

**2025 HOUSE HUMAN SERVICES**

**HB 1067**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## HUMAN SERVICES COMMITTEE PIONEER ROOM, STATE CAPITOL

HB 1067  
1/14/2025

Relating to medical assistance benefits and Medicaid waivers
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10:30 am Chairman Ruby called the meeting to order.

Members present: Chairman Ruby, Vice Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

### **Discussion Topics:**

- Medicaid for children in the U.S.
- Increase for age limit of waivers
- Concerns with regards to 1915c waivers
- Recommended amendments to the eligibility of eligibility

10:31 am Krista Fremming, assistant director of medical services, testified in support of and submitted testimony in support of #28935.

10:44 am Roxane Romanick, on behalf of Donene Feist with Family Voices, testified in support of, and submitted testimony in support of #28835.

10:51 am Chairman Ruby closed the hearing.

*Jackson Toman, Committee Clerk*

Testimony on HB 1067  
2025 Legislative Session  
House Human Services Committee  
Chairman Representative Mathew Ruby  
January 13, 2025

My name is Donene Feist, I am the Director for Family Voices of North Dakota. I come before you today to request support for HB 1067 and to additionally provide information on issues that we are seeing at Family Voices.

Family Voices of North Dakota is statewide health information and education center who serves families of children with special health care needs in ND. Each state in the country and our territories has one family organization that has been designated as a family to family health information and education center by HRSA federally. We are that entity for ND.

We provide emotional and informational support to many families across North Dakota who have a child who has an ongoing medical diagnosis such as asthma, heart conditions, physical disabilities, and emotional/behavioral issues. Our staff, who all are parent to children with special health care needs, provides assistance to families by helping them access and navigate services; explaining what the services mean, how systems work, and where the funding comes from; and by providing emotional support to assist with their unique and individual needs.

We are very supportive of the bill as it extends the age limit for the medically fragile waiver and the autism waiver to the age of 21. We are also supportive of expanding Medicaid coverage to children who are lawfully present in the U.S. but whose parents have not met the five-year waiting period or obtained forty qualifying quarters of Social Security coverage.

An area of concern that we have is this:

The majority of North Dakota's children with disabilities who are being served under one of our various 1915c Medicaid Waivers (Autism Waiver, Developmental Disabilities Waiver, Medically Fragile Waiver, Children's Hospice Waiver) must be on Medicaid. North Dakota recognizes this fact and allows for a FAMILY income and asset disregard for Medicaid eligibility. Only child income would count and in almost all cases, the child does not have any income and/or assets. Unfortunately, this changes in families where there is divorce resulting in child support or death of a parent (or a parent drawing a social security benefit), then child support and/or Social Security survivor or retirement benefit are determined child income and the state assesses a cost share or a recipient liability.

In a recent scenario, a mother found out after the sudden death of her spouse, that her child with complex health needs would now have a cost share when accessing In-Home Supports through one of our 1915c Medicaid Waivers. The cost share was so large that the Social Security benefit barely covered the cost. On top of the loss of income in her home and dealing with grief, she

then had to pay for a service that she did not have to when her husband was alive. These families not only take a loss of income, most times the Recipient Liability is at least as much as or higher than the SS benefit or child support.

Because of the dire circumstances of these families we consulted with one of our national partners is the Catalyst Center at Boston University who is the National Center for Health Insurance and Financing for Children and Youth with Special Health Care Needs (CYSHCN). Their role is to: promote universal, continuous, and affordable coverage for all CYSHCN; close benefit and financing gaps; promote payment for additional services; and build sustainable capacity to promote financing of care. They could not identify another state who as a death benefit or from child support utilize this as income for the child which changes their Medicaid eligibility.

As HB 1067 opens up the section on Medicaid eligibility, we are asking the House Human Services Committee to work with the Department and Legislative Council to draft an amendment that would exclude Social Security survivor and/or retirement benefits as well as child support payments as child income for purposes of Medicaid eligibility.

We thank you for your consideration.

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Health & Human Services

**Testimony**  
**House Bill No. 1067**  
**House Human Services Committee**  
**Representative Ruby, Chairman**  
January 14, 2025

Chairman Ruby, and members of the House Human Services Committee, I am Krista Fremming, Assistant Director of Medical Services with the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1067, which was introduced at the request of the Department.

Section 1 of this bill allows Medicaid coverage, and therefore federal matching funds, for children who are in the U.S. legally without regard to the length of time they or their parents have resided in the United States. We estimate that up to an additional 180 children may receive Medicaid coverage each year if this bill passes.

During the 2023 ND legislative session, Senate Bill No. 2181 passed that allowed for Medicaid coverage for pregnant women who are legally in the U.S. without regard to length of time they have been in the U.S. or qualifying quarters of social security coverage. We are recommending the same change be made for children. This will allow us to provide children who are here legally with access to health care services and connect them with cost effective preventive care.

Currently 36 states plus the District of Columbia provide Medicaid coverage to lawfully present children without a 5-year waiting period.

