

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2074

Introduced by

Human Services Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact section 50-24.1-02.6 of the North Dakota Century
2 Code, relating to eligibility criteria for medical assistance benefits; to repeal section 5 of
3 chapter 425 of the 2001 Session Laws; and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 50-24.1-02.6 of the North Dakota Century Code
6 is amended and reenacted as follows:

7 **50-24.1-02.6. (~~Contingent effective date—See note~~) Medical assistance benefits—**

8 **Eligibility criteria:**

- 9 1. ~~The department shall provide medical assistance benefits to otherwise eligible~~
10 ~~persons who are:~~
- 11 a. ~~Medically needy persons who have countable income that does not exceed~~
12 ~~an amount determined under subsection 2; and~~
- 13 b. ~~Minors who have countable income that does not exceed an amount~~
14 ~~determined under subsection 3.~~
- 15 2. ~~The department of human services shall establish an income level for medically~~
16 ~~needy persons at an amount, no less than required by federal law, that, consistent~~
17 ~~with the requirements of subsection 3, is the greatest income level achievable~~
18 ~~without exceeding legislative appropriations for that purpose.~~
- 19 3. ~~The department of human services shall establish income levels for minors, based~~
20 ~~on the age of the minors, at amounts, no less than required by federal law, that~~
21 ~~provide an income level for all minors born before September 30, 1983, equal to~~
22 ~~one hundred percent of the federal poverty level in the month for which eligibility~~
23 ~~for medical assistance benefits is being determined and that do not exceed~~
24 ~~legislative appropriations for that purpose.~~

1 ~~(Contingent effective date and effective through June 30, 2003 – See note)~~

2 **Medical assistance benefits - Eligibility criteria.**

3 1. The department shall provide medical assistance benefits to otherwise eligible
4 persons who are:

5 a. Medically needy persons who have countable income that does not exceed
6 an amount determined under subsection 2; and

7 b. Minors who have countable income that does not exceed an amount
8 determined under subsection 3.

9 2. The department of human services shall establish an income level for medically
10 needy persons at an amount, no less than required by federal law, that, consistent
11 with the requirements of subsection 3, is the greatest income level achievable
12 without exceeding legislative appropriations for that purpose.

13 3. The department of human services shall establish income levels for minors, based
14 on the age of the minors, at amounts, no less than required by federal law, that
15 provide an income level for all minors born before September 30, 1983, equal to
16 one hundred percent of the federal poverty level in the month for which eligibility
17 for medical assistance benefits is being determined and that do not exceed
18 legislative appropriations for that purpose.

19 4. The department of human services shall provide medical assistance benefits to
20 children and families coverage groups and pregnant women without consideration
21 of assets.

22 **SECTION 2. REPEAL.** Section 5 of chapter 425 of the 2001 Session Laws is
23 repealed.

24 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.