

Sixty-fourth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2234**

Introduced by

Senators Dever, Axness, Mathern, Oban, Wanzek

Representative Brandenburg

1 A BILL ~~for an Act to amend and reenact subsection 1 of section 25-01.2-01 and section~~  
2 ~~50-24.1-02 of the North Dakota Century Code, relating to Down syndrome and eligibility for~~  
3 ~~medical assistance.~~ for an Act to provide for a department of human services study.

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

5 **~~SECTION 1. AMENDMENT.~~** ~~Subsection 1 of section 25-01.2-01 of the North Dakota~~  
6 ~~Century Code is amended and reenacted as follows:~~

7 ~~1. "Developmental disability" means a severe, chronic disability of a person which:~~

8 ~~a. Is attributable to a mental or physical impairment or combination of mental and~~  
9 ~~physical impairments, including Down syndrome;~~

10 ~~b. Is manifested before the person attains age twenty-two;~~

11 ~~c. Is likely to continue indefinitely;~~

12 ~~d. Results in substantial functional limitations in three or more of the following areas~~  
13 ~~of major life activity:~~

14 ~~(1) Self-care;~~

15 ~~(2) Receptive and expressive language;~~

16 ~~(3) Learning;~~

17 ~~(4) Mobility;~~

18 ~~(5) Self-direction;~~

19 ~~(6) Capacity for independent living; and~~

20 ~~(7) Economic sufficiency; and~~

21 ~~e. Reflects the person's needs for a combination and sequence of special,~~

22 ~~interdisciplinary, or generic care, treatment, or other services which are of lifelong~~  
23 ~~or extended duration and are individually planned and coordinated.~~

1 ~~— **SECTION 2. AMENDMENT.** Section 50-24.1-02 of the North Dakota Century Code is~~  
2 ~~amended and reenacted as follows:~~

3 ~~— **50-24.1-02. Eligibility.**~~

4 ~~— Within the limits of legislative appropriations, medical assistance may be paid for any~~  
5 ~~person who either has income and resources insufficient to meet the costs of necessary~~  
6 ~~medical care and services or is eligible for or receiving financial assistance under chapter 50-09~~  
7 ~~or title XVI of the Social Security Act, as amended, and:~~

8 ~~— 1. Has not at any time before or after making application for medical assistance made an~~  
9 ~~assignment or transfer of property for the purpose of rendering that person eligible for~~  
10 ~~assistance under this chapter. For the purposes of making any determination or~~  
11 ~~redetermination of eligibility, the phrase "assignment or transfer" includes actions or~~  
12 ~~failures to act which effect a renunciation or disclaimer of any interest which the~~  
13 ~~applicant or recipient might otherwise assert or have asserted, or which serve to~~  
14 ~~reduce the amounts which an applicant or recipient might otherwise claim from a~~  
15 ~~decedent's estate, a trust or similar device, or a person obligated by law to furnish~~  
16 ~~support to the applicant or recipient.~~

17 ~~— 2. Has applied or agrees to apply all proceeds received or receivable by that person or~~  
18 ~~that person's eligible spouse from automobile accident medical benefits coverage and~~  
19 ~~private health care coverage to the costs of medical care for that person and that~~  
20 ~~person's eligible spouse and children. The department of human services may require~~  
21 ~~from any applicant or recipient of medical assistance the assignment of any rights~~  
22 ~~accruing under automobile medical benefits coverage or private health care coverage.~~  
23 ~~Any rights or amounts so assigned must be applied against the cost of medical care~~  
24 ~~paid on behalf of the recipient under this chapter. The assignment is not effective as to~~  
25 ~~any carrier before the receipt of notice of assignment by such carrier.~~

26 ~~— 3. a. Is eligible under rules and regulations established by the department of human~~  
27 ~~services; or~~

28 ~~— b. Is an individual with a diagnosis of Down syndrome who meets the criteria~~  
29 ~~for developmental disability in section 25-01.2-01, without regard to intellectual~~  
30 ~~disability or impairment of general intellectual functioning.~~

1     **SECTION 1. LEGISLATIVE MANAGEMENT STUDY.** The department of human services  
2 shall study eligibility for developmental disability waivers and report to the legislative  
3 management by January 1, 2016.