

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1469

Introduced by

Representatives Weisz, Price

Senator Fischer

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 eligibility for medical assistance; and to amend and reenact section
3 50-24.1-02.5 of the North Dakota Century Code, relating to eligibility for medical assistance.

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

5 **SECTION 1. AMENDMENT.** Section 50-24.1-02.5 of the North Dakota Century Code
6 is amended and reenacted as follows:

7 **50-24.1-02.5. Effect of purchase of insurance on disqualifying transfer.**

8 1. An individual who secures and maintains insurance that covers the cost of
9 substantially all necessary medical care, including necessary care in a nursing
10 home and necessary care for an individual who qualifies for admission to a nursing
11 home but receives care elsewhere, for at least thirty-six months after the date an
12 asset is disposed of, may demonstrate that the asset was disposed of exclusively
13 for a purpose other than to qualify for medical assistance by providing proof of that
14 insurance.

15 2. If purchased after July 31, 2003, the insurance coverage under this section must
16 include home health care coverage, assisted living coverage, basic care coverage,
17 and skilled nursing facility coverage. The coverage required under this subsection
18 must include a daily benefit equal to at least one and fifty-seven hundredths times
19 the average daily cost of nursing care for the year in which the policy was issued
20 and an aggregate benefit equal to at least one thousand ninety-five times that daily
21 benefit.

22 **SECTION 2.** A new section to chapter 50-24.1 of the North Dakota Century Code is
23 created and enacted as follows:

24 **Department to submit plans and seek waivers.**

- 1 1. Unless a waiver under subsection 2 is required, the department of human services
2 shall submit amendments to the state plan for medical assistance to provide for a
3 sixty-month look-back period for assignments or transfers of property which
4 disqualify the applicant or the applicant's spouse from the receipt of long-term care
5 services, and which apply any period of disqualification beginning the first month
6 during which the disqualified individual would otherwise be found eligible for the
7 services under medical assistance.
- 8 2. If the state plan amendment provided for in subsection 1 is or will be denied, the
9 department of human services shall seek a waiver of federal law to provide for a
10 sixty-month look-back period for assignments or transfers of property which
11 disqualify the applicant or the applicant's spouse from the receipt of long-term care
12 services, and which apply any period of disqualification beginning the first month
13 during which the disqualified individual would otherwise be found eligible for the
14 services under medical assistance.
- 15 3. Unless the amendment to the state plan or the request for waiver would otherwise
16 be denied, the requirements of this section apply only to transfers that occur on or
17 after the effective date of the state plan amendment or waiver.