Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2276

Introduced by

Senators Cleary, Dever, Lee

A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to legally responsible individuals providing Medicaid waiver services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Eligibility of legally responsible individuals.

1. As used in this section:
   a. "Extraordinary care" means care exceeding the range of activities a legally responsible individual would ordinarily perform in the household on behalf of an individual without extraordinary medical needs, and which is necessary to assure the health and welfare of the individual and avoid institutionalization.
   b. "Legally responsible individual" includes a legal decisionmaker, guardian, or parent who is next-of-kin to an individual with extraordinary medical needs.
2. The department shall work with the centers for Medicare and Medicaid services to implement a service option that will allow payment to a legally responsible individual who provides extraordinary care to an eligible individual. This service option must be available for participants in the Medicaid 1915(c) waivers ~~and any subsequent Medicaid waivers to be developed~~.
3. ~~A waiver under this section which provides for coverage of self-directed in-home support services must include coverage of services provided by a legally responsible individual.~~
~~4.~~ The department may utilize an annual assessment of an eligible individual under this section to determine the level of care authorized and to determine the best interests of the individual.

~~5. Under this section, the payment rate for a legally responsible individual must be the same as the rate for a nonlegally responsible individual.~~

4. This section does not apply to the Medicaid 1915(c) waiver for home and community-based services, aged and disabled.