

**HOUSE BILL NO. 1217**

Introduced by

Representatives Keiser, Price, Weisz

1 A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota  
2 Century Code, relating to eligibility for medical assistance benefits and long-term care  
3 insurance; and to provide an effective date.

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

5 **SECTION 1.** A new section to chapter 50-24.1 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Effect of purchase of long-term care insurance on eligibility for medical**  
8 **assistance benefits.** Notwithstanding any other provision of law to the contrary, the assets of  
9 an individual must be disregarded when determining medical assistance eligibility if the  
10 individual owns a long-term care insurance policy as described in this section and purchased  
11 before application for medical assistance was made. For purposes of this section, assets mean  
12 any kind of property or property interest, whether real, personal, or mixed, whether liquid or  
13 illiquid, and whether presently vested with possessory rights and that would be considered in  
14 determining eligibility for medical assistance. The following asset disregards must be applied:

- 15 1. A one dollar increase in the medical assistance asset limit must be granted to an  
16 individual who is the beneficiary of a long-term care insurance policy that meets the  
17 requirements of this section for each one dollar of benefit paid out under the  
18 individual's long-term care insurance policy for long-term care services; or
- 19 2. The total assets an individual owns and may retain and still qualify for medical  
20 assistance benefits at the time the individual applies for benefits must be  
21 disregarded if the individual is the beneficiary of a long-term care insurance policy  
22 that meets the requirements of this section, provides maximum benefits at the time  
23 of purchase of at least one hundred sixty-four thousand two hundred fifty dollars,  
24 and includes a provision under which the daily benefit increases by at least five

1                   percent per year compounded at least annually, and that individual has exhausted  
2                   the benefits of the long-term care insurance policy.

3 As used in this section, long-term care insurance has the meaning set forth in section  
4 26.1-45-01.

5                   **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on the date the  
6 department of human services certifies to the legislative council that an amendment to the  
7 medicaid state plan has been approved that provides for the disregard of any assets to the  
8 extent that payments are made under a long-term care insurance policy or because an  
9 individual has received or is entitled to receive benefits under a long-term care insurance policy.