

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1119

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact sections 50-06.2-10 and 50-24.7-02 of the North
2 Dakota Century Code, relating to collection of overpayments for service payments for elderly
3 and disabled program and expanded service payments for elderly and disabled program.

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

5 **SECTION 1. AMENDMENT.** Section 50-06.2-10 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-06.2-10. Service payments for elderly and disabled program eligibility.**

8 1. The state agency may not require an individual to apply for services under chapter
9 50-24.1 as a condition of being eligible to apply for services under the service
10 payments for elderly and disabled program:

11 a. If the individual's estimated monthly home and community-based services
12 benefits, excluding the cost of case management, are between the income level
13 established in section 50-24.1-02.6 and the lowest level of the fee schedule for
14 services under this chapter; or

15 b. If the individual is receiving a service that is not available under chapter 50-24.1.
16 2. The home and community-based services case manager shall notify the state agency
17 upon use of an exception authorized under subsection 1.

18 3. An overpayment, whether resulting from an eligible individual's or eligible individual's
19 legal representative's concealment, misrepresentation, or fraud, or from assistance
20 granted pending a decision on an appeal adverse to the appellant, and whenever
21 made, is subject to recovery by the state agency. An overpayment may be collected
22 from any person that benefited from, or that was responsible for, the overpayment. A
23 statute of limitations or similar statute or the doctrine of laches does not bar a claim
24 under this chapter.

1 **SECTION 2. AMENDMENT.** Section 50-24.7-02 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-24.7-02. Powers and duties of the department.**

4 The department shall:

5 1. ~~Administer~~The department shall administer expanded service payments for elderly
6 and disabled and supervise and direct county agencies in the administration of
7 expanded service payments for elderly and disabled.

8 2. ~~Pay~~The department shall pay qualified service providers at rates determined by the
9 department, within limits of legislative appropriation, for the provision of the following
10 services provided to eligible individuals:

11 a. Adult day care;

12 b. Adult family foster care;

13 c. Case management;

14 d. Chore services;

15 e. Family home care;

16 f. Homemaker services;

17 g. Nonmedical transportation;

18 h. Respite care; and

19 i. Other services the department determines to be essential and appropriate to
20 sustain an individual in the individual's home and community and to delay or
21 prevent institutional care.

22 3. ~~Take~~The department shall take actions, give directions, and adopt rules as necessary
23 to carry out the provisions of this chapter.

24 4. An overpayment, whether resulting from an eligible beneficiary's or eligible
25 beneficiary's legal representative's concealment, misrepresentation, or fraud, or from
26 assistance granted pending a decision on an appeal adverse to the appellant, and
27 whenever made, is subject to recovery by the department. An overpayment may be
28 collected from any person that benefited from, or that was responsible for, the
29 overpayment. A statute of limitations or similar statute or the doctrine of laches does
30 not bar a claim under this chapter.