

(prepare in triplicate)

FISCAL NOTE

prepared in regard to:

House Bill No. 1515

(List bill or resolution and number, if available, or subject)

Amendment to: N/A

(List bill or resolution and number)

Requested by: Legislative Council Date of receipt: February 4 19 75

In the following space note the fiscal effect in dollars of the legislative proposal. If additional space is needed, attach a supplementary sheet. (Please type)

Amends NDCC Section 50-24.1-02 pertaining to eligibility for the receipt of Medical Assistance benefits and creates new sections in NDCC Chapter 50-24.1 to allow for the recovery from the estates of decedent medical assistance recipients over the age of 65 years, and to allow the provision of Remedial Eye Care under the Medical Assistance law. Remedial Eye Care is presently provided under the Statutory Authorization contained in Chapter 50-24.

Both the Medical Assistance and the Remedial Eye Care programs are and have been in existence and no fiscal impact is anticipated from the changes in the law.

Although the Social Service Board has filed claims against the estates of Medical Assistance recipients, there is no statutory base for such claims. During calendar years 1974, the Social Service Board received \$39 498.88 from the estates of decedent Medical Assistance recipients.

(CONTINUED)

Date of preparation: February 6, 1975

Signed T. N. Tangedahl  
by Wayne J. Anderson  
Typed Name- T. N. Tangedahl

Department Social Service Board of ND

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FISCAL NOTE

It should be pointed out that it is practice to credit AABD claims in preference to Medical Assistance claims. Therefore, if a recipient had received both, and the estate did not contain sufficient funds to pay the entire claim, AABD would be credited first.

Since the AABD Program is no longer current, there will be more and more instances in which our Medical Assistance claims will be the only assistance claim, and therefore it is reasonable to assume that our recovery on Medical Assistance claims will increase rather than remain stable or decrease.

Finally, H.B. 1515 proposes to repeal NDCC Section 50-09-05. This section is unconstitutional in light of the United States Supreme Court decision in Shapiro V. Thompson, 22 L.Ed. 2d 600, in which durational residency requirements for the receipt of public assistance were struck down by the high court. The Social Service Board has given this invalid section of law no effect subsequent to the receipt of an Attorney General's opinion dated September 13, 1971. Consequently, the repeal of this section will have no fiscal impact.