

July 22, 2021

Jill Grossman, 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. Grossman:

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 Tuesday, September 7, 2021, beginning at 12:30 p.m. and continuing until 2:00 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 Advisory Unit

JA/rv

cc: Caprice Knapp, Medical Services
Joyce Johnson, Medical Services
Michele Gee, Economic Assistance

Enclosures

LEGAL ADVISORY UNIT

600 E Boulevard Ave Dept 325 | Bismarck ND 58505-0250

701.328.2311 | Fax 701.328.2173 | 800.472.2622 | 711 (TTY) | www.nd.gov/dhs

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

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 75-02-02.1 at 12:30 p.m. on Tuesday, September 7, 2021 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, regarding Eligibility for Medicaid, are necessary to implement 2021 House Bill No. 1012, federal rule updates, and the Consolidated Appropriations Act of 2021.

The proposed changes are as follows:

Section 75-02-02.1-02 is amended to correct a grammatical error.

Subsection 4 of Section 75-02-02.1-10 is amended to provide that eligibility for qualified Medicaid beneficiaries begins in the month following the month in which the individual is determined eligible.

Subsection 4 of Section 75-02-02.1-14.1 is amended to provide that Medicaid expansion enrollees ages nineteen and twenty approved as medically frail shall have their coverage determined under Medicaid state plan services in response to sections 21 and 22 of 2021 House Bill No. 1012.

Subsection 6 of Section 75-02-02.1-18 is amended to provide that individuals from the compact of free associated states, including the Federated States of Micronesia, the Republic of Marshall Islands, and the Republic of Palau, pursuant to the Consolidated Appropriations Act of 2021, are eligible for Medicaid benefits without the five year, forty quarter ban.

Subsection 1 of Section 75-02-02.1-22 is amended to update language pursuant to federal guidance as to when qualified Medicare beneficiary eligibility is effective. The change provides individuals an extra month of eligibility for the qualified Medicare beneficiaries program.

Subsection 5 of Section 75-02-02.1-24 is amended for a clerical change.

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Section 75-02-02.1-24.2 is amended to provide that department may not require the payment of a premium or disenroll an individual for failure to pay a premium or enrollment fee for workers with disabilities coverage during a federally declared emergency if collection of the premium or enrollment fee may impact the receipt of federal funds. The language was added pursuant to section 30 of 2021 House Bill No. 1012.

Section 75-02-02.1-24.3 is amended to provide that department may not require the payment of a premium or disenroll an individual for failure to pay a premium or enrollment fee for failure to pay a premium for families of children with disabilities coverage during a federally declared emergency if collection of the premium may impact the receipt of federal funds. The language was added pursuant to section 31 of 2021 House Bill No. 1012.

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 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 Friday, September 17, 2021.

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 Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 22nd day of July, 2021.

July 22, 2021

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

TO WHOM IT MAY CONCERN:

The Department of 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 Friday, September 17, 2021.

The department has scheduled an oral hearing for Tuesday, September 7, 2021. 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 Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Christopher Jones,
Executive Director

CDJ/rv

Enclosures

cc: Jill Grossman, Legislative Council
Caprice Knapp, Medical Services
Joyce Johnson, Medical Services
Michele Gee, Economic Assistance

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

EXECUTIVE DIRECTOR
Christopher Jones