

Introduced by

Senators Hogan, Cleary, Weston

Representatives Dobervich, Frellich

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 paid family caregiver 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 **Family caregiver services.**

- 7 1. The department shall submit an amendment to all current Medicaid 1915(c) waivers  
8 and those to be developed to provide payment for family caregiver services. The  
9 payment must be made to a legally responsible individual who provides care to an  
10 eligible individual participating in the Medicaid 1915(c) waiver program, excluding the  
11 aged and disabled waiver.
- 12 2. When a paid family caregiver service option is available through a Medicaid-approved  
13 home and community-based services waiver, the department shall use an assessment  
14 to determine the level of care authorized which must consider the unique needs and  
15 circumstances of all applicants including age, activities of daily living, medical needs,  
16 and social emotional needs. The assessment must be evidence-based,  
17 developmentally accurate, and include a family narrative.
- 18 3. A payment under this section to a legally responsible individual must be  
19 commensurate with the current self-directed direct support professional hourly wage. A  
20 legally responsible individual may not be paid for more than 40 hours per week.
- 21 4. The cross-disability advisory council shall participate with and advise the department  
22 regarding the planning, design, and ongoing administration of the paid family caregiver  
23 service option on the Medicaid 1915(c) waiver. The council shall provide input into the

- 1 development of the assessment method used to determine the level of care authorized
- 2 for an individual.