

HOUSE BILL NO. 1460

Introduced by

Representatives D. Anderson, Vollmer

Senator Thomas

1 A BILL for an Act to create and enact a new section to chapter 50-11 of the North Dakota
2 Century Code, relating to substitute caregiver and respite care provider requirements in foster
3 homes for adults; and to provide for a legislative management study.

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

5 **SECTION 1.** A new section to chapter 50-11 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Substitute caregivers and respite care providers - Requirements.**

8 1. As used in this section:

9 a. "Respite care provider" means an individual enrolled as a qualified service
10 provider who provides respite care to adult residents in the absence of the
11 provider.

12 b. "Substitute caregiver" means an individual who meets qualified service provider
13 standards and provides respite care to private pay adult residents in the absence
14 of the provider.

15 2. The department may not limit the services of a substitute caregiver or a respite care
16 provider providing resident care on behalf of a foster home for adults to less than
17 two hundred seventy-two calendar days during the twenty-four-month period
18 immediately following the renewal date of the initial license or for less than
19 one hundred thirty-six calendar days during the twelve-month period immediately
20 following the date of the issuance of the initial license.

21 3. Unless a substitute caregiver or a respite care provider provided resident care on
22 behalf of a foster home for adults for more than twelve hours during a calendar day,
23 the department may not count the calendar day toward the limit determined by the
24 department in accordance with subsection 2.

1 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - LICENSING OF FOSTER HOMES**
2 **FOR ADULTS.** During the 2025-26 interim, the legislative management shall consider studying
3 the licensing of foster homes for adults. The study must consider the barriers to receiving
4 services for older adults and adults with disabilities; regulatory restrictions that create
5 challenges for facilities, providers, and caregivers; and any funding or reimbursement limitations
6 in federal and state law. The study must include input from the department of health and human
7 services, older adults and adults with disabilities in need of services and their family members,
8 residents and their family members, facilities, providers, and caregivers. The legislative
9 management shall report its findings and recommendations, together with any legislation
10 required to implement the recommendations, to the seventieth legislative assembly.