

AUG 25 2010



Legal Advisory Unit

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John Hoeven, Governor
Carol K. Olson, Executive Director

August 25, 2010

Mr. John Walstad, Code Revisor
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-02-02.1 and 75-02-02.2, Eligibility for Medicaid and Children's Health Insurance Program

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 Wednesday, September 29, 2010, 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/kh

Cc: Curtis Volesky, Medical Services

Enclosures

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-02-02.1
ELIGIBILITY FOR MEDICAID
AND
CHAPTER 75-02-02.2
CHILDREN'S HEALTH INSURANCE PROGRAM

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 75-02-02.1 and 75-02-02.2 at 1:30 p.m. on Wednesday, September 29, 2010, in Bismarck, N.D. in the AV Room – Room 212, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapters 75-02-02.1 and 75-02-02.2, Eligibility for Medicaid and Children's Health Insurance Program, are necessary to comply with P.L. No. 111-118, American Recovery and Reinvestment Act of 2009. The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000.

Section 75-02-02.1-01 is amended to correct a typographical error and to replace obsolete language.

Section 75-02-02.1-04 is amended to clarify the requirements for screening recipients of certain services.

Section 75-02-02.1-17 is amended to clarify the requirements for application for other benefits.

Section 75-02-02.1-18 is amended to eliminate the eight-month time limit for Medicaid coverage for Iraqi and Afghan immigrants as required by P.L. No. 111-118, which was signed December 19, 2009.

Section 75-02-02.1-24 is amended to reflect that transfers between spouses are not limited.

Section 75-02-02.1-24.2 is amended to no longer require an enrollment fee or premiums for Indians who are exempt from cost-sharing under federal law as required by the American Recovery and Reinvestment Act of 2009.

Section 75-02-02.1-24.3 is amended to no longer require an enrollment fee or premiums for Indians who are exempt from cost-sharing under federal law as required by the American Recovery and Reinvestment Act of 2009.

Section 75-02-02.1-28 is amended to clarify the good faith effort to sell requirement for mobile homes and, as required by the American Recovery and Reinvestment Act of 2009, to no longer count certain property and income as assets or income when determining Medicaid eligibility for Indians.

Section 75-02-02.1-31.1 is amended to replace obsolete language.

Section 75-02-02.1-32 is amended to identify the process used to determine the value of mineral interests and to clarify language.

Section 75-02-02.1-33.2 is amended to reflect that transfers between spouses are not limited.

Section 75-02-02.1-37 is amended to no longer count certain property and income as assets or income when determining Medicaid eligibility for Indians as required by the American Recovery and Reinvestment Act of 2009.

Section 75-02-02.1-38.1 is amended to replace obsolete language.

Section 75-02-02.1-38.2 is amended to replace obsolete language, to correct a reference to federal law, and to no longer count certain property and income as assets or income when determining Medicaid eligibility for Indians as required by the American Recovery and Reinvestment Act of 2009.

Section 75-02-02.1-39 is amended to replace obsolete language.

Section 75-02-02.1-40 is amended to replace obsolete language.

Section 75-02-02.1-41 is amended to replace obsolete language.

Section 75-02-02.2-01 is amended to replace obsolete language.

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 11, 2010.

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, 2010.