

**SB 2305 Testimony**  
**HOUSE APPROPRIATIONS COMMITTEE**  
**Senator Kathy Hogan**  
**March 27, 2025**

Chairman Vigesaa for the record, my name is Kathy Hogan. I represent District 21 which is central Fargo and a portion of West Fargo.

During the 68<sup>th</sup> legislative session, the ND legislature established a paid family caregiver pilot program to provide needed support to families who have members with serious illnesses or disability, both children and adults, who need extraordinary support to remain out of institutional care. Recognizing that these extraordinary supports need to be blended with other Medicaid waiver funding for in-home care services, this concept was challenging from the beginning for many reasons.

The Senate Human Services Committee received a summary of the guidelines for the pilot project and data on utilization that are uploaded in the testimony for this hearing. We also heard testimony from families on the amazing impacts this model had made for families with very seriously disabled members.

Paralleling the work on the Family Caregiver Pilot project is the effort to improve coordinated and access for children and adults with disabilities through other waived services, including the DD and HCBS waiver by moving toward a Cross Disabilities Waiver concept that is still being designed. This effort will improve flexibility for people being supported and their families by allowing greater service options so that you do not need to change waivers to get some services. It is anticipated that by June 30, 2027, the Cross-Disability Waivers will be ready for implementation and that this program will be integrated into those services.

Because this was a unique pilot project funded with state dollars, the program design was both put on a fast track with limited funding. What we learned very quickly was there was a much greater need than we anticipated. The pilot project was not included in the Governor's 2025-2027 budget.

After the first hearing in the Senate Human Service Committee, a small working group of various parties reviewed all the data that is uploaded in the testimony on the FAQ on the program, the program data and spending pattern. The group included DHHS staff, advocates and family members and reviewed several funding recommendation options. The materials we looked at are attached to this testimony.

In preparing the fiscal note we worked from a spreadsheet of funding options for your consideration. The first column reflects the estimated cost to continue the program for existing families, the second column reflects the costs for all those who have application appeals pending and the last column is the number of applications that are on the waiting list. The group recommended that we request \$9 million to continue services to those already enrolled, and some of those with pending appeals. We did not recommend that all those on the wait list be funded because of the fiscal note. The Appropriations Committee changed the funding to \$7.3 million to continue services to existing families and partially fund families when appeals have been finalized. If this bill is not funded, 70 seriously disabled individuals and their families will face an immediate crisis which could result in needing to move to institutional care such as Anne Carlsen or long-term care facilities.

Your Human Services Committee recommended to pass on this request because of its success. The Senate Appropriations Committee supported this bill and the funding. Your House Human Services Committee recommended do pass and so here we are.

Thank you for considering SB 2305 and I am more than willing to answer any questions.



## **Family Paid Caregiver Pilot Program**

### **Frequently Asked Questions**

#### **Program Criteria:**

- Q1. What is the family paid caregiver pilot program?**
- A. A state funded pilot program that will provide payments to family caregivers who provide extraordinary care to eligible individuals enrolled in a Medicaid 1915 (c) waiver.
- Q2. When does the pilot program start?**
- A. April 1<sup>st</sup>, 2024
- Q3. Who is eligible for this pilot program?**
- A. Participants must meet all the following criteria:
- enrolled in a Medicaid 1915c waiver (Autism Spectrum Disorder Waiver, Medically Fragile Waiver, Children's Hospice Waiver, Developmental Disabilities Traditional IID/DD Waiver);
  - support needs are not otherwise compensated through other services available in a 1915c waiver or Medicaid State Plan; and,
  - assessed needs meet extraordinary care.
- Q4. Is there an age requirement for participants?**
- A. No. This pilot program is available to all participants enrolled in one of the qualifying 1915c waivers.
- Q5. What is extraordinary care?**
- A. Extraordinary care means care exceeding the range of activities that a legally responsible individual would ordinarily perform in the household on behalf of the applicant or eligible participant without extraordinary medical or behavioral needs and is necessary to assure the health and welfare and to avoid institutionalization of the applicant or eligible participant in need of care.
- Q6. Who is a family caregiver?**
- A. A legally responsible individual who lives with and provides daily care(s) to the applicant. This may include, but not limited to a biological or adoptive parent, non-entity custodian, guardian, or spouse.

