



Legal Advisory Unit

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John Hoeven, Governor
Carol K. Olson, Executive Director

August 25, 2009

AUG 25 2009

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. Chapter 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 September 24, 2009, beginning at 1:30 p.m. and continuing until 3:00 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,

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

Julie Leer
Legal Advisory Unit

JL/ca

Cc: Curtis Volesky, Medical Services

Enclosures



John Hoeven, Governor
Carol K. Olson, 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 1:30 p.m. on Thursday, September 24, 2009, in Bismarck, N.D. in the AV Room – 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, in part, to comply with appropriations measures passed during the 2009 legislative session, as directed by House Bill No. 1012. The proposed amendments will have an impact on the regulated community in excess of \$50,000. Specifically:

Section 75-02-02.1-05 is amended to clarify who is included in the medically needy coverage group and who is included in the poverty level coverage group for purposes of determining Medicaid eligibility.

Section 75-02-02.1-12 is amended to remove provisions that are obsolete and to require verification of identity for purposes of determining Medicaid eligibility.

Section 75-02-02.1-16 is amended to clarify that residence, for purposes of establishing eligibility for Medicaid, may not be established by an individual claiming residence in another state; and to clarify residence requirements for individuals under the age of twenty-one for purposes of determining Medicaid eligibility.

Section 75-02-02.1-18 is amended to remove provisions that are obsolete, to supplement the lists of eligible and ineligible aliens, and to reference acceptable verifications to prove citizenship for purposes of determining Medicaid eligibility.

Section 75-02-02.1-22 is amended to increase the asset levels for the Medicare Savings Programs effective January 1, 2010. The new levels will be three times the SSI levels, and will be increased annually according to the CPI, beginning in 2006.

Sections 75-02-02.1-28 and 75-02-02.1-33.2 are amended to incorporate the increase in the burial allowance authorized by the Legislative Assembly in 2009. Additionally, section 75-02-02.1-28 is amended to clarify what constitutes a good-faith effort to sell real property without working an undue hardship. It also establishes the good-faith sale period for other property at 30 days.

Section 75-02-02.1-32 is amended to allow individuals to provide evidence showing a lower value for contracts for deed, other than the sum of outstanding payments of principal, and to identify the different ways certain secured and unsecured notes are treated for purposes of determining eligibility for Medicaid.

Section 75-02-02.1-33.1 is amended to clarify when income or an asset may be treated as consideration for services or assistance furnished by a family member to an individual applying for Medicaid.

Sections 75-02-02.1-38.1 and 75-02-02.1-39 are amended to allow countable income to be reduced for actual payments made on old medical bills.

Section 75-02-02.1-38.2 is being amended to clarify treatment of payments derived from individual interests in Indian trust or restricted lands as disregarded income, and to include wages paid by the Census Bureau for temporary employment related to census activities as disregarded income.

Section 75-02-02.1-40 is being amended to provide an increase in the personal needs allowance for recipients in intermediate care facilities for the mentally retarded as authorized by the Legislative Assembly in 2009.

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, October 5, 2009.

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 25th day of August, 2009.