

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1460

Introduced by

Representatives D. Anderson, Vollmer

Senator Thomas

1 A BILL for an Act to create and enact a new section 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 to provide for a legislative management study.

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

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

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

8 1. As used in this section:

- 9 a. "Respite care provider" means an individual enrolled as a qualified service
10 provider who provides respite care to private pay adult residents in the absence
11 of the provider.
- 12 b. "Substitute caregiver" means an individual who meets qualified service provider
13 standards and provides respite care to private pay adult residents in the absence
14 of the provider.
- 15 2. The department may not limit the services of a substitute caregiver or a respite care
16 provider providing resident care on behalf of a foster home for adults to less than
17 ~~two hundred seventy-two~~two hundred twenty calendar days during the twenty-four-
18 month period immediately following the renewal date of the initial license or for less
19 than ~~one hundred thirty-six~~one hundred ten calendar days during the twelve-month
20 period immediately following the date of the 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. A substitute caregiver or respite care provider may use an electronic device consisting
6 of a one-way radio or video transmitter with a portable receiver for remotely listening to
7 or observing an otherwise unattended adult resident.

8 5. An adult foster care provider may employ a temporary assistant as needed to assist
9 with residents that have physical limitations that require more than two providers to
10 properly assist.

11 6. This section applies to private pay adult foster care providers.

12 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - LICENSING OF FOSTER HOMES**

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