



MAR 03 2016
Legal Advisory Unit

(701) 328-2311
Fax (701) 328-2173
Toll Free (800) 472-2622
ND Relay TTY (800) 366-6888

Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

March 3, 2016

Vonette Richter, Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Emergency Rule Making for Proposed Amendments to N.D. Admin. Code
Chapters 75-02-02.1 & 75-02-02.2 – Eligibility for Medicaid & Children's Health
Insurance Program

Dear Ms. Richter:

Attached for filing in the office of the Legislative Council are the following:

1. Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. § 28-32-02;
2. Finding and Statement of reason of Maggie D Anderson, Executive Director of the North Dakota Department of Human Services, with respect to the declaration of the proposed amendments to N.D.A.C. Chapters 75-02-02.1 & 75-02-02.2;
3. Interim final rules effective March 4, 2016; and
4. The March 1, 2016, letter from Governor Dalrymple approving the request for emergency rulemaking.

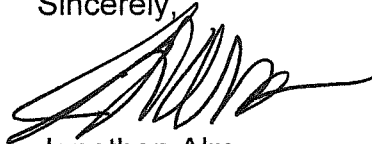
Ms. Anderson has declared that the proposed amendments require emergency rulemaking. Accordingly, Ms. Anderson has declared these proposed amendments to be interim final rules effective March 4, 2016.

The department has determined that appropriate measures to make the proposed interim final rules known to every person who may be affected by them consist of mailing a copy of the proposed rules to each county social service board office, to each regional human service center, and to persons or entities who have expressed an interest in receiving notice of such rulemaking; furnishing this notice to the Legislative Council; and publishing notice of the proposed rulemaking once in each county newspaper of general circulation published in the state of North Dakota.

Vonette Richter, Assistant Code Revisor
Emergency Rule Making for Proposed Amendments
March 3, 2016
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If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Alm', with a long horizontal flourish extending to the right.

Jonathan Alm
Legal Advisory Unit

JA/jgl

cc: Brenda Peterson, Economic Assistance

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTERS 75-02-02.1 & 75-02-02.2
ELIGIBILITY FOR MEDICAID & CHILDREN'S HEALTH INSURANCE PROGRAM

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 75-02-02.1 and 75-02-02.2 at 10:00 a.m. on Friday, April 8, 2016, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol. The proposed changes are effective March 4, 2016, as interim final rules under North Dakota Century Code Section 28-32-03(2)(d); the rules are required to meet a mandate of federal law.

The proposed amendments to N.D. Admin. Code chapters 75-02-02.1 & 75-02-02.2, Eligibility for Medicaid & Children's Health Insurance Program, are necessary to comply with provisions of the Affordable Care Act due to the implementation of the new integrated eligibility Medicaid system.

The proposed changes are as follows:

Section 75-02-02.1-13 is amended to clarify when a newborn child's social security number must be furnished.

Section 75-02-02.1-19 is amended to allow the North Dakota Department of Human Services to receive federal financial participation for Medicaid-covered services provided to an inmate of the state penitentiary or county jail who is admitted as an inpatient in a medical institution.

Section 75-02-02.1-24.4 is created to allow hospitals to complete and process hospital presumptive eligibility applications; to establish a hospital presumptive eligibility application process and eligibility requirements; and to establish training requirements, performance standards, and a process if hospitals do not meet performance standards.

Section 75-02-02.1-34.2 is created to add income conversion for individuals subject to a MAGI-based methodology as a monthly amount must be calculated to determine eligibility except during the three month period prior to the month of application as actual income received in those months is counted when determining eligibility.

Section 75-02-02.1-34.3 is created to require the utilization of reasonable compatibility of income to determine initial and ongoing eligibility except for self-employment income.

Subsection 3 of section 75-02-02.2-02 is amended to add language to end the twelve-month eligibility period for a child who is determined eligible for Medicaid.

Subsection 8 of section 75-02-02.2-10 is amended to clarify when a newborn child's social security number must be furnished.

