

October 25, 2019

RE: Proposed amendments to N.D. Admin. Code chapter 75-02-02.1
Eligibility for Medicaid

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing amendments to N.D. Admin. Code chapter 75-02-02.1, 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, December 16, 2019.

The department has scheduled an oral hearing for Wednesday, December 4, 2019. 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 Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Christopher Jones,
Executive Director

CDJ/rv

Enclosures

cc: Vonette Richter, Legislative Council
Michele Gee, Economic Assistance
LeeAnn Thiel, Medical Services

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

EXECUTIVE DIRECTOR
Christopher Jones

NOTICE OF INTENT TO AMEND
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-02-02.1
ELIGIBILITY FOR MEDICAID

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed amendments to N.D. Admin. Code chapter 75-02-02.1 Eligibility for Medicaid at 10:00 a.m. on Wednesday, December 4, 2019, in Bismarck, N.D. in AV Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed amendments to N.D. Admin. Code chapter 75-02-02.1, Eligibility for Medicaid, are necessary to comply with 2019 House Bill No. 1115.

The proposed changes are as follows:

Section 75-02-02.1-24.1 is amended to change a reference from “women” to “individuals”, consistent with 2019 House Bill No. 1115; to remove a reference to “women’s way”; to change wording from “centers for disease control and prevention’s” to “center for disease control and prevention”; and to specify that eligibility for individuals in the breast and cervical cancer program continues until they no longer require treatment for breast or cervical cancer or a precancerous condition.

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 county social services offices and at human service centers. 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 Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, December 16, 2019.

LEGAL ADVISORY UNIT

600 E Boulevard Ave Dept 325 | Bismarck ND 58505-0250

701.328.2311 | Fax 701.328.2173 | 800.472.2622 | 711 (TTY) | www.nd.gov/dhs

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 Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 25th day of October, 2019.

**CHAPTER 75-02-02.1
ELIGIBILITY FOR MEDICAID**

Section	
75-02-02.1-01	Definitions
75-02-02.1-02	Application and Redetermination
75-02-02.1-02.1	Duty to Establish Eligibility
75-02-02.1-03	Decision and Notice
75-02-02.1-04	Screening of Recipients of Certain Services
75-02-02.1-04.1	Certification of Need for Children in an Institution for Mental Disease
75-02-02.1-05	Coverage Groups
75-02-02.1-06	Applicant's Choice of Aid Category
75-02-02.1-07	Applicant's Duty to Establish Eligibility [Repealed]
75-02-02.1-08	Medicaid Unit
75-02-02.1-08.1	Caretaker Relatives
75-02-02.1-09	Assignment of Rights to Medical Payments and Benefits
75-02-02.1-10	Eligibility - Current and Retroactive
75-02-02.1-11	Need
75-02-02.1-12	Age and Identity
75-02-02.1-12.1	Cost-Effective Health Insurance Coverage
75-02-02.1-13	Social Security Numbers
75-02-02.1-14	Blindness and Disability
75-02-02.1-14.1	Eligibility for Medically Frail Medicaid Expansion Enrollees
75-02-02.1-15	Incapacity of a Parent
75-02-02.1-16	State of Residence
75-02-02.1-17	Application for Other Benefits
75-02-02.1-18	Citizenship and Alienage
75-02-02.1-19	Inmates of Public Institutions
75-02-02.1-19.1	Family Coverage Group
75-02-02.1-20	Transitional and Extended Medicaid Benefits
75-02-02.1-21	Continuous Eligibility for Pregnant Women and Newborns
75-02-02.1-22	Medicare Savings Programs
75-02-02.1-23	Eligibility of Qualified Disabled and Working Individuals
75-02-02.1-24	Spousal Impoverishment Prevention
75-02-02.1-24.1	Breast and Cervical Cancer Early Detection Program
75-02-02.1-24.2	Eligibility for Workers With Disabilities
75-02-02.1-24.3	Eligibility for Children With Disabilities
75-02-02.1-24.4	Hospital Presumptive Eligibility
75-02-02.1-25	Asset Considerations
75-02-02.1-26	Asset Limits
75-02-02.1-27	Exempt Assets [Repealed]
75-02-02.1-28	Excluded Assets
75-02-02.1-28.1	Excluded Assets for Medicare Savings Programs, Qualified Disabled and Working Individuals, and Spousal Impoverishment Prevention
75-02-02.1-29	Forms of Asset Ownership
75-02-02.1-30	Contractual Rights to Receive Money Payments

75-02-02.1-30.1	Annuities [Repealed]
75-02-02.1-31	Trusts
75-02-02.1-31.1	Trusts Established by Applicants, Recipients, or Their Spouses After August 10, 1993
75-02-02.1-32	Valuation of Assets
75-02-02.1-33	Disqualifying Transfers Made on or Before August 10, 1993 [Repealed]
75-02-02.1-33.1	Disqualifying Transfers Made Before February 8, 2006
75-02-02.1-33.2	Disqualifying Transfers Made on or After February 8, 2006
75-02-02.1-34	Income Considerations
75-02-02.1-34.1	MAGI-Based Methodology
75-02-02.1-34.2	Income Conversion for Individuals Subject to a MAGI-Based Methodology
75-02-02.1-34.3	Reasonable Compatibility of Income for Individuals Subject to a MAGI-Based Methodology
75-02-02.1-35	Budgeting [Repealed]
75-02-02.1-36	Disregarded Income [Repealed]
75-02-02.1-37	Unearned Income
75-02-02.1-37.1	Unearned Income for Individuals Subject to a MAGI-Based Methodology
75-02-02.1-38	Earned Income
75-02-02.1-38.1	Post-Eligibility Treatment of Income
75-02-02.1-38.2	Disregarded Income
75-02-02.1-38.3	Disregarded Income for Certain Individuals Subject to a MAGI-Based Methodology
75-02-02.1-38.4	Earned Income for Individuals Subject to a MAGI-Based Methodology
75-02-02.1-39	Income Deductions
75-02-02.1-39.1	Income Deductions for Individuals Subject to a MAGI-Based Methodology
75-02-02.1-40	Income Levels
75-02-02.1-41	Deeming of Income
75-02-02.1-41.1	Recipient Liability
75-02-02.1-41.2	Budgeting
75-02-02.1-42	Eligibility Under 1972 State Plan
75-02-02.1-43	Payment for Services by Attorney-in-Fact

SECTION 1: Section 75-02-02.1-24.1 is amended as follows:

75-02-02.1-24.1. Breast and cervical cancer early detection program.

The breast and cervical cancer early detection group consists of womenindividuals under age sixty-five who:

1. Are uninsured and not otherwise eligible for Medicaid;

2. Have been screened for breast and cervical cancer ~~through women's way~~ under the centers for disease control and ~~prevention's~~prevention breast and cervical cancer early detection program and have been found to require treatment for breast cancer, cervical cancer, or a precancerous condition relating to breast cancer or cervical cancer;
3. Meet the requirements of section 75-02-02.1-16, relating to residence, section 75-02-02.1-18, relating to citizenship, and section 75-02-02.1-19, relating to inmates of public institutions; and
4. Become eligible on the first day of the later of the month of diagnosis or the first month of retroactive eligibility, as provided in section 75-02-02.1-10, and continue to be eligible until they no longer require treatment for breast or cervical cancer or a precancerous condition; or no longer meet the requirements of this subsection.

History: Effective July 1, 2003; amended effective April 1, 2020.

General Authority: NDCC 50-06-16, 50-24.1-04

Law Implemented: NDCC 50-24.1-17