

**Sixty-fifth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1119  
(Human Services Committee)  
(At the request of the Department of Human Services)

AN ACT to amend and reenact sections 50-06.2-10 and 50-24.7-02 of the North Dakota Century Code, relating to collection of overpayments for service payments for elderly and disabled program and expanded service payments for elderly and disabled program.

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

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

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

1. The state agency may not require an individual to apply for services under chapter 50-24.1 as a condition of being eligible to apply for services under the service payments for elderly and disabled program:
  - a. If the individual's estimated monthly home and community-based services benefits, excluding the cost of case management, are between the income level established in section 50-24.1-02.6 and the lowest level of the fee schedule for services under this chapter; or
  - b. If the individual is receiving a service that is not available under chapter 50-24.1.
2. The home and community-based services case manager shall notify the state agency upon use of an exception authorized under subsection 1.
3. An overpayment, whether resulting from an eligible individual's or eligible individual's legal representative's concealment, misrepresentation, or fraud, or from assistance granted pending a decision on an appeal adverse to the appellant, and whenever made, is subject to recovery by the state agency. An overpayment may be collected from any person that benefited from, or that was responsible for, the overpayment. A statute of limitations or similar statute or the doctrine of laches does not bar a claim under this chapter.

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

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

The department shall:

1. ~~Administer~~The department shall administer expanded service payments for elderly and disabled and supervise and direct county agencies in the administration of expanded service payments for elderly and disabled.
2. ~~Pay~~The department shall pay qualified service providers at rates determined by the department, within limits of legislative appropriation, for the provision of the following services provided to eligible individuals:
  - a. Adult day care;
  - b. Adult family foster care;

- c. Case management;
  - d. Chore services;
  - e. Family home care;
  - f. Homemaker services;
  - g. Nonmedical transportation;
  - h. Respite care; and
  - i. Other services the department determines to be essential and appropriate to sustain an individual in the individual's home and community and to delay or prevent institutional care.
3. ~~Take~~The department shall take actions, give directions, and adopt rules as necessary to carry out the provisions of this chapter.
4. An overpayment, whether resulting from an eligible beneficiary's or eligible beneficiary's legal representative's concealment, misrepresentation, or fraud, or from assistance granted pending a decision on an appeal adverse to the appellant, and whenever made, is subject to recovery by the department. An overpayment may be collected from any person that benefited from, or that was responsible for, the overpayment. A statute of limitations or similar statute or the doctrine of laches does not bar a claim under this chapter.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1119.

House Vote:    Yeas 94            Nays 0            Absent 0

Senate Vote:    Yeas 44            Nays 3            Absent 0

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2017,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State