, 2023.

SECTION 6. Expiration Date. Given availability of appropriated funds, Section 1 of this Act is effective until such time as an approximately equivalent family caregiving service is available through a Centers for Medicare and Medicaid approved home and community-based waiver(s). Once this service is available via an approved Medicaid waiver, section 1 of this bill is ineffective.