There have been situations since Oct. 1, 2023 (date we implemented the 2023 Senate Bill No. 2181) where we were able to provide coverage for a pregnant woman who did not meet the 5-year waiting period or have enough qualifying quarter of social security coverage but had to deny her children coverage due to the current law. Passing this bill would ensure the family unit is eligible for Medicaid and children aren't left without coverage we are able to grant to their pregnant mother.

There have also been a few situations in our state where a human service zone or the Division of Juvenile Services had custody of a child who was legally present in ND, however due to the five year, forty-quarter ban, the child did not qualify for Medicaid and their services had to be funded with state general funds.

Fortunately, there are not many children who fall into this category, but for those who do, their care is typically costly, as it may involve inpatient and residential levels of care. For example, the monthly cost for a child to receive treatment at a psychiatric residential treatment facility is around \$19,000. Without the passage of this bill, the state will incur general fund expenses of around \$236,877 in the 2025-27 biennium. This factor has been included in the fiscal estimate of the bill. By passing the bill, we can obtain federal matching dollars for all the children who fall into this situation, regardless of if their custody is transferred to a zone or the Division of Juvenile Services.

The fiscal impact of Section 1 for the 2025-27 biennium is \$356,491 in general funds and \$604,829 in federal funds.

We are requesting an amendment to the effective date of Section 1 of this bill, which we have drafted and included in the attached document. The amendment would change the effective date to April 1, 2026. As we analyzed the IT systems changes that would be needed if the bill passes, we concluded that a few additional months for development and testing are needed. If the amendment is adopted, the fiscal impact would need to be amended as well.

Section 2 of the bill increases the age limit for participation in the Medicaid children's autism and medically fragile waivers to age 20. Currently the age limit is 18. This change would enable children who are currently participating in the waiver to remain as participants at ages 19 and 20. If this change is not made, 23 children will age out of these waivers in the coming biennium. The transition period from youth into adulthood is critical, and disruption of services and supports for these young adults would make the transition more challenging. There is no fiscal impact associated with this change, as there are a set number of waiver slots each year, and each slot is funded in the Department's cost to continue budget.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

## PROPOSED AMENDMENTS TO HOUSE BILL NO. 1067

A BILL for an Act to amend and reenact sections 50-24.1-02.6 and 50-24.1-26 of the North Dakota Century Code, relating to medical assistance benefits and Medicaid waivers; and to provide an effective date.

**SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective on April 1, 2026.



# 2025 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

HB 1067  
2/10/2025

Relating to licensure requirements of a speech-language pathology licensed assistant and temporary licensure.

9:52 a.m. Chairman M. Ruby opened the meeting.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives Beltz, Bolinske, Davis, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr  
Members absent: Representative K. Anderson, Dobervich

### Discussion Topics:

- Committee action
- Child support and social security

9:53 a.m. Krista Fremming, Department of Health and Human Services, Medical Services Division, introduced amendments relating to Medicaid waivers, #36643.

9:58 a.m. Representative Rohr moved to adopt amendment testimony #36643.

9:58 a.m. Representative Holle seconded the motion.

9:58 a.m. Voice vote passed.

9:59 a.m. Vice-chairman Frelich moved to further amend the bill to remove subsection 6.

10:00 a.m. Representative Rohr seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	AB
Representative Mike Beltz	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	N
Representative Gretchen Dobervich	AB
Representative Cleyton Fegley	Y
Representative Jared Hendrix	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Nico Rios	Y
Representative Karen Rohr	Y

10:00 a.m. Motion passed 9-1-2.

10:03 a.m. Krista Fremming provided further testimony.

10:03 a.m. Vice-chairman Frelich moved a Do Pass as amended and rerefer to appropriations.

10:03 a.m. Representative Bolinske seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	AB
Representative Mike Beltz	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	AB
Representative Cleyton Fegley	Y
Representative Jared Hendrix	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Nico Rios	Y
Representative Karen Rohr	Y

10:03 a.m. Motion passed 11-0-2.

Bill carrier: Representative Bolinske

10:04 a.m. Chairman M. Ruby closed the  
meeting. *Jackson Toman, Committee Clerk*

February 10, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

**HOUSE BILL NO. 1067**

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

2-10-25

JMZ 1067

1 A BILL for an Act to amend and reenact sections 50-24.1-02.6 and 50-24.1-26 of the North  
2 Dakota Century Code, relating to medical assistance benefits and Medicaid waivers; and to  
3 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 is  
6 amended and reenacted as follows:

7 **50-24.1-02.6. Medical assistance benefits - Eligibility criteria.**

- 8 1. The department shall provide medical assistance benefits to otherwise eligible  
9 persons who are medically needy persons who have countable income that does not  
10 exceed an amount determined under subsection 2.
- 11 2. The department shall establish an income level for medically needy persons at an  
12 amount no less than required by federal law.
- 13 3. The department shall provide medical assistance benefits to children and families  
14 coverage groups and pregnant women without consideration of assets.
- 15 4. The department shall provide medical assistance benefits to otherwise eligible  
16 pregnant women who are lawfully present in the United States.
- 17 5. The department may require, as a condition of eligibility, individuals eligible for  
18 Medicare part A, B, or D to apply for such coverage.
- 19 6. The department shall ~~provide medical assistance benefits to otherwise eligible children~~  
20 ~~who are lawfully present in the United States~~ disregard social security survivor income

JB 2022

1 and court-ordered child support for a child who is under the age of eighteen years and  
2 is enrolled in a medicaid waiver under section 1915(c) of the Social Security Act [42  
3 U.S.C. 1915(c)].

