

**Testimony**  
**Senate Bill 2074 – Department of Human Services**  
**House Human Services Committee**  
**Representative Weisz, Chairman**  
**March 2, 2011**

Chairman Weisz, members of the Human Services Committee, I am Curtis Volesky, Director of Medicaid Eligibility for the Department of Human Services. I am here in support of Senate Bill 2074.

This bill provides for a correction to subsection 1 of N.D.C.C. 50-24.1-07, based on information received from the Centers for Medicare and Medicaid Services (CMS).

This statute establishes provisions for recovery of medical assistance paid after an individual is determined to be permanently institutionalized or reaches age 55. For permanently institutionalized individuals, the statute only provides for recovery of benefits paid after the date the individual has been determined to be permanently institutionalized.

The relevant federal statute, 42 U.S.C. § 1396p(b)(1)(A), makes no distinction between assistance provided before or after the determination of permanent institutionalization. CMS confirmed that the date on which an individual is determined to be permanently institutionalized does not affect which expenditures must be recovered from the individual's estate; estate recovery must include assistance furnished prior to the time the individual was determined to be permanently institutionalized.

The amendment is requested to eliminate the disparity between the state and federal statutes and to support what is required by CMS in our Medicaid State Plan.

I would be happy to respond to any questions you may have.