

**HOUSE BILL NO. 1396**

Introduced by

Representatives Dobervich, Dakane, Davis, Finley-DeVile, Ista

Senator Hogan

1 A BILL for an Act to amend and reenact sections 50-24.1-02, 50-24.1-17, and 50-24.1-41 of the  
2 North Dakota Century Code, relating to presumptive eligibility for medical assistance applicants.

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

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

6 **50-24.1-02. Eligibility.**

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

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

21 2. b. Has applied or agrees to apply all proceeds received or receivable by that  
22 ~~person~~individual or that ~~person's~~individual's eligible spouse from third-party  
23 medical coverage, including health care coverage, accident insurance, and  
24 automobile insurance, to the costs of medical care for that ~~person~~individual and

1           that ~~person's~~individual's eligible spouse and children. The department may  
2           require from any applicant or recipient of medical assistance the assignment of  
3           any rights accruing under third-party medical coverage. Any rights or amounts so  
4           assigned must be applied against the cost of medical care paid on behalf of the  
5           recipient under this chapter. The assignment is not effective as to any carrier  
6           before the receipt of notice of assignment by such carrier.

7           ~~3. c.~~ Is eligible under rules and regulations established by the department.

8           2. The department shall adopt rules establishing a presumptive eligibility process for an  
9           individual applying for benefits as a child, parent or caretaker relative of a child, or  
10          former foster youth.

11          **SECTION 2. AMENDMENT.** Section 50-24.1-17 of the North Dakota Century Code is  
12          amended and reenacted as follows:

13          **50-24.1-17. Medical assistance for breast or cervical cancer.**

14          The department may provide medical assistance for individuals screened and found to have  
15          breast or cervical cancer in accordance with the federal Breast and Cervical Cancer Prevention  
16          and Treatment Act of 2000 [Pub. L. 106-354; 114 Stat. 1381; 42 U.S.C. 1396a et seq.]. The  
17          department shall establish an income eligibility limit that may not exceed two hundred percent of  
18          the most recently revised poverty line published by the federal office of management and  
19          budget applicable to the household size. The department shall adopt rules establishing a  
20          presumptive eligibility process for an applicant under this section.

21          **SECTION 3. AMENDMENT.** Section 50-24.1-41 of the North Dakota Century Code is  
22          amended and reenacted as follows:

23          **50-24.1-41. Medical assistance benefits - Pregnant women.**

24          The department shall seek the necessary approval from the centers for Medicare and  
25          Medicaid services to expand medical assistance coverage for pregnant women with income  
26          below one hundred sixty-two percent of the federal poverty level. The department shall adopt  
27          rules establishing a presumptive eligibility process for an applicant under this section.