



NOV 15 2013

Legal Advisory Unit

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Jack Dalrymple, Governor
Maggie D. Anderson, Interim Executive Director

November 15, 2013

Mr. John Walstad, Code Revisor
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 Mr. Walstad:

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 December 27, 2013, beginning at 10:00 a.m. and continuing until 11:30 a.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,

A handwritten signature in blue ink that reads "Julie Leer".

Julie Leer
Legal Advisory Unit

JL/rs

cc: Cindy Sheldon, Medical Services

Enclosures



Jack Dalrymple, Governor
Maggie D. Anderson, Executive Director

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 10:00 a.m. on Friday, December 27, 2013, 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 2013 House Bill No. 1232 and 2013 House Bill No. 1012.

The proposed changes are as follows:

Section 75-02-02.1-28 is amended to correct a typo, reflect eligibility requirements enacted in 2013 House Bill No. 1232 regarding the value of an irrevocable burial arrangement, and to exempt funds held in a qualified individual retirement account from medicaid eligibility considerations.

Section 75-02-02.1-32 is amended to add language regarding mineral interests in eligibility determinations and to clarify valuation of contractual right to receive money payments.

Section 75-02-02.1-33.2 is amended to clarify the criteria for establishing the period of medicaid ineligibility resulting from a disqualifying transfer.

Section 75-02-02.1-40 is amended to increase the income level to sixty-five dollars per month for individuals in a nursing facility and for an institutionalized spouse with an ineligible community spouse, as provided within 2013 House Bill No. 1012.

Section 75-02-02.1-43 is created to address the treatment of payments for services by the attorney-in-fact in assessing an individual's eligibility.

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 county social services offices 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, January 6, 2014.

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 15th day of November, 2013.



Jack Dalrymple, Governor
Maggie D. Anderson, Interim Executive Director

November 15, 2013

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 January 6, 2014.

The department has scheduled an oral hearing for December 27, 2013. 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,

A handwritten signature in black ink that reads "Maggie D. Anderson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Maggie D. Anderson,
Executive Director

MDA/rs

Attachments

cc: John Walstad, Legislative Council
Cindy Sheldon, Medical Services