4 **SECTION 2. AMENDMENT.** Section 50-24.1-26 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **50-24.1-26. Medicaid waivers - In-home services.**

7 The department shall administer Medicaid waivers to provide in-home services to children  
8 with extraordinary medical needs and to children ~~up to the age of eighteen~~ diagnosed with an  
9 autism spectrum disorder who are under the age of twenty-one and would otherwise meet  
10 institutional level of care. The department may prioritize applicants for the waiver for children  
11 with extraordinary medical needs by degree of need.

12 **SECTION 3. EFFECTIVE DATE.** Section 1 of this Act is effective on July 1, 2026.

**REPORT OF STANDING COMMITTEE  
HB 1067**

**Human Services Committee (Rep. M. Ruby, Chairman)** recommends **AMENDMENTS** ([25.8081.01001](#)) and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1067 was placed on the Sixth order on the calendar.

## PROPOSED AMENDMENTS TO HOUSE BILL NO. 1067

A BILL for an Act to amend and reenact sections 50-24.1-02.6 and 50-24.1-26 of the North Dakota Century Code, relating to medical assistance benefits and Medicaid waivers; and to provide an effective date.

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

**50-24.1-02.6. Medical assistance benefits - Eligibility criteria.**

1. The department shall provide medical assistance benefits to otherwise eligible persons who are medically needy persons who have countable income that does not exceed an amount determined under subsection 2.
2. The department shall establish an income level for medically needy persons at an amount no less than required by federal law.
3. The department shall provide medical assistance benefits to children and families coverage groups and pregnant women without consideration of assets.
4. The department shall provide medical assistance benefits to otherwise eligible pregnant women who are lawfully present in the United States.
5. The department may require, as a condition of eligibility, individuals eligible for Medicare part A, B, or D to apply for such coverage.
6. The department shall provide medical assistance benefits to otherwise eligible children who are lawfully present in the United States.
7. The department shall disregard social security survivor income and court-ordered child support for children under the age of eighteen years who are enrolled in a Medicaid 1915(c) waiver.

**SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective on July 1, 2026.

**2025 SENATE HUMAN SERVICES**

**HB 1067**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Lincoln Room, State Capitol

HB 1067  
3/10/2025

Relating to medical assistance benefits and Medicaid waivers; and to provide an effective date.
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10:47 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

### **Discussion Topics:**

- Waiver Slot Allocation

10:47 a.m. Krista Fremming, Assistant Director of Medical Services with North Dakota Department of Health and Human Services, testified in favor and submitted testimony #39883.

10:51 a.m. Chairman Lee closed the hearing.

*Andrew Ficek, Committee Clerk*





Health & Human Services

**Testimony**  
**House Bill No. 1067**  
**Senate Human Services Committee**  
**Senator Lee, Chairman**  
March 10, 2025

Chairman Lee, and members of the Senate Human Services Committee, I am Krista Fremming, Assistant Director of Medical Services with the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1067, which was introduced at the request of the Department.

Section 1 of the bill was amended by the House Human Services committee. Section 1 directs the Department to disregard certain income for children who are enrolled in 1915(c) waivers, effective July 1, 2026. Social security survivor income and court-ordered child support will become disregarded income types for these children if the bill passes. The fiscal impact for this change is estimated to be \$62,724 for the 25-27 biennium and \$125,448 for the 27-29 biennium.

Section 2 of the bill increases the age limit for participation in the Medicaid children's autism and medically fragile waivers to age 20. Currently the age limit is 18. This change would enable children who are currently participating in the waiver to remain as participants at ages 19 and 20. If this change is not made, 23 children will age out of these waivers in the coming biennium. The transition period from youth into adulthood is critical, and disruption of services and supports for these young adults would make the transition more challenging. There is no fiscal impact associated with this change, as there are a set number of

waiver slots each year, and each slot is funded in the Department's cost to continue budget.

Section 3 of the bill is requesting a delayed effective date to allow the Department time to update the necessary systems and processes.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

# 2025 SENATE STANDING COMMITTEE MINUTES

## Human Services Committee Fort Lincoln Room, State Capitol

HB 1067  
3/12/2025

Relating to medical assistance benefits and Medicaid waivers; and to provide an effective date.

2:13 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

### Discussion Topics:

- Qualified income
- Committee Action

2:15 p.m. Senator Roers moved Do Pass.

2:15 p.m. Senator Hogan seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

Senator Hogan will carry the bill.

2:16 p.m. Chairman Lee closed the hearing.

*Andrew Ficek, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1067 ([25.8081.02000](#))**

**Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1067 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.