

HOUSE BILL NO. 1384

Introduced by

Representatives Poolman, Delmore

1 A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century
2 Code, relating to funeral expenses in claims against the estates of former medicaid recipients.

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

4 **SECTION 1. AMENDMENT.** Section 50-24.1-02.3 of the 1997 Supplement to the
5 North Dakota Century Code is amended and reenacted as follows:

6 **50-24.1-02.3. When designated pre-need funeral service contracts, prepayments,**
7 **or deposits not to be considered in eligibility determination.** In determining eligibility for
8 medical assistance, the department of human services may not consider as an available
9 resource any pre-need funeral service contracts, prepayments, or deposits to a fund which total
10 three thousand dollars or less designated by the applicant or recipient as set aside to pay for
11 the applicant's or recipient's funeral. In addition, the applicant or recipient may designate all or
12 a portion of the three thousand dollar asset limitation for funeral ~~purposes~~ pre-need contracts,
13 prepayments, or deposits. Interest or earnings retained in a funeral fund also may not be
14 considered as an available resource. A pre-need funeral service contract, prepayment, or
15 deposit designated under this section is not a multiple-party account for purposes of chapter
16 30.1-31. No claim for payment of funeral expenses may be made against the estate of a
17 deceased medical assistance recipient except to the extent that funds maintained in
18 accordance with this section total less than three thousand dollars.