

July 29, 2022

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 Thursday, September 8, 2022, beginning at 11:00 a.m. and continuing until 12:30 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 Advisory Unit

JA/rv

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

Enclosures

LEGAL ADVISORY UNIT

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 11:00 a.m. on Thursday, September 8, 2022, 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, are necessary to comply with section 1002 of the SUPPORT for Patients and Communities Act of 2018 (Pub. L. No. 115-271), relating to health insurance for former foster youth. The proposed amendments are also necessary to implement Sections 9812 and 9822 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), which gave states an option to provide twelve months of extended postpartum coverage, which the North Dakota Legislature approved via 2021 House Bill No. 1506 (Section 6) during the 67th Legislative Assembly Special 2021 Session.

The proposed changes are as follows:

Section 75-02-02.1-05 is amended to extend the time period from sixty days to twelve months for eligible pregnant women and to children who are born to a woman who is eligible for Medicaid for categorically and medically needy coverage groups and to remove the requirement that a former foster care child had to be in foster care in North Dakota to be considered categorically needy.

Section 75-02-02.1-09 is amended to extend the time period from sixty days to twelve months that a pregnant woman is not required to cooperate in establishing paternity and obtaining medical support and payments from, or derived from, the non-custodial parent of a child.

Section 75-02-02.1-21 is amended to extend the time period from sixty days to twelve months for continuous eligibility for pregnant women and newborns.

Subsection 2 of Section 75-02-02.1-24.4 is amended to remove the requirement that a former foster care child had to be in foster care in North Dakota during a period of presumptive eligibility.

The proposed amendments are anticipated to have a positive impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

LEGAL ADVISORY UNIT

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 Monday, September 19, 2022.

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 29th day of July, 2022

July 29, 2022

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 Monday, September 19, 2022.

The department has scheduled an oral hearing for Thursday, September 8, 2022. 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
LeeAnn Thiel, Medical Services
Joyce Johnson, Medical Services
Michele Gee, Economic Assistance

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

EXECUTIVE DIRECTOR
Christopher Jones