

Testimony
Engrossed House Bill 1119 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
February 20, 2017

Chairman Lee, and members of the Senate Human Services Committee, I am Nancy Nikolas Maier, Director of the Aging Services Division, for the Department of Human Services (Department). I am here today to support Engrossed House Bill 1119, which was introduced at the request of the Department.

Through Engrossed House Bill 1119, the Department is requesting to amend section 50-06.2-10 and 50-24.7-02 of the North Dakota Century Code to obtain authority for the collection of overpayments for the Service Payments for the Elderly and Disabled (SPED) program and the Expanded Service Payments for the Elderly and Disabled (Ex-SPED) program when a recipient or legal representative of the recipient provides inaccurate information for the purpose of obtaining benefits.

In order to qualify for SPED or Ex-SPED services, an individual or their legal representative must provide sufficient information to determine their functional and financial eligibility for the service. If an individual or their legal representative provides inaccurate or false information about finances, health status, or ability to complete everyday tasks, the Department currently lacks the authority to recoup the funds that were paid for the services received when the individual was not eligible.

This authority exists for home and community based services (HCBS) that are Medicaid-funded, but does not exist for SPED and Ex-SPED which are

funded through State general fund. Engrossed House Bill 1119 proposes to provide for a consistent recipient overpayment collection policy for all HCBS programs. SPED and Ex-SPED recipients may request an appeal of a decision by the Department to recoup overpayments per N.D. Admin. Code § 75-03-23-11 and N.D. Admin. Code § 75-03-24-09.

The requested changes are as follows:

Section 1 of this Bill adds a subsection 3 to section 50-06.2-10 to provide for the recoupment of any overpayment that results from an eligible individual's or eligible individual's legal representative's concealment, misrepresentation, fraud, or from assistance granted pending a decision on an appeal that was adverse to the recipient. It further states that an overpayment may be collected from any person who benefited from, or who was responsible for the overpayment and that no statute of limitations or similar statute prevents the Department from recouping the overpayment.

Section 2 of this Bill amends subsections 1, 2, and 3 of section 50-24.7-02 to clarify language and does not modify the intent of these subsections. Subsection 4 of section 50-24.7-02 was added to provide for the recoupment of any overpayment that results from an eligible individual's or eligible individual's legal representative's concealment, misrepresentation, fraud, or from assistance granted pending a decision on an appeal that was adverse to the recipient. It further states that an overpayment may be collected from any person who benefited from, or who was responsible for the overpayment and that no statute of limitations or similar statute prevents the Department from recouping the overpayment.

This concludes my testimony. I will be happy to address any questions you may have.