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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1039

02/28/2013 Authored by Loeffler, Abeler, Isaacson, Moran and Fischer

The bill was read for the first time and referred to the Committee on Health and Human Services Policy

03/18/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act
1.2 relating to human services; modifying the medical assistance excess income
1.3 standard for certain individuals; requiring the commissioner to request
1.4 authority to continue current home and community-based services waiver
1.5 policy on treatment of a nonassisted spouse's income and assets; requiring the
1.6 commissioner to make recommendations on asset limits; amending Minnesota
1.7 Statutes 2012, section 256B.056, subdivision 5c.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2012, section 256B.056, subdivision 5c, is amended to
1.10 read:

1.11 Subd. 5c. **Excess income standard.** (a) The excess income standard for families
1.12 with children is the standard specified in subdivision 4.

1.13 (b) The excess income standard for a person whose eligibility is based on blindness,
1.14 disability, or age of 65 or more years is ~~70 percent of the federal poverty guidelines for the~~
1.15 ~~family size. Effective July 1, 2002, the excess income standard for this paragraph shall~~
1.16 ~~equal 75 percent of the federal poverty guidelines. The excess income standard under this~~
1.17 ~~paragraph shall equal: (1) 80 percent of the federal poverty guidelines effective July 1,~~
1.18 ~~2014; (2) 90 percent of the federal poverty guidelines effective July 1, 2015; and (3) 100~~
1.19 ~~percent of the federal poverty guidelines effective July 1, 2016.~~

1.20 Sec. 2. **RECOMMENDATIONS ON RAISING THE ASSET LIMITS FOR**
1.21 **SENIORS AND PERSONS WITH DISABILITIES.**

1.22 The commissioner of human services shall consult with interested stakeholders to
1.23 develop recommendations to increase the asset limit a reasonable amount considering
1.24 changes since the limit was established for (1) individuals and (2) homeowners eligible

2.1 for medical assistance due to disability or age who are not residing in a nursing facility,
2.2 intermediate care facility for persons with developmental disabilities, or other institution
2.3 whose costs for room and board are covered by medical assistance or state funds. The
2.4 recommendations must be provided to the legislative committees with jurisdiction over
2.5 health and human services policy and finance by February 1, 2014.

2.6 Sec. 3. **DIRECTION TO COMMISSIONER.**

2.7 The commissioner of human services shall request authority, in whatever form is
2.8 necessary, from the federal Centers for Medicare and Medicaid Services to allow persons
2.9 under age 65 participating in the home and community-based services waivers to continue
2.10 to use the disregard of the nonassisted spouse's income and assets instead of the spousal
2.11 impoverishment provisions under the federal Patient Protection and Affordable Care
2.12 Act (Public Law 111-148), section 2404, as amended by the federal Health Care and
2.13 Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments to, or
2.14 regulations or guidance issued under, those acts.