**Q7. Can the family caregiver still have employment outside of this pilot program?**

A. Yes, the family caregiver would be able to be employed and also partake in this pilot program if found eligible.

**Q8. Will this affect other waived services I may be receiving?**

A. Those who are found eligible for this pilot program will still be able to receive the waived services they are currently receiving. Hours within the waived service will not automatically decrease but will continue to be discussed as a team on how the service(s) is meeting the needs of the individual or if any changes are needed.

***Application:***

**Q9. Who can apply and what is the process for applying?**

A. The applicant or legally responsible individual may submit an application within the Family Caregiver Portal. Once the application is reviewed, the applicant or legally responsible individual will receive an assessment to complete. This self-assessment will aid in identifying the extraordinary needs of the applicant. This application is valid for 1 year.

**Q10. If the eligible participant lives in more than one household can both family caregivers enroll in this pilot program?**

A. Yes. Both family caregivers are eligible as long as the pilot program requirements are met.

**Q11. Will a background check be required?**

A. The family paid caregiver will be required to submit the Child Abuse & Neglect Background Inquiry (SFN 433), however no criminal background check is required.

**Q12. If I am providing care to more than one person in my household, am I able to receive payment for each?**

A. No. This program is limited to one per household.

**Q13. Is there a deadline to apply for this pilot program?**

A. There is no specific deadline as applications will be reviewed as they are received. The number of participants and funding is limited and once those limits have been exhausted, applications will no longer be approved.

**Q14. Will I need to reapply for this pilot program?**

A. Yes. The initial application and assessment are valid for 1 year. If the eligible participant and legal decision maker wish to continue past the initial year, they



will need to reapply prior to the expiration of the approved application and assessment.

**Q15. How will I know if I am approved?**

A. A letter of determination will be sent to applicant.

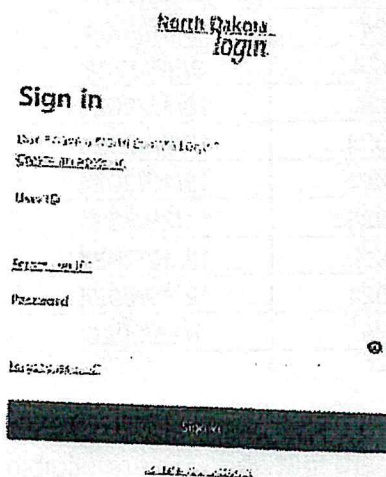
**Portal:**

**Q16. What is the Family Caregiver Portal?**

A. A secure web-based system that will provide the applicant or legally responsible individual access to the application, communication, authorizations, and payment requests.

**Q17. How do I access the Family Caregiver Portal?**

A. The portal will be available on April 1<sup>st</sup>, 2024, and the link will be available on our website [hhs.nd.gov/family-paid-caregiver-pilot-program](https://hhs.nd.gov/family-paid-caregiver-pilot-program). If you already have a North Dakota Login account (*pictured below*), you will be able to use that User ID and password to access the portal. A new account can be created if you do not wish to use the same account, however, a different email address will need to be used.



**Payment:**

**Q18. What is the rate of payment?**

A. Eligible participants ages 0 through 17 will receive an authorization for \$77.45 per day and participants ages 18 and older for \$154.89 per day. This is a daily rate.

**Q19. How do payments work?**

A. Once an authorization has been created, the family caregiver will be able to submit a request for payment twice a month in the Family Caregiver Portal. The maximum number of days the family caregiver can claim is five days per week (Sunday 12:00am – Saturday 11:59pm). The authorization will be valid for up to six months and may be reissued for an additional six months.

Guidance for requesting payments will be included via email once a payee account has been successfully created.

