

Introduced by

Senators Cleary, Dever, Lee

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 legally responsible individuals providing Medicaid waiver 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 **Eligibility of legally responsible individuals.**

7 1. As used in this section:

8 a. "Extraordinary care" means care exceeding the range of activities a legally
9 responsible individual would ordinarily perform in the household on behalf of an
10 individual without extraordinary medical needs, and which is necessary to assure
11 the health and welfare of the individual and avoid institutionalization.

< The service
would be
available in the
individual's
home and
community

12 b. "Legally responsible individual" includes a legal decisionmaker, guardian, or
13 parent who is next-of-kin to an individual with extraordinary medical needs.

14 2. The department shall work with the centers for Medicare and Medicaid services to

15 implement a service option that will allow payment to a legally responsible individual
16 who provides extraordinary care to an eligible individual. This service option must be
17 available for participants in the Medicaid 1915(c) waivers and any subsequent
18 Medicaid waivers to be developed.

19 3. A waiver under this section which provides for coverage of self-directed in-home
20 support services must include coverage of services provided by a legally responsible
21 individual.

^ If a new service option is implemented versus modifying or expanding who can provide the
service within current in-home supports service option, any current or future waiver that has an
option of self-direction of any services, must include coverage of services provided by a legally
responsible individual.

22 4. The department may utilize an annual assessment of an eligible individual under this
23 section to determine the level of care authorized and to determine the best interests of
24 the individual.

^ review of the person centered service plan or other individualized service plan
^ services and supports required by
and in

This service option addresses >
the spectrum of needs of the
individual, already deemed
eligible for waived services
and established further need for
care above and beyond that of
any legal caretaker or to
support the cares provided by
the legal caretaker so that the
individual can remain in their
home and community avoiding
unnecessary institutionalization

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