

Testimony
Senate Bill 2082 – Department of Human Services
Senate Human Services Committee
Senator Lee, Chairman
January 12, 2015

Chairman Lee, members of the Senate Human Services Committee, I am Carol Cartledge, Director of the Economic Assistance Policy Division, for the Department of Human Services (Department). I am here today to support Senate Bill 2082, which was introduced at the request of the Department.

The Department is requesting an amendment to North Dakota Century Code Section 50-24.5-01, relating to definitions for the Basic Care Assistance Program (BCAP). The proposed changes on page 2, lines 3 through 6 are necessary to address an unintended consequence of the Affordable Care Act (ACA).

BCAP assists qualified individuals with the cost of room and board in a licensed basic care facility. The program is funded with general funds. To be eligible, an individual must be at least 18 years of age and blind or disabled, or over 65 years of age; eligible for and receiving Medicaid. Additionally, a functional assessment must show the individual is not severely impaired in activities of daily living of toileting, transferring to or from a bed or chair, or eating, and:

- Has health, welfare, or safety needs, including a need for supervision or in need of a structured environment; or
- Is impaired in three of the following four instrumental activities of daily living: preparing meals, doing housework, taking medicine, and doing laundry.

Under the final rules for the ACA published on July 15, 2013, an individual may qualify for the Medicaid Adult Expansion Group under the “medically frail” provision. Individuals eligible as “medically frail” must meet requirements similar to the functional assessment requirements under BCAP; however Medicaid eligibility for individuals that qualify under the Adult Expansion Group is not based on an asset test. BCAP eligibility uses and asset test.

The changes proposed would revert BCAP eligibility to the criteria used prior to the ACA and would require individuals applying for Basic Care Assistance to pass an asset test. The proposed language conditions an individual’s eligibility on having been subject to the asset test used to determine an individual’s eligibility for Medicaid for long term care.

This concludes my testimony and I would be happy to answer any questions.