

AUG 06 2019

August 6, 2019

Vonette Richter, Legal Division Director
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code chapters 75-02-02.1
Eligibility for Medicaid and 75-02-02.2 Children's Health Insurance Program

Dear Ms. Richter:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Wednesday, September 11, 2019, beginning at 2:30 p.m. and continuing until 4:00 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Advisory Unit

JA/jgl

cc: LeeAnn Thiel, Medical Services
Michele Gee, Economic Assistance

Enclosures

LEGAL ADVISORY UNIT

600 E Boulevard Ave Dept 325 | Bismarck ND 58505-0250

701.328.2311 | Fax 701.328.2173 | 800.472.2622 | 711 (TTY) | www.nd.gov/dhs

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTERS 75-02-02.1
ELIGIBILITY FOR MEDICAID AND 75-02-02.2 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 2:30 p.m. on Wednesday, September 11, 2019, in Bismarck, N.D. in AV Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapters 75-02-02.1, Eligibility for Medicaid and 75-02-02.2, Children's Health Insurance Program, are necessary to comply with House Bill Nos. 1318, 1115, and 1515, and Senate Bill Nos. 2012 and 2106.

The proposed changes are as follows:

Section 75-02-02.1-01 is amended to provide definitions for "children's health insurance program" and "credible health insurance coverage" within this chapter, as existing definitions for these terms that had been provided in chapter 75-02-02.2 are being repealed. Definitions for "applicant", "long-term care", "recipient", and "title XXI" were added to provide clarity. Existing definitions for "child", "disabled adult child", and "student" were amended to change references from "person" to "individual". An existing definition for "county agency" was amended to reflect the move to the human service zone model. The definition for "healthy steps" was removed as it will be known as "children's health insurance program".

Section 75-02-02.1-02.1 and Subsection 2 of Section 75-02-02.1-03 are amended to remove the word "Medicaid" from these sections to allow for consistency in wording throughout the chapter.

Section 75-02-02.1-05 is amended to remove the word "Medicaid" from this section to allow for consistency in wording throughout the chapter. The section is also amended to change references from "person" to "individual". Language identifying individuals screened for breast or cervical cancer was updated consistent with 2019 House Bill No. 1115. The income eligibility level for children with disabilities was raised from two hundred to two hundred fifty percent of the poverty level, based on

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language in 2019 Senate Bill No. 2012. Language identifying individuals eligible through the children's health insurance program was added to this section due to the repeal of similar language with the repeal of Chapter 75-02-02.2.

Section 75-02-02.1-08 is amended to clarify the income budgeting process for certain groups of individuals who may meet medically needy eligibility criteria. New language provides for the use of a non-MAGI income methodology with the exclusion of assets.

Section 75-02-02.1-10 is amended to remove reference to the "healthy steps program" and to replace it with reference to the "children's health insurance program".

Subsection 6 of Section 75-02-02.1-24.3 is amended to update language regarding income eligibility for children with disabilities from two hundred percent to two hundred fifty percent of the poverty level, based on changes made in 2019 Senate Bill No. 2012.

Subsection 10 of Section 75-02-02.1-28 is amended to update burial fund requirements based on changes made in 2019 House Bill No. 1318.

Subsection 1 of Section 75-02-02.1-40 is amended to update the income eligibility for pregnant women based on the language in 2019 House Bill No. 1515, which provided that the income level for pregnant women is equal to one hundred sixty-two percent of the poverty level applicable to a family of the size involved; and to update language regarding income eligibility for children with disabilities based on changes made in 2019 Senate Bill No. 2012, which provided that the income level for children with disabilities is now two hundred fifty percent of the poverty level applicable to a family of the size involved.

Section 75-02-02.1-41.1 is amended for clarity by removing references to MAGI based methodology.

Section 75-02-02.1-44 is created to provide administrative rules relating to the children's health insurance program within chapter 75-02-02.1, due to the repeal of chapter 75-02-02.2, which had contained the previously existing administrative rules regarding the children's health insurance program. The section provides for a more condensed set of rules regarding the children's health insurance program than had existed in chapter 75-02-02.2, including provisions on eligibility criteria, asset considerations, the children's health insurance program unit,

income considerations, and income deductions as the children's health insurance program transfers from a managed care arrangement to a Medicaid "look-alike" fee for service administration pursuant to 2019 Senate Bill No. 2106.

Chapter 75-02-02.2 is repealed based on 2019 Senate Bill No. 2106 to transition the children's health insurance program from a managed care arrangement to a Medicaid "look-alike" fee for service model that is administered by the Department.

The proposed amendments are 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, September 23, 2019.

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 6th day of August, 2019.

August 6, 2019

RE: Proposed amendments to N.D. Admin. Code chapters 75-02-02.1
Eligibility for Medicaid and 75-02-02.2 Children's Health Insurance Program

TO WHOM IT MAY CONCERN:

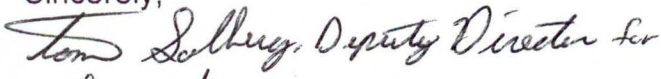
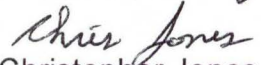
The Department of Human Services is proposing amendments to N.D. Admin. Code chapters 75-02-02.1, Eligibility for Medicaid and 75-02-02.2, Children's Health Insurance Program. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Monday, September 23, 2019.

The department has scheduled an oral hearing for Wednesday, September 11, 2019. 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,


Tom Selberg, Deputy Director for

Christopher Jones,
Executive Director

CDJ/jgl

Enclosures

cc: Vonette Richter, Legislative Council
LeeAnn Thiel, Medical Services
Michele Gee, Economic Assistance

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