

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2050

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to create and enact a new section to chapter 50-06.2 of the North Dakota
2 Century Code, relating to eligibility for service payments for elderly and disabled; and to amend
3 and reenact subsection 2 of section 50-24.1-07 of the North Dakota Century Code, relating to
4 claims against an estate.

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

6 **SECTION 1.** A new section to chapter 50-06.2 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Service payments for elderly and disabled program eligibility.**

9 1. The state agency may not require an individual to apply for services under chapter
10 50-24.1 as a condition of being eligible to apply for services under the service
11 payments for elderly and disabled program:

12 a. If the individual's estimated monthly home and community-based services
13 benefits, excluding the cost of case management, are between the income level
14 established in section 50-24.1-02.6 and the lowest level of the fee schedule for
15 services under this chapter; or

16 b. If the individual is receiving a service that is not available under chapter 50-24.1.
17 2. The home and community-based services case manager shall notify the state agency
18 upon use of an exception authorized under subsection 1.

19 **SECTION 2. AMENDMENT.** Subsection 2 of section 50-24.1-07 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 2. a. A claim may not be required to be paid nor may interest begin to accrue during
22 the lifetime of the decedent's surviving spouse, if any, nor while there is a
23 surviving child who is under the age of twenty-one years or is blind or

1 permanently and totally disabled, but no timely filed claim may be disallowed
2 because of the provisions of this section.

3 b. The department may not file a claim against an estate to recover payments made
4 on behalf of a recipient who was eligible for medicaid under section 50-24.1-37
5 and who received coverage through a private carrier.