

Introduced by

Senators Dever, Axness, Mathern, Oban, Wanzek

Representative Brandenburg

1 A BILL for an Act to amend and reenact subsection 1 of section 25-01.2-01 and section  
2 50-24.1-02 of the North Dakota Century Code, relating to Down syndrome and eligibility for  
3 medical assistance.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

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

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

3       **50-24.1-02. Eligibility.**

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

8       1. Has not at any time before or after making application for medical assistance made an  
9 assignment or transfer of property for the purpose of rendering that person eligible for  
10 assistance under this chapter. For the purposes of making any determination or  
11 redetermination of eligibility, the phrase "assignment or transfer" includes actions or  
12 failures to act which effect a renunciation or disclaimer of any interest which the  
13 applicant or recipient might otherwise assert or have asserted, or which serve to  
14 reduce the amounts which an applicant or recipient might otherwise claim from a  
15 decedent's estate, a trust or similar device, or a person obligated by law to furnish  
16 support to the applicant or recipient.

17       2. Has applied or agrees to apply all proceeds received or receivable by that person or  
18 that person's eligible spouse from automobile accident medical benefits coverage and  
19 private health care coverage to the costs of medical care for that person and that  
20 person's eligible spouse and children. The department of human services may require  
21 from any applicant or recipient of medical assistance the assignment of any rights  
22 accruing under automobile medical benefits coverage or private health care coverage.  
23 Any rights or amounts so assigned must be applied against the cost of medical care  
24 paid on behalf of the recipient under this chapter. The assignment is not effective as to  
25 any carrier before the receipt of notice of assignment by such carrier.

26       3. a. Is eligible under rules and regulations established by the department of human  
27 services; or

28       b. Is an individual with a diagnosis of Down syndrome who meets the criteria for  
29 developmental disability in section 25-01.2-01, without regard to intellectual  
30 disability or impairment of general intellectual functioning.