Section 75-02-02.2-13.3 is created to require the utilization of reasonable compatibility of income to determine initial and ongoing eligibility except for self-employment income.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at county social services offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, April 18, 2016.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 3rd day of March, 2016.



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

**FINDING AND STATEMENT OF REASON
NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
REGARDING PROPOSED AMENDMENTS TO
NORTH DAKOTA ADMINISTRATIVE CODE CHAPTERS 75-02-02.1 & 75-02-02.2
ELIGIBILITY FOR MEDICAID AND CHILDREN'S HEALTH INSURANCE PROGRAM**

FINDING

I find that emergency rulemaking to amend N.D. Admin. Code chapters 75-02-02.1 & 75-02-02.2, Eligibility for Medicaid & Children's Health Insurance Program, is necessary meet a mandate of federal law.

STATEMENT OF REASON

Emergency rulemaking is necessary for the Department of Human Services to meet a mandate of federal law, Affordable Care Act, due to implementation of the new integrated Medicaid eligibility system (SPACES).

Dated this 29th day of February, 2016.

A handwritten signature in black ink that reads "Maggie D. Anderson". The signature is written in a cursive style and is positioned above a horizontal line.

Maggie D Anderson
Executive Director



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

March 3, 2016

RE: Interim Final Rules Effective March 4, 2016
N.D. Admin. Code Chapters 75-02-02.1 & 75-02-02.2
Eligibility for Medicaid & Children's Health Insurance Program

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing interim final rules effective March 4, 2016 regarding N.D. Admin. Code chapters 75-02-02.1 & 75-02-02.2, Eligibility for Medicaid & Children's Health Insurance Program. The department has adopted procedures to assure public input into the formulation of such rules prior to their final adoption.

In conformity with those procedures, we are providing you with a copy of the interim final rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on April 18, 2016.

The department has scheduled an oral hearing on April 8, 2016. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,

A handwritten signature in black ink that reads "Maggie D. Anderson". The signature is fluid and cursive, with a long horizontal flourish at the end.

Maggie D Anderson,
Executive Director

MDA/jgl

Attachments

cc: Vonette Richter, Legislative Council
Brenda Peterson, Economic Assistance



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

March 3, 2016

Mr. Representative Bill Devlin
North Dakota Legislative Assembly
Chairman of the Administrative Rules Committee
PO Box 505
Finley, ND 58230-0505

RE: Department of Human Services Emergency Rulemaking

Dear Representative Devlin:

Subsection 5 of section 28-32-03 of the North Dakota Century Code requires an agency to provide notice to the Chairman of the Administrative Rules Committee of the emergency status, declared effective date, and grounds for emergency status of emergency rules proposed by the agency.

The Department of Human Services is proposing emergency rules to take effect on March 4, 2016 to amend North Dakota Administrative Code chapters 75-02-02.1 and 75-02-02.2 regarding Eligibility for Medicaid and Children's Health Insurance Program. The proposed amendments are necessary for the Department of Human Services to comply with provisions of the Affordable Care Act due to the implementation of the new integrated eligibility Medicaid system.

Sincerely,

A handwritten signature in black ink that reads "Maggie D. Anderson". The signature is fluid and cursive, with the first name "Maggie" being particularly prominent.

Maggie D. Anderson
Executive Director

MA/jgl

cc: Vonette Richter, Legislative Council



— State of —
North Dakota

Office of the Governor

Jack Dalrymple
Governor

March 1, 2016

Maggie Anderson
Department of Human Services
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Maggie,

On March 1, 2016, I received your request for approval of emergency rulemaking to amend North Dakota Administrative Code Chapters 75-02-02.1 and 75-02-02.2 relating to Eligibility for Medicaid and Children's Health Insurance Program.

I have reviewed the request pursuant to N.D.C.C. § 28-32-03 and I find that an emergency rulemaking is reasonably necessary to meet a mandate of federal law, Affordable Care Act, due to the implementation of the new integrated eligibility Medicaid system. I therefore approve adoption of your proposed rules as interim final rules.

Sincerely,

A handwritten signature in black ink that reads "Jack Dalrymple".

Jack Dalrymple
Governor

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