

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2283

Introduced by

Senators Taylor, Erbele, Mathern

Representatives Hawken, Mueller, Wolf

1 A BILL for an Act to amend and reenact section 50-24.1-02.6 of the North Dakota Century
2 Code, relating to the medical assistance eligibility requirements for pregnant women; to provide
3 an appropriation; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 50-24.1-02.6 of the North Dakota Century Code
6 is amended and reenacted as follows:

7 **50-24.1-02.6. (Contingent effective date - See note) Medical assistance benefits -**
8 **Eligibility criteria.**

- 9 1. The department shall provide medical assistance benefits to otherwise eligible
10 persons who are:
- 11 a. Medically needy persons who have countable income that does not exceed
12 an amount determined under subsection 2; and
- 13 b. Minors who have countable income that does not exceed an amount
14 determined under subsection 3.
- 15 2. The department of human services shall establish an income level for medically
16 needy persons at an amount, no less than required by federal law, that, consistent
17 with the requirements of ~~subsection~~ subsections 3 and 4, is the greatest income
18 level achievable without exceeding legislative appropriations for that purpose.
- 19 3. The department of human services shall establish income levels for minors, based
20 on the age of the minors, at amounts, no less than required by federal law, that
21 provide an income level for all minors born before September 30, 1983, equal to
22 one hundred percent of the federal poverty level in the month for which eligibility
23 for medical assistance benefits is being determined and that do not exceed
24 legislative appropriations for that purpose.

- 1 4. The department of human services shall establish income levels for pregnant
2 women at an amount, no less than required by federal law, equal to two hundred
3 percent of the federal poverty level in the month for which eligibility for medical
4 assistance benefits is being determined.
- 5 5. The department of human services shall provide medical assistance benefits to
6 children and families coverage groups and pregnant women without consideration
7 of assets.

8 **(Contingent effective date - See note) Medical assistance benefits - Eligibility**

9 **criteria.**

- 10 1. The department shall provide medical assistance benefits to otherwise eligible
11 persons who are:
- 12 a. Medically needy persons who have countable income that does not exceed
13 an amount determined under subsection 2; and
- 14 b. Minors who have countable income that does not exceed an amount
15 determined under subsection 3.
- 16 2. The department of human services shall establish an income level for medically
17 needy persons at an amount, no less than required by federal law, that, consistent
18 with the requirements of ~~subsection~~ subsections 3 and 4, is the greatest income
19 level achievable without exceeding legislative appropriations for that purpose.
- 20 3. The department of human services shall establish income levels for minors, based
21 on the age of the minors, at amounts, no less than required by federal law, that
22 provide an income level for all individuals from birth through age eighteen equal to
23 one hundred thirty-three percent of the federal poverty level in the month for which
24 eligibility for medical assistance benefits is being determined.
- 25 4. The department of human services shall establish income levels for pregnant
26 women at an amount, no less than required by federal law, equal to two hundred
27 percent of the federal poverty level in the month for which eligibility for medical
28 assistance benefits is being determined.
- 29 5. The department of human services shall provide medical assistance benefits to
30 children and families coverage groups and pregnant women without consideration
31 of assets.

1 **SECTION 2. CONTINGENT APPROPRIATION.** If section 1 of this Act becomes
2 effective, there is appropriated out of any moneys in the general fund in the state treasury, not
3 otherwise appropriated, the sum of \$2,900,796, or so much of the sum as may be necessary,
4 and from special funds derived from federal funds, the sum of \$4,883,048, or so much of the
5 sum as may be necessary, to the department of human services for the purpose of defraying
6 the expenses of implementing the expansion of medical assistance benefits for pregnant
7 women as provided for in section 1 of this Act for the biennium beginning July 1, 2009, and
8 ending June 30, 2011.

9 **SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective on the date
10 the department of human services certifies to the legislative council that the department has
11 received approval to claim federal financial participation to expand medical assistance benefits
12 to pregnant women as provided for in section 1 of this Act, but may not become effective earlier
13 than January 1, 2010.