

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1281

Introduced by

Representatives Kreidt, Galvin, Uglem

Senator J. Lee

1 A BILL for an Act to create and enact two 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.** Two new sections to chapter 50-24.1 of the North Dakota Century Code
5 are created and enacted as follows:

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

11 **Long-term care facility resident - Medical assistance eligibility.** An individual is not
12 ineligible for medical assistance if application of disqualifying transfer provisions would deprive
13 the individual of nursing care and services and the individual makes a satisfactory showing that:

- 14 1. For periods after the return, all income or assets constituting the disqualifying
15 transfer have been transferred or assigned back to the individual and the individual
16 is otherwise eligible for medical assistance; or
- 17 2. Compensation equal to the fair market value of the income or asset at time of
18 transfer is paid to, or on behalf of, the individual for nursing care and services
19 provided by a long-term care facility and the individual is otherwise eligible for
20 medical assistance.