Sixty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2041

Introduced by

Legislative Management

(Human Services Committee)

A BILL for an Act to amend and reenact subsection 1 of section 25-01.2-01 and section 50-24.1-02 of the North Dakota Century Code, relating to Down syndrome and eligibility for medical assistance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 25-01.2-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Developmental disability" means a severe, chronic disability of an individual which:
   a. Is attributable to a mental or physical impairment or combination of mental and physical impairments<u>, including Down syndrome</u>;
   b. Is manifested before the individual attains age twenty-two;
   c. Is likely to continue indefinitely;
   d. Results in substantial functional limitations in three or more of the following areas of major life activity:
      (1) Self-care;
      (2) Receptive and expressive language;
      (3) Learning;
      (4) Mobility;
      (5) Self-direction;
      (6) Capacity for independent living; and
      (7) Economic sufficiency; and
   e. Reflects the individual's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

SECTION 2. AMENDMENT. Section 50-24.1-02 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-02. Eligibility.

Within the limits of legislative appropriations, medical assistance may be paid for any person who either has income and resources insufficient to meet the costs of necessary medical care and services or is eligible for or receiving financial assistance under chapter 50-09 or title XVI of the Social Security Act, as amended, and:

1. Has not at any time before or after making application for medical assistance made an assignment or transfer of property for the purpose of rendering that person eligible for assistance under this chapter. For the purposes of making any determination or redetermination of eligibility, the phrase "assignment or transfer" includes actions or failures to act which effect a renunciation or disclaimer of any interest which the applicant or recipient might otherwise assert or have asserted, or which serve to reduce the amounts which an applicant or recipient might otherwise claim from a decedent's estate, a trust or similar device, or a person obligated by law to furnish support to the applicant or recipient.
2. Has applied or agrees to apply all proceeds received or receivable by that person or that person's eligible spouse from automobile accident medical benefits coverage and private health care coverage to the costs of medical care for that person and that person's eligible spouse and children. The department of human services may require from any applicant or recipient of medical assistance the assignment of any rights accruing under automobile medical benefits coverage or private health care coverage. Any rights or amounts so assigned must be applied against the cost of medical care paid on behalf of the recipient under this chapter. The assignment is not effective as to any carrier before the receipt of notice of assignment by such carrier.
3. <u>Is an individual three years of age or older with a diagnosis of Down syndrome who meets the criteria for developmental disability in section 25-01.2-01, without regard to intellectual disability or impairment of general intellectual functioning.</u>
4. Is eligible under rules and regulations established by the department of human services.