

Sixty-first  
Legislative Assembly  
of North Dakota

## REENGROSSED SENATE BILL NO. 2283

Introduced by

Senators Taylor, Erbele, Mathern

Representatives Hawken, Mueller, Wolf

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 the medical assistance eligibility requirements for pregnant women; to provide  
3 an appropriation; and to provide an effective date.

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~~ subsections 3 and 4, is the greatest income  
18 level achievable 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           4.   The department of human services shall establish income levels for pregnant  
2                    women at an amount, no less than required by federal law, equal to one hundred  
3                    sixty-five percent of the federal poverty level in the month for which eligibility for  
4                    medical assistance benefits is being determined.

5           5.   The department of human services shall provide medical assistance benefits to  
6                    children and families coverage groups and pregnant women without consideration  
7                    of assets.

8                    **(Contingent effective date - See note) Medical assistance benefits - Eligibility**

9   **criteria.**

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

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

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

16           2.   The department of human services shall establish an income level for medically  
17                    needy persons at an amount, no less than required by federal law, that, consistent  
18                    with the requirements of ~~subsection~~ subsections 3 and 4, is the greatest income  
19                    level achievable without exceeding legislative appropriations for that purpose.

20           3.   The department of human services shall establish income levels for minors, based  
21                    on the age of the minors, at amounts, no less than required by federal law, that  
22                    provide an income level for all individuals from birth through age eighteen equal to  
23                    one hundred thirty-three percent of the federal poverty level in the month for which  
24                    eligibility for medical assistance benefits is being determined.

25           4.   The department of human services shall establish income levels for pregnant  
26                    women at an amount, no less than required by federal law, equal to one hundred  
27                    sixty-five percent of the federal poverty level in the month for which eligibility for  
28                    medical assistance benefits is being determined.

29           5.   The department of human services shall provide medical assistance benefits to  
30                    children and families coverage groups and pregnant women without consideration  
31                    of assets.

1           **SECTION 2. CONTINGENT APPROPRIATION.** If section 1 of this Act becomes  
2 effective, there is appropriated out of any moneys in the general fund in the state treasury, not  
3 otherwise appropriated, the sum of \$964,031, or so much of the sum as may be necessary, and  
4 from special funds derived from federal funds, the sum of \$1,582,480, or so much of the sum  
5 as may be necessary, to the department of human services for the purpose of defraying the  
6 expenses of implementing the expansion of medical assistance benefits for pregnant women as  
7 provided for in section 1 of this Act for the biennium beginning July 1, 2009, and ending  
8 June 30, 2011.

9           **SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective on the date  
10 the department of human services certifies to the legislative council that the department has  
11 received approval to claim federal financial participation to expand medical assistance benefits  
12 to pregnant women as provided for in section 1 of this Act, but may not become effective earlier  
13 than January 1, 2010.