

Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1460

Introduced by

Representatives D. Anderson, Vollmer

Senator Thomas

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

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

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

8 **Substitute caregivers and respite care providers - Requirements.**

9 1. As used in this section:

- 10 a. "Respite care provider" means an individual enrolled as a qualified service
11 provider who provides respite care to private pay adult residents in the absence
12 of the provider.
- 13 b. "Substitute caregiver" means an individual who meets qualified service provider
14 standards and provides respite care to private pay adult residents in the absence
15 of the provider.
- 16 2. The department may not limit the services of a substitute caregiver or a respite care
17 provider providing resident care on behalf of a foster home for adults to less than
18 two hundred twenty calendar days during the twenty-four-month period immediately
19 following the renewal date of the initial license or for less than one hundred ten
20 calendar days during the twelve-month period immediately following the date of the
21 issuance of the initial license.

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

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

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

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

10 An adult foster care provider may:

- 11 1. Employ a temporary assistant as needed to assist with private pay adult residents that
12 have physical limitations that require more than one provider to properly assist.
13 2. Use an electronic device consisting of a one-way radio or video transmitter with a
14 portable receiver for monitoring an otherwise unattended adult resident within a limited
15 range, which allows the provider to remain nearby while ensuring the safety of the
16 resident. The use of the device must be approved in writing by the resident's family or
17 legal representative before implementation.

18 **SECTION 3. LEGISLATIVE MANAGEMENT STUDY - LICENSING OF FOSTER HOMES**
19 **FOR ADULTS.** During the 2025-26 interim, the legislative management shall consider studying
20 the licensing of foster homes for adults. The study must consider the barriers to receiving
21 services for older adults and adults with disabilities; regulatory restrictions that create
22 challenges for facilities, providers, and caregivers; and any funding or reimbursement limitations
23 in federal and state law. The study must include input from the department of health and human
24 services, older adults and adults with disabilities in need of services and their family members,
25 residents and their family members, facilities, providers, and caregivers. The legislative
26 management shall report its findings and recommendations, together with any legislation
27 required to implement the recommendations, to the seventieth legislative assembly.