

**SENATE BILL NO. 2027**

Introduced by

Legislative Council

(Budget Committee on Home and Community Care)

(Senator DeMers)

(Representatives Boucher, Coats, Grumbo)

1 A BILL for an Act to create and enact a new subsection to section 50-06.2-02 and two new  
2 sections to chapter 50-06.2 of the North Dakota Century Code, relating to requirements for  
3 private providers and qualified service providers; to amend and reenact section 50-06.2-01,  
4 50-06.2-03, and subsection 1 of section 50-25.2-03 of the North Dakota Century Code, relating  
5 to definitions and requirements for private providers; and to provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Section 50-06.2-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **50-06.2-01. Purpose - Interpretation.** It is the purpose of this chapter to establish a  
10 system for planning, coordinating, and providing comprehensive human services administered  
11 by county social service boards ~~and~~, human service centers, and private providers. This  
12 chapter must be construed to effectuate the following ~~public~~ purposes:

- 13 1. To help individuals or their families to achieve, maintain, or support the highest  
14 attainable level of personal independence and economic self-sufficiency.
- 15 2. To prevent, remedy, or alleviate neglect, abuse, or exploitation of children and  
16 adults unable to protect their own interests.
- 17 3. To provide a continuum of community-based services adequate to appropriately  
18 sustain individuals in their homes and in their communities and to delay or prevent  
19 institutional care.
- 20 4. To preserve, rehabilitate, and reunite families.
- 21 5. To assist in securing referral or admission of individuals to institutional care when  
22 other forms of care are not appropriate.

23 **SECTION 2.** A new subsection to section 50-06.2-02 of the 1995 Supplement to the  
24 North Dakota Century Code is created and enacted as follows:

1           "Private provider" means a person who is registered by the state agency, who  
2           agrees to meet and maintain the standards for service and operations established  
3           by the state agency, and who, in a place of residence in exchange for a fee,  
4           provides at least one of the following services: (a) respite care, (b) home health  
5           aide, (c) case management, (d) personal attendant care, or (e) adult family foster  
6           care. The term includes a person who provides one or more of the services to  
7           private pay clients.

8           **SECTION 3. AMENDMENT.** Section 50-06.2-03 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10           **50-06.2-03. Powers and duties of the state agency.** The state agency has the  
11 following powers or duties under this chapter:

- 12           1. To act as the official agency of the state in the administration of the human  
13           services programs for individuals and families in conformity with state and federal  
14           requirements.
- 15           2. To prepare, at least biennially, a comprehensive human services plan ~~which~~ that  
16           must:
  - 17           a. Include human services determined essential in effectuating the purposes of  
18           this chapter.
  - 19           b. Detail the human services identified by the state agency for provision by  
20           human service centers and the services ~~which~~ that the county agencies have  
21           agreed to make available in approved county plans as a condition for the  
22           receipt of any funds allocated or distributed by the state agency.
- 23           3. To make available, through county agencies ~~or~~, human service centers, any or all  
24           of the services set out in the comprehensive human services plan on behalf of  
25           those individuals and families determined to be eligible for those services under  
26           criteria established by the state agency.
- 27           4. To supervise and direct the comprehensive human services administered by  
28           county agencies and human service centers through standard-setting, technical  
29           assistance, approval of county and regional plans, preparation of the  
30           comprehensive human services plan, evaluation of comprehensive human service  
31           programs, and distribution of public money for services.

- 1           5.    Within the limits of legislative appropriations and at rates determined payable by  
2           the state agency, to pay qualified service providers, ~~which~~ that meet standards for  
3           services and operations, for the provision of the following services as defined in the  
4           comprehensive human service plan which are provided to persons who, on the  
5           basis of functional assessments, income, and resources, are determined eligible  
6           for the services in accordance with rules adopted by the state agency:
- 7           a.   Homemaker services;
- 8           b.   Chore services;
- 9           c.   Respite care;
- 10          d.   Home health aide services;
- 11          e.   Case management;
- 12          f.   Family home care;
- 13          g.   Personal attendant care;
- 14          h.   Adult family foster care; and
- 15          i.   ~~Such~~ Any other services as the state agency determines to be essential and  
16             appropriate to sustain individuals in their homes and in their communities and  
17             to delay or prevent institutional care.
- 18          6.   To register a private provider for which the state agency may charge a fee not to  
19             exceed ten dollars.
- 20          7.   To maintain a registry of all in-home providers including qualified service providers  
21             and private providers.
- 22          8.   To provide a uniform data base of all providers registered with the state agency  
23             and other appropriate boards and agencies as determined by the state agency.
- 24          9.   To maintain documentation of all complaints reported by an individual receiving  
25             services from a private provider or qualified service provider.
- 26          10. ~~To take actions, give directions, and adopt rules as necessary to carry out the~~  
27             ~~provisions of this chapter.~~

28 For purposes of this chapter, resources do not include the person's primary home and the first  
29 fifty thousand dollars in assets.

30           **SECTION 4.** A new section to chapter 50-06.2 of the North Dakota Century Code is  
31 created and enacted as follows:

1           **Persons required and permitted to report concerns and complaints against**  
2 **private providers and qualified service providers - To whom reported.**

- 3           1. Any case manager, qualified service provider, or private provider shall report client  
4           concerns and complaints to the state agency.  
5           2. Any person aware of concerns or complaints of a client regarding the services  
6           provided by a qualified service provider or private provider may report the concerns  
7           and complaints to the state agency.

8           **SECTION 5.** A new section to chapter 50-06.2 of the North Dakota Century Code is  
9 created and enacted as follows:

10           **Penalty - Exceptions.** Any unregistered person who provides any service listed in  
11 section 2 of this Act is guilty of a class B misdemeanor. This chapter does not prohibit a  
12 person:

- 13           1. From providing the service on a volunteer basis without compensation;  
14           2. From providing the service for a family member; or  
15           3. Licensed under title 43 or another law from providing the service if the service is  
16           included within the scope of the practice for which the person is licensed.

17           **SECTION 6. AMENDMENT.** Subsection 1 of section 50-25.2-03 of the North Dakota  
18 Century Code is amended and reenacted as follows:

- 19           1. A Notwithstanding subsection 1 of section 4 of this Act, a person who has  
20           reasonable cause to believe that a vulnerable adult has been subjected to abuse or  
21           neglect, or who observes a vulnerable adult being subjected to conditions or  
22           circumstances that reasonably would result in abuse or neglect, may report the  
23           information to the department or the department's designee or to an appropriate  
24           law enforcement agency. A law enforcement agency receiving a report under this  
25           section shall immediately notify the department or the department's designee of the  
26           report.