

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2276

Introduced by

Senators Cleary, Dever, Lee

1 A BILL ~~for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota~~
 2 ~~Century Code, relating to legally responsible individuals providing Medicaid waiver services. for~~
 3 an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code,
 4 relating to a cross-disability advisory council; and to repeal section 50-06-32 of the North
 5 Dakota Century Code, relating to the autism spectrum disorder task force.

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

7 ~~SECTION 1. A new section to chapter 50-24.1 of the North Dakota Century Code is created~~
 8 ~~and enacted as follows:~~

9 ~~Eligibility of legally responsible individuals.~~

10 ~~1. As used in this section:~~

11 ~~a. "Extraordinary care" means care exceeding the range of activities a legally~~
 12 ~~responsible individual would ordinarily perform in the household on behalf of an~~
 13 ~~individual without extraordinary medical needs, and which is necessary to assure~~
 14 ~~the health and welfare of the individual and avoid institutionalization.~~

15 ~~b. "Legally responsible individual" includes a legal decisionmaker, guardian, or~~
 16 ~~parent who is next-of-kin to an individual with extraordinary medical needs.~~

17 ~~2. The department shall work with the centers for Medicare and Medicaid services to~~
 18 ~~implement a service option that will allow payment to a legally responsible individual~~
 19 ~~who provides extraordinary care to an eligible individual. This service option must be~~
 20 ~~available for participants in the Medicaid 1915(c) waivers.~~

21 ~~3. The department may utilize an annual assessment of an eligible individual under this~~
 22 ~~section to determine the level of care authorized and to determine the best interests of~~
 23 ~~the individual.~~

1 ~~4. This section does not apply to the Medicaid 1915(c) waiver for home and community-~~
2 ~~based services, aged and disabled.~~

3 **SECTION 1.** A new section to chapter 50-06 of the North Dakota Century Code is created
4 and enacted as follows:

5 **Cross-disability advisory council - Appointment - Duties.**

6 1. The cross-disability advisory council shall participate with and provide feedback to the
7 department regarding the implementation, planning, and design of the cross-disability
8 children's waiver, level of care reform for the comprehensive developmental disabilities
9 Medicaid home and community-based waiver, and a service option that will allow
10 payment to a legally responsible individual who provides extraordinary care to an
11 eligible individual through the Medicaid 1915(c) waivers. This subsection does not
12 apply to the Medicaid 1915(c) waiver for home and community-based services, aged
13 and disabled.

14 2. The department shall contract with a qualified, independent third party to facilitate and
15 provide support services to the council. The contracted facilitator shall appoint the
16 cross-disability advisory council members in accordance with subsection 3 and
17 establish the length of member terms and the structure of the cross-disability advisory
18 council. A representative from the contracted facilitator shall serve as the presiding
19 officer of the advisory council.

20 3. The cross-disability advisory council consists of up to fifteen voting members. A
21 majority of the members of the council must be family members of individuals with a
22 disability, or must be individuals with a disability, who receive Medicaid home and
23 community-based services. The remaining members of the council must be appointed
24 based on their professional subject matter expertise in or knowledge of the needs and
25 interests of individuals with disabilities. The council's membership must represent
26 different regions of the state and a broad range of disabilities that pertain to the
27 Medicaid home and community-based services. Upon request of the department, state
28 agency representatives shall participate with the cross-disability advisory council in a
29 nonvoting role.

30 4. The cross-disability advisory council shall meet at least quarterly and may appoint
31 subcommittees to address specific topics or disabilities, which may include autism,

1 traumatic brain injury, and fetal alcohol spectrum disorder. A majority of the voting
2 members of the council constitutes a quorum.

3 5. The cross-disability advisory council shall:

4 a. Discuss strategies to address gaps or needs regarding individuals with
5 disabilities and Medicaid home and community-based services, including
6 eligibility of legally responsible individuals;

7 b. Provide for the active participation of stakeholders, including consumers and
8 providers; and

9 c. Receive information from the department and its consultants.

10 6. The cross-disability advisory council members, excluding the contracted facilitator, are
11 entitled to reimbursement from the department for travel and lodging at the same rate
12 as provided for state officers and employees.

13 **SECTION 2. REPEAL.** Section 50-06-32 of the North Dakota Century Code is repealed.