

NOV 17 2009

Legal Advisory Unit



Fax (701) 328-2173
Legal (701) 328-2311
Appeals (701) 328-2311
ND Relay TTY (800) 366-6888

John Hoeven, Governor
Carol K. Olson, Executive Director

November 17, 2009

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

RE: Proposed Amendment to N.D. Admin. Code Section 75-02-02.1-31
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 rule as required by N.D.C.C. Chapter 28-32-10. Also enclosed is a copy of the proposed rule.

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 this rule will be held on December 22, 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. SECTION 75-02-02.1-31
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 Section 75-02-02.1-31 at 1:30 p.m. on Tuesday, December 22, 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 amendment to N.D. Admin. Code Section 75-02-02.1-31, Eligibility for Medicaid, is necessary to comply with House Bill No. 1300 passed during the 2009 legislative session. The proposed amendment is not anticipated to have an impact on the regulated community in excess of \$50,000.

Section 75-02-02.1-31, is amended to comply with 2009 House Bill No. 1300. The amendment will allow a modified trust to be irrevocable for purposes of determining Medicaid eligibility, if the trust is modified under N.D.C.C. Section 59-12-11.

Copies of the proposed rule are available for review at county social services offices and at human service centers. Copies of the proposed rule and the regulatory analysis relating to this rule 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 4, 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 17th day of November, 2009.



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RE: Proposed Amendment to N.D. Admin. Code Section 75-02-02.1-31
Eligibility for Medicaid

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing an amendment to N.D. Admin. Code Section 75-02-02.1-31, Eligibility for Medicaid. The department has adopted procedures to assure public input into the formulation of the rule prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rule and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on January 4, 2010.

The department has scheduled an oral hearing on December 22, 2009. 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 "Carol K. Olson".

Carol K. Olson,
Executive Director

CKO/ca

Attachments

Cc: John Walstad, Legislative Council
Curtis Volesky, Medical Services