

July 28, 2026

Liz Fordahl, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Amendments to N.D. Admin. Code Chapters 75-02-02 and 75-02-02.1
Medical Services and Eligibility for Medicaid

Dear Ms. Fordahl:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to Amend Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Friday, September 18, 2026, beginning at 9:00 a.m. and continuing until 10:30 a.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jason Nisbet
Legal Division

JN/rv

cc: Joyce Johnson, Medical Services
Krista Fremming, Interim Director of Medical Services
Nancy Maier, Aging Services

Enclosures

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NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES
RELATING TO N.D. ADMINISTRATIVE CODE CHAPTERS
75-02-02 AND 75-02-02.1
MEDICAL SERVICES AND ELIGIBILITY FOR MEDICAID

TAKE NOTICE that the North Dakota Department of Health and Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 75-02-02 and 75-02-02.1 at 9:00 a.m. on Friday, September 18, 2026, in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapters 75-02-02 and 75-02-02.1, Medical Services and Eligibility for Medicaid, are necessary to comply with the Working Families Tax Cut Act (Public Law 119-21).

The proposed amendments are as follows:

Section 75-02-02-09.5 is amended to clarify when payment for personal care services may be made, to outline the rights and responsibilities of applicants, recipients, and legal representatives, and to identify when personal care services may be denied and when an applicant is ineligible for personal care services.

Section 75-02-02.1-02 is amended to reflect that redeterminations for Medicaid Expansion recipients shall occur no less than every six months and to provide exemptions.

Section 75-02-02.1-05 is amended to establish community engagement requirements for categorically needy adults, and to update age limits and asset levels for gainfully employed individuals with disabilities.

Section 75-02-02.1-10 is amended to change retroactive eligibility to two calendar months depending on the type of coverage for which an applicant is eligible.

Section 75-02-02.1-13 is amended to change “aliens” to “non-citizens”.

Section 75-02-02.1-18 is amended to change “alien” to “non-citizen” and update which non-citizens are eligible for Medicaid coverage.

Section 75-02-02.1-22 is amended to change retroactive eligibility to two calendar months and to correct outdated citations.

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Section 75-02-02.1-24.4 is amended to clarify that presumptive eligibility coverage does not include any prior month period.

Section 75-02-02.1-28 is amended to change retroactive eligibility to two calendar months and to establish when burial funds and annuities or IRAs may be excluded as an asset.

Subsection 14 of section 75-02-02.1-28.1 is amended to change “aliens” to “non-citizens” and to update a citation.

Section 75-02-02.1-33.2 is amended to update requirements for establishing undue hardship claims and to establish asset transfer requirements applicable to annuities and IRAs.

Subdivision c of subsection 1 of section 75-02-02.1-38.1 is amended to change “aliens” to “non-citizens” and to update a citation.

Subsection 21 of section 75-02-02.1-38.2 is amended to change “aliens” to “non-citizens” and to update a citation.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at human service zones offices and at the state-operated behavioral health clinics. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments must be received no later than 5:00 p.m. on Monday, September 28, 2026.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Health and Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 28th day of July, 2026.

July 28, 2026

RE: Proposed Amendments to N.D. Admin. Code chapters 75-02-02 and 75-02-02.1
Medical Services and Eligibility for Medicaid

TO WHOM IT MAY CONCERN:

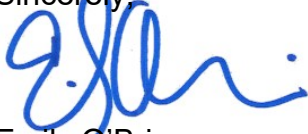
The Department of Health and Human Services is proposing amendments to N.D. Admin. Code chapters 75-02-02 and 75-02-02.1, Medical Services and Eligibility for Medicaid. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Monday, September 28, 2026.

The department has scheduled an oral hearing for Friday, September 18, 2026. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Health and Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Emily O'Brien
Deputy Commissioner

EMO/rv

Enclosures

cc: Liz Fordahl, Legislative Council
Joyce Johnson, Medical Services
Krista Fremming, Interim Director of Medical Services
Nancy Maier, Aging Services

OFFICE OF THE COMMISSIONER

GOVERNOR
Kelly Armstrong

INTERIM COMMISSIONER
Pat Traynor