

HOUSE BILL NO. 1281

Introduced by

Representatives Kreidt, Galvin, Uglen

Senator J. Lee

1 A BILL for an Act to create and enact three new sections to chapter 50-24.1 of the North Dakota
2 Century Code, relating to medical assistance eligibility and long-term care facilities.

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

4 **SECTION 1.** Three new sections to chapter 50-24.1 of the North Dakota Century Code
5 are created and enacted as follows:

6 **Assets transfer or assignment - Effect on long-term care facility debt.** Any transfer
7 or assignment of assets that results in a final determination by the department of human
8 services that the transfer or assignment is a disqualifying transfer that results in an applicant for
9 admission to a long-term care facility or a resident of a long-term care facility being ineligible for
10 medical assistance creates a debt that is due and owing by the transferor and the transferee
11 jointly and severally, for nursing care and services furnished by a long-term care facility, on or
12 after the date of the transfer of assets. The debt may not exceed the fair market value of the
13 assets at the time of transfer or assignment.

14 **Long-term care facility information.** A long-term care facility may request that an
15 applicant for admission, a resident of the facility, or the applicant's or resident's legal
16 representative furnish financial information regarding income and assets, including information
17 regarding any transfers or assignments of income or assets. A long-term care facility may deny
18 admission to an applicant for admission who is unable to verify a viable payment source.

19 **Long-term care facility resident - Medical assistance eligibility.** A resident of a
20 long-term care facility or an applicant for admission to a long-term care facility is eligible for
21 medical assistance if the application of transfer penalty provisions would deprive the individual
22 of nursing care and services and:

23 1. The asset constituting the disqualifying transfer is transferred or assigned back to
24 the resident or applicant; or

Fifty-ninth
Legislative Assembly

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2. Compensation equal to the fair market value of the asset at time of transfer is paid to, or on behalf of, the applicant or resident for nursing care and services provided by a long-term care facility.