

**SB 2276** creates a new service, to be available in ND’s Medicaid 1915(c) waivers, that would support a person who is served by the waiver by allowing the person’s primary caregiver (legally responsible person) to forgo work outside of the home when the person has extraordinary medical needs.

According to CMS guidelines, a legally responsible individual can provide personal care services when the care is extraordinary and **exceeds care ordinarily provided to participants of similar age without a disability.**

Three components of the fiscal note -

1. Intermediary/fiscal agent – enroll and process payments to the primary caregiver/legally responsible person.
2. HHS resources – establish program guidelines, work with CMS on approval of new service, program outreach, authorize service, quality assurance and technical assistance for families.
3. Service delivery – new service, not replacing existing services.

DAILY RATE					
	Daily rate	Days/Wk	People served	Weekly Cost*	Annual Cost
<b>Ages 0-4</b>	150.38	5	48	\$36,046	\$1,874,396
<b>Ages 5-11</b>	75.19	5	112	\$42,054	\$2,186,796
<b>Ages 12-17</b>	75.19	5	96	\$36,046	\$1,874,396
<b>Ages 18-21 In School</b>	75.19	5	16	\$6,008	\$312,399
<b>Ages 18-21 Graduate</b>	150.38	5	16	\$12,015	\$624,799
<b>Ages 22+</b>	150.38	5	32	\$24,031	\$1,249,598
			<b>320</b>	<b>\$156,200</b>	<b>\$8,122,385</b>

\*Numbers may vary due to rounding.

- **Ages 0 through 4** – 15% of likely service population; authorized services up to **40 hours/week**. No school option and child is unable to safely attend a typical childcare setting due to extraordinary care needs.
- **Ages 5 through 11** – 35% of likely service population, authorize services up to **20 hours / week\***. Eligible to attend school (typical school day is 6 hours, however due to extraordinary care needs expect 4 hours of school/day) and child is unable to safely attend a typical childcare setting due to extraordinary care needs.

- **Ages 12 through 17** – 30% of likely service population; authorize services up to **20 hours/week\***. Eligible to attend school (typical school day is 6 hours, however due to extraordinary care needs expect 4 hours of school/day), childcare setting is not an option and child is unable to be left home alone safely due to extraordinary care needs.
- **Ages 18 through 21 In School** – 5% of likely service population; authorize services up to **20 hours/week\***. Eligible to attend school (typical school day is 6 hours, however due to extraordinary care needs expect 4 hours of school/day), childcare setting is not an option and participant is unable to be left home alone safely due to extraordinary care needs.
- **Ages 18 through 21 Graduate** – 5% of likely service population; authorized services up to **40 hours/week**. If participant graduates prior to the age of 21, Vocational Rehabilitation, day habilitation and other employment services in the waiver are service options (day hab & employment up to 40 hours/week). Service amount will vary based on individual assessed need.
- **Ages 22 and older** – 10% of likely service population; authorize hours up to **40 hours/week**. Vocational Rehabilitation, day habilitation and other employment services in the waiver are service options (day hab & employment up to 40 hours/week). Service amount will vary based on individual assessed need.

\*In accordance with 42 CFR §433 Subpart D, Medicaid FFP (Federal Financial Participation) may not be claimed for services when another third party (e.g., other third-party health insurer or other federal or state program) is legally liable and responsible for the provision and payment of the service. This requirement applies to all Medicaid services, including waiver services. As a general principle the Medicaid program functions as the payer of last resort.