

August 1, 2023

Liz Fordahl, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapter 75-02-02.1
Eligibility for Medicaid

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Wednesday, September 20, 2023, beginning at 2:00 p.m. and continuing until 3:30 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Division

JA/rv

cc: Joyce, Johnson, Medical Services
LeeAnn Thiel, Medical Services
Krista Fremming, Assistant Director of Medical Services Division
Sarah Aker, Executive Director of Medical Services Division

Enclosures

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NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D. ADMIN. CODE CHAPTER 75-02-02.1
ELIGIBILITY FOR MEDICAID

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 75-02-02.1 at 2:00 p.m. on Wednesday, September 20, 2023, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 75-02-02.1, Eligibility for Medicaid, incorporate updates pursuant to 2023 Senate Bill Nos. 2012 and 2181, the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act, and Consolidated Appropriations Act of 2021. Federal law does mandate the proposed rules.

The proposed changes are as follows:

Section 75-02-02.1-01 is amended to update the titles of entities and to remove a defined term that is no longer used.

Section 75-02-02.1-05 is amended to include coverage for the Medicare Immunosuppressive Drug individuals and increase the Children's Health Insurance Program income to 210% of the poverty level pursuant to 2023 Senate Bill No. 2012.

Section 75-02-02.1-10 is amended to provide that for Medicaid eligibility for an individual who enters the state is eligible as of the date they enter the state.

Section 75-02-02.1-16 is amended to clarify that if the Interstate Compact on Placement of Children is silent regarding Medicaid coverage, the child will be considered a resident of the state and to update the correct title of a division within the department.

Section 75-02-02.1-18 is amended to provide that pregnant women who are lawfully present are not subject to the five-year, forty-quarter waiting period

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through the twelve months of postpartum coverage pursuant to 2023 Senate Bill No. 2181.

Section 75-02-02.1-22 is amended to include coverage for the Medicare Immunosuppressive Drug individuals and to replace “person” with “individual”.

Section 75-02-02.1-33.1 is repealed as there should no longer be any disqualifying transfers that were made prior to February 8, 2006.

Subsection 4 of section 75-02-02.1-33.2 is amended to clarify when the disqualification period would start.

Section 75-02-02.1-40 is amended to update the level for an ineligible community spouse and increase the pregnant women income level to 175% of the poverty level. The personal needs allowance is increased to \$100 pursuant to 2023 Senate Bill No. 2012.

Subsection 5 of section 75-02-02.1-44 is amended to update language based on a defined term.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules, may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, October 2, 2023.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 1st day of August, 2023.

August 1, 2023

RE: Proposed Amendments to N.D. Admin. Code chapter 75-02-02.1
Eligibility for Medicaid

TO WHOM IT MAY CONCERN:

The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapter 75-02-02.1, Eligibility for Medicaid. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Monday, October 2, 2023.

The department has scheduled an oral hearing for Wednesday, September 20, 2023. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Christopher Jones
Commissioner

CDJ/rv

Enclosures

cc: Liz Fordahl, Legislative Council
Joyce Johnson, Medical Services
LeeAnn Thiel, Medical Services
Krista Fremming, Assistant Director of Medical Services Division
Sarah Aker, Executive Director of Medical Services Division

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

COMMISSIONER
Christopher Jones