

**CHAPTER 75-02-02.1
ELIGIBILITY FOR MEDICAID**

SECTION 1. Section 75-02-02.1-04 is amended as follows:

75-02-02.1-04. Screening of recipients of certain services. All applicants or recipients who seek nursing care services in nursing facilities, swing-bed facilities, institutions for mental disease, or intermediate care facilities for the mentally retarded, or who seek home and community-based services, must demonstrate a medical necessity for the service sought on or prior to admission to a facility, upon application for medicaid while in a facility, or upon request for home and community-based services. That demonstration must be based on a ~~screening provided~~ level of care determination that is completed in a manner prescribed by the department.

History: Effective December 1, 1991; amended effective July 1, 2003; April 1, 2008; October 1, 2010.

General Authority: NDCC 50-06-16, 50-24.1-04

Law Implemented: NDCC 50-24.1-01