

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1067

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact sections 50-24.1-02.6 and 50-24.1-26 of the North
2 Dakota Century Code, relating to medical assistance benefits and Medicaid waivers; and to
3 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 is
6 amended and reenacted as follows:

7 **50-24.1-02.6. Medical assistance benefits - Eligibility criteria.**

- 8 1. The department shall provide medical assistance benefits to otherwise eligible
9 persons who are medically needy persons who have countable income that does not
10 exceed an amount determined under subsection 2.
- 11 2. The department shall establish an income level for medically needy persons at an
12 amount no less than required by federal law.
- 13 3. The department shall provide medical assistance benefits to children and families
14 coverage groups and pregnant women without consideration of assets.
- 15 4. The department shall provide medical assistance benefits to otherwise eligible
16 pregnant women who are lawfully present in the United States.
- 17 5. The department may require, as a condition of eligibility, individuals eligible for
18 Medicare part A, B, or D to apply for such coverage.
- 19 6. The department shall disregard social security survivor income and court-ordered child
20 support for a child who is under the age of eighteen years and is enrolled in a
21 medicaid waiver under section 1915(c) of the Social Security Act [42 U.S.C. 1915(c)].

1 **SECTION 2. AMENDMENT.** Section 50-24.1-26 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **50-24.1-26. Medicaid waivers - In-home services.**

4 The department shall administer Medicaid waivers to provide in-home services to children
5 with extraordinary medical needs and to children ~~up to the age of eighteen~~ diagnosed with an
6 autism spectrum disorder who are under the age of twenty-one and would otherwise meet
7 institutional level of care. The department may prioritize applicants for the waiver for children
8 with extraordinary medical needs by degree of need.

9 **SECTION 3. EFFECTIVE DATE.** Section 1 of this Act is effective on July 1, 2026.