

SENATE BILL NO. 2305

Introduced by

Senators Hogan, Cleary, Lee, Weston

Representative Dobervich

1 A BILL for an Act to amend and reenact section 50-24.1-47 of the North Dakota Century Code,
2 relating to the family paid caregiver service program and the cross-disability advisory council.

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

4 **SECTION 1. AMENDMENT.** Section 50-24.1-47 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-24.1-47. Family paid caregiver service ~~pilot project~~ services program - Report.**

7 ~~(Contingent expiration date – [See note](#))~~

- 8 1. The department shall establish the family caregiver service pilot project to assist in
9 making payments submit an amendment to all current Medicaid 1915(c) waivers and
10 those to be developed to provide payment for family caregiver services. The payment
11 must be made to a legally responsible individual who provides extraordinary care to an
12 eligible individual who is a participant in the Medicaid 1915(c) waivers, excluding the
13 home and community-based services aged and disabled waiver.
- 14 2. The family paid caregiver service ~~pilot project~~ may program must include funding for
15 extraordinary care, which means care:
- 16 a. Exceeding the range of activities a legally responsible individual would ordinarily
17 perform in the household on behalf of an individual without extraordinary medical
18 or behavioral needs; and
- 19 b. Is necessary to assure the health and welfare and avoid institutionalization of the
20 individual in need of care.
- 21 3. ~~The department may adopt rules addressing management of the family caregiver~~
22 ~~service pilot project and establish the eligibility requirements and exclusions for the~~
23 ~~family caregiver service pilot project. The department shall utilize an assessment of an~~
24 ~~eligible individual to determine the level of care authorized and to determine the best~~

- 1 interests of the individual in need of care. The pilot project may not provide a payment
2 for any care that is otherwise compensated through a Medicaid 1915(c) waiver or the
3 Medicaid state plan.
- 4 4. A decision on an application which is issued by the department under this section may
5 be appealed as provided under chapter 28-32. An individual may not appeal a denial,
6 a revocation, a reduction in payment, or the termination of the family caregiver service
7 pilot project administered by the department due to the unavailability of funding
8 received for the purpose of issuing payments as part of the family caregiver service
9 pilot project for the biennium.
- 10 5. The department shall provide the legislative management with periodic reports on the
11 impact, usage, and costs associated with the family caregiver service pilot project. A
12 payment under this section to a legally responsible individual must be commensurate
13 with the current self-directed support professional hourly wage.
- 14 4. When a family paid caregiver service program is available through a Medicaid-
15 approved home and community-based services waiver, the department shall use an
16 assessment to determine the level of care authorized which must consider the unique
17 needs and circumstances of all applicants including age, activities of daily living,
18 medical needs, and social emotional needs. The assessment must be evidence-
19 based. The family paid caregiver service program may not provide a payment for any
20 care that is otherwise compensated through a Medicaid 1915(c) waiver or the
21 Medicaid state plan.
- 22 5. A decision on an application which is issued by the department under this section may
23 be appealed as provided under chapter 28-32. An individual may not appeal a denial,
24 a revocation, a reduction in payment, or the termination of the family paid caregiver
25 service program administered by the department due to the unavailability of funding
26 received for the purpose of issuing payments as part of the family paid caregiver
27 service program.
- 28 6. The cross-disability advisory council under section 50-06-46 shall participate with and
29 provide feedback to the department on the planning, design, and ongoing
30 implementation of the family paid caregiver service program. The council shall provide

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