Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT
with Senate Amendments

ENGROSSED HOUSE BILL NO. 1460

Introduced by

Representatives D. Anderson, Vollmer

Senator Thomas

A BILL for an Act to create and enact two new sections to chapter 50-11 of the North Dakota Century Code, relating to substitute caregiver and respite care provider requirements in foster homes for adults and the permitted use of an electronic monitoring device by an adult foster care provider.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Substitute caregivers and respite care providers - Requirements.

1. As used in this section:
   a. "Respite care provider" means an individual enrolled as a qualified service provider who provides respite care to private pay adult residents in the absence of the provider.
   b. "Substitute caregiver" means an individual who meets qualified service provider standards and provides respite care to private pay adult residents in the absence of the provider.
2. The department may not limit the services of a substitute caregiver or a respite care provider providing resident care on behalf of a foster home for adults to less than two hundred twenty calendar days during the twenty-four-month period immediately following the renewal date of the initial license or for less than one hundred ten calendar days during the twelve-month period immediately following the date of the issuance of the initial license.

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

4. This section applies to private pay adult foster care providers.

SECTION 2. A new section to chapter 50-11 of the North Dakota Century Code is created and enacted as follows:

Adult foster care providers - Temporary assistants - Permitted use of electronic device for monitoring.

An adult foster care provider may:

1. Employ a temporary assistant as needed to assist with private pay adult residents that have physical limitations that require more than one provider to properly assist.

2. Use an electronic device for monitoring an otherwise unattended adult resident within a limited range, which allows the provider to remain nearby while ensuring the safety of the resident. Before implementing an electronic device for monitoring, the use of the device must be approved in writing by the resident or, if the resident is incapacitated, a family member or legal representative of the resident.