

## CHAPTER 75-02-13 FAMILY PAID CAREGIVER PROGRAM

### Section

75-02-13-01	Definitions
75-02-13-02	Application - Eligibility
75-02-13-03	Administration
75-02-13-04	Denials - Revocations - Terminations - Appeals

**SECTION 1.** Section 75-02-13-03 is amended as follows:

### **75-02-13-03. Administration.**

1. Eligible participants supported under this chapter may not exceed ~~one hundred twenty individuals~~ or the limits of legislative appropriations for the family paid caregiver program.
2. The department shall review completed applications in the order received and shall only approve applications within the limits of legislative appropriations for the family paid caregiver program.
3. Upon ~~receiving~~review of the application, the department shall request that the applicant or legally responsible individual complete the department-approved assessment to determine if the applicant meets the extraordinary care requirement.
4. Upon approval of application, the department shall issue an authorization not to exceed six-months. The department may reissue an authorization for an additional six-months.
5. The family caregiver shall attest annually that they will not seek reimbursement for extraordinary care through the family caregiver service pilot program on days when other 1915(c) waiver services are paid by the department.
6. The department shall conduct face-to-face visits in the eligible participant's home at a minimum of every six months.
- ~~6.7.~~ If the family caregiver has not submitted a request for payment for thirty calendar days, the department shall inform the eligible participant or legally responsible individual that if an additional thirty calendar days pass without a request for payment, the service may be terminated due to inactivity.
- ~~7.8.~~ The department shall deny an application if approval would exceed the limits of legislative appropriations for the family paid caregiver program or if the applicant does not meet the eligibility requirements pursuant to section

75-02-13-02. The department shall terminate an authorization if the funding awarded is exhausted or due to inactivity. The department shall revoke an authorization if the eligible participant is no longer eligible pursuant to section 75-02-13-02 or if the department is unable to conduct face-to-face visits due to refusal.

- ~~8.9.~~ Funds are not available until the department approves the application and issues an authorization.

**History:** Effective April 1, 2024; amended effective January 1, 2026.

**General Authority:** NDCC 50-24.1-47

**Law Implemented:** NDCC 50-24.1-47

**SECTION 2.** Section 75-02-13-04 is amended as follows:

**75-02-13-04. Denials - Revocations - Terminations - Appeals.**

1. The department shall issue a written notice to an applicant, eligible participant, or a legally responsible individual if the department denies, revokes, or terminates.
2. The department shall include the reason for the denial, revocation, or termination and shall inform the applicant, eligible participant, or legally responsible individual of the right to appeal the denial, revocation, or termination, if applicable.
3. An application may be denied, revoked, or terminated under the terms and conditions of this chapter or North Dakota Century Code section 50-24.1-47.
4. An applicant, eligible participant, or legally responsible individual may appeal a denial, revocation, or termination of an application or authorization under this chapter. An appeal under this section must be made in writing within thirty days of the date of the notice issued under this section. The applicant, eligible participant, or legally responsible individual shall submit the written request for an appeal and hearing under chapter 75-01-03 and North Dakota Century Code chapter 28-32 to the appeals supervisor for the department.
5. An applicant, eligible participant, or legally responsible individual may not appeal:
  - a. A denial, revocation, termination, or reduction in payment resulting from exhausting or exceeding the limits of legislative appropriations for the family paid caregiver program;
  - b. A denial, revocation, or termination of an application or authorization

under this chapter if the applicant is no longer eligible for a Medicaid 1915(c) waiver at the time of the denial, revocation, or termination;  
or

c. If the family caregiver is not a legally responsible individual who lives with and provides daily care to an eligible participant; or

d.      An application that has been withdrawn.

6. A family caregiver is not entitled to payment upon notice of revocation or termination to the eligible participant or legally responsible individual or during an appeal.

**History:** Effective April 1, 2024; amended effective January 1, 2026.

**General Authority:** NDCC 50-24.1-47

**Law Implemented:** NDCC 50-24.1-47