Payments will be issued two times a month according to the defined payment schedule:

Time Period	Request for Payment Due to State	Payment Date
April 16-30	5/5/2024	5/15/2024
May 1-15	5/20/2024	5/31/2024
May 16-31	6/5/2024	6/14/2024
June 1-15	6/20/2024	6/28/2024
June 16-30	7/5/2024	7/15/2024
July 1-15	7/20/2024	7/31/2024
July 16-31	8/5/2024	8/15/2024
August 1-15	8/20/2024	8/30/2024
August 16-31	9/5/2024	9/13/2024
September 1-15	9/20/2024	9/30/2024
September 16-30	10/5/2024	10/15/2024
October 1-15	10/20/2024	10/31/2024
October 16-31	11/5/2024	11/15/2024
November 1-15	11/20/2024	11/29/2024
November 16-30	12/5/2024	12/13/2024
December 1-15	12/20/2024	12/31/2024
December 16-31	1/5/2025	1/15/2025

**Q20. How do I know what days I am able to request payment for?**

A. If the eligible participant was in your care that day, you are eligible to submit a request for payment within the program guidelines. The maximum number of days the family caregiver can claim is five days per week (Sunday 12:00am – Saturday 11:59pm).

**Q21. If more than one family caregiver is authorized to provide care, how do payments work?**

A. The maximum number of days that can be claimed between all approved caregivers for the eligible participant is five days per week (Sunday 12:00am – Saturday 11:59pm). If the family caregivers both provided care on the same day,



they will need to decide which family caregiver requests payment for that day. If there are duplicate requests for payments on the same day, both will be denied.

**Q22. What happens if I missed the due date for requesting a payment according to the payment schedule?**

A. A request for payment may be submitted after the missed due date and payment will be issued on the next scheduled payment date.

**Q23. Is this considered income for the family caregiver?**

A. Yes, you will receive a 1099 and this income may impact other benefits you may be receiving. It is the family caregiver's responsibility to report this income as appropriate.

**Q24. What happens if I don't request payment?**

A. If a request for payment is not submitted for thirty calendar days, the family caregiver will be notified. If an additional thirty calendar days pass without a request for payment, the service may be terminated due to inactivity.

**Q25. Will I be required to pay this back at any point?**

A. If it is discovered that there is intentional deception or misrepresentation made by the applicant or family caregiver, the funds may be required to be paid back.

**Q26. If the pilot program ends or the participant/family caregiver has been terminated, how long do I have to request payment?**

A. You would have 15 calendar days to submit that final request for payment.

**Quality Assurance:**

**Q27. How will the Department monitor services?**

A. Face-to-face visits will be completed by your current waiver case manager at a minimum of every six months. These visits may coincide with already occurring face-to-face visits. This will ensure that the plan of care/plan for supports is monitored adequately, and the participant's needs are met by the family caregiver.

**Q28. If a denial, revocation, or termination is received can the decision be appealed?**

A. Yes. However, it is not appealable if one of the following reasons has been given:

- Funding has been exhausted for the pilot program.
- The applicant is no longer eligible for a Medicaid 1915c waiver.
- The application has been withdrawn.

**Q29. Who can appeal?**

A. The applicant, eligible participant, or family caregiver have the right to timely appeal.

**Q30. How do I appeal?**

A. A request for an appeal must be submitted in writing within thirty (30) calendar days of the notice issued. You may represent yourself in an appeal hearing or may use legal counsel, a friend, or other spokesperson.

Appeals Supervisor  
North Dakota Department of Human Services  
600 East Blvd Ave Dept 325  
Bismarck ND 58505-0250  
Phone: (701) 328-2311  
Toll Free: (800) 472-2622  
ND Relay TTY: 711  
Fax: (701) 328-2173  
[dhslau@nd.gov](mailto:dhslau@nd.gov)

**Q31. Who do I contact if I have questions?**

A. Any questions can be submitted to [familycaregiver@nd.gov](mailto:familycaregiver@nd.gov).



People	1	70	120	150
Daily Rate:	\$159.54			
Inflation SFY 2026:	1.50%			
Cost SFY2026:	\$ 42,102.61	\$ 2,947,182.42	\$ 5,052,312.72	\$ 6,315,390.90
Inflation SFY 2027:	1.50%			
Cost SFY 2027:	\$ 42,111.94	\$ 2,947,835.74	\$ 5,053,432.69	\$ 6,316,790.86
<b>Total Cost for 2025-2027 Biennium:</b>	<b>\$ 84,214.55</b>	<b>\$ 5,895,018.16</b>	<b>\$ 10,105,745.41</b>	<b>\$ 12,632,181.76</b>