

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1496

Introduced by

Representatives D. Johnson, Delmore, Nicholas

Senators Erbele, Nething, Traynor

1 A BILL for an Act to amend and reenact section 50-24.1-02.2 of the North Dakota Century
2 Code, relating to eligibility criteria for married persons seeking medical assistance benefits or
3 aid to vulnerable, aged, blind, and disabled persons when one spouse is institutionalized.

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

5 **SECTION 1. AMENDMENT.** Section 50-24.1-02.2 of the North Dakota Century Code
6 is amended and reenacted as follows:

7 **50-24.1-02.2. Community spouse resource allowance.** In determining eligibility for
8 medical assistance applicants and recipients, the department of human services shall establish
9 a community spouse resource allowance equal to the maximum community spouse resource
10 allowance as provided by 42 U.S.C. 1396r-5(f)(2). This section applies to a community spouse
11 of an institutionalized spouse. For purposes of this section, "institutionalized spouse" includes
12 an individual who is described in 42 U.S.C. 1396a(a)(10)(A)(ii)(VI) or an individual residing in a
13 licensed basic care facility and eligible for economic assistance under chapter 50-24.5.