

Sixty-fifth
Legislative Assembly
of North Dakota

REENGROSSED HOUSE BILL NO. 1259

Introduced by

Representative M. Nelson

1 A BILL for an Act to amend and reenact section 50-24.1-37 of the North Dakota Century Code,
2 relating to medicaid expansion; to provide an expiration date; to provide a contingent expiration
3 date; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 50-24.1-37 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-24.1-37. (Effective January 1, 2014, through July 31, 20172019) Medicaid**
8 **expansion.**

- 9 1. The department of human services shall expand medical assistance coverage as
10 authorized by the federal Patient Protection and Affordable Care Act [Pub. L. 111-148],
11 as amended by the Health Care and Education Reconciliation Act of 2010 [Pub.
12 L. 111-152] to individuals under sixty-five years of age with income below one hundred
13 thirty-eight percent of the federal poverty level, based on modified adjusted gross
14 income.
- 15 2. The department of human services shall inform new enrollees in the medical
16 assistance program that benefits may be reduced or eliminated if federal participation
17 decreases or is eliminated.
- 18 3. The department shall implement the expansion by bidding through private carriers or
19 utilizing the health insurance exchange. The contract between the department and the
20 private carrier must:
 - 21 a. Provide a reimbursement methodology for all medications and dispensing fees
22 which identifies the minimum amount paid to pharmacy providers for each
23 medication. The reimbursement methodology, at a minimum, must:
 - 24 (1) Be available on the department's website; and

- 1 (2) Encompass all types of pharmacy providers regardless of whether the
2 pharmacy benefits are being paid through the private carrier or contractor or
3 subcontractor of the private carrier under this section.
- 4 b. Provide full transparency of all costs and all rebates in aggregate.
- 5 c. Allow an individual to obtain medication from a pharmacy that provides mail order
6 service; however, the contract may not require mail order to be the sole method
7 of service.
- 8 d. Ensure that pharmacy services obtained in jurisdictions other than this state and
9 its three contiguous states are subject to prior authorization and reporting to the
10 department for eligibility verification.
- 11 e. Ensure the payments to pharmacy providers do not include a required payback
12 amount to the private carrier or one of the private carrier's contractors or
13 subcontractors which is not representative of the amounts allowed under the
14 reimbursement methodology provided in subdivision a.
- 15 f. Any information provided to the department of human services or any audit firm
16 by a pharmacy benefit manager under this section is confidential under section
17 44-04-17.1.

18 4. Effective January 1, 2018, medical assistance expansion program applicants and
19 recipients who are at least nineteen but less than twenty-one years of age must
20 receive coverage through traditional medical assistance.

21 5. The department shall seek approval of a medicaid waiver to limit coverage under this
22 section to the medical assistance expansion population with incomes at or below one
23 hundred percent of the federal poverty level, based on modified adjusted gross
24 income.

25 **SECTION 2. EXPIRATION DATE - CONTINGENT EXPIRATION DATE.** Section 1 of this
26 Act is effective through July 31, 2019, or until the executive director of the department of human
27 services certifies to the secretary of state and the legislative council the federal government
28 ended the medical assistance expansion program, whichever occurs first, and after that date is
29 ineffective.

30 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.