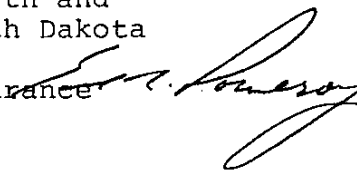




EARL R. POMEROY  
COMMISSIONER OF INSURANCE  
STATE OF NORTH DAKOTA  
STATE CAPITOL  
BISMARCK, NORTH DAKOTA 58505  
701 - 224 - 2440

BULLETIN 85-8

TO: All Companies Writing Accident & Health and  
Automobile No-Fault Insurance in North Dakota

FROM: Earl R. Pomeroy, Commissioner of Insurance 

DATE: August 19, 1985

SUBJECT: Assignment of Policy Benefits for Recipients of Medicaid

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It has come to my attention that some companies are disregarding Medicaid assignments or are requiring an annual updating of the assignment forms. Section 26.1-36-12 of the North Dakota Century Code states:

1. Any provision in any individual or group accident and health insurance policy or nonprofit health service corporation denying or prohibiting the insured or subscriber from assigning to the department of human services any rights to medical benefits coverage to which the insured or subscriber is entitled under the policy or contract is void. An individual or group insurance company or nonprofit health service corporation shall recognize the assignment of medical benefits coverage completed by the insured or subscriber, notwithstanding any provision contained in the policy or contract to the contrary.
2. Any individual or group provision in any accident and health insurance policy or nonprofit health service corporation contract issued by any insurance company or nonprofit health service corporation which limits or excludes payments of medical benefits coverage to or on behalf of the insured or subscriber if the insured or subscriber is eligible for medical assistance benefits under chapter 50-24.1 is void.

Unless approved in writing by the Commissioner of Insurance, any requirement for annual updating of assignment forms imposed by a licensed insurance company shall be viewed as an attempt to evade the above-cited statute.

The North Dakota Insurance Department expects full cooperation from all licensed insurance companies doing business in North Dakota.