

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1063

02/28/2013 Authored by Abeler and Huntley

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

03/13/2013 By motion, recalled 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; changing eligibility requirements for medical
1.3 assistance and MinnesotaCare; amending Minnesota Statutes 2012, section
1.4 256B.056, subdivisions 3, 3c, as amended.

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

1.6 Section 1. Minnesota Statutes 2012, section 256B.056, subdivision 3, is amended to
1.7 read:

1.8 Subd. 3. **Asset limitations for individuals and families.** (a) To be eligible for
1.9 medical assistance, a person must not individually own more than \$3,000 in assets, or if a
1.10 member of a household with two family members, husband and wife, or parent and child,
1.11 the household must not own more than \$6,000 in assets, plus \$200 for each additional
1.12 legal dependent. In addition to these maximum amounts, an eligible individual or family
1.13 may accrue interest on these amounts, but they must be reduced to the maximum at the
1.14 time of an eligibility redetermination. The accumulation of the clothing and personal
1.15 needs allowance according to section 256B.35 must also be reduced to the maximum at
1.16 the time of the eligibility redetermination. The value of assets that are not considered in
1.17 determining eligibility for medical assistance is the value of those assets excluded under
1.18 the supplemental security income program for aged, blind, and disabled persons, with
1.19 the following exceptions:

- 1.20 (1) household goods and personal effects are not considered;
- 1.21 (2) capital and operating assets of a trade or business that the local agency determines
1.22 are necessary to the person's ability to earn an income are not considered, except that
1.23 capital and operating assets used for personal expenses including, but not limited to,

2.1 mortgage payments, utility payments, motor vehicle payments, and grocery payments paid
2.2 out of a business account shall be considered earned income to the household;

2.3 (3) motor vehicles are excluded to the same extent excluded by the supplemental
2.4 security income program;

2.5 (4) assets designated as burial expenses are excluded to the same extent excluded by
2.6 the supplemental security income program. Burial expenses funded by annuity contracts
2.7 or life insurance policies must irrevocably designate the individual's estate as contingent
2.8 beneficiary to the extent proceeds are not used for payment of selected burial expenses;

2.9 (5) for a person who no longer qualifies as an employed person with a disability due
2.10 to loss of earnings, assets allowed while eligible for medical assistance under section
2.11 256B.057, subdivision 9, are not considered for 12 months, beginning with the first month
2.12 of ineligibility as an employed person with a disability, to the extent that the person's total
2.13 assets remain within the allowed limits of section 256B.057, subdivision 9, paragraph (d);

2.14 (6) when a person enrolled in medical assistance under section 256B.057, subdivision
2.15 9, is age 65 or older and has been enrolled during each of the 24 consecutive months
2.16 before the person's 65th birthday, the assets owned by the person and the person's spouse
2.17 must be disregarded, up to the limits of section 256B.057, subdivision 9, paragraph (d),
2.18 when determining eligibility for medical assistance under section 256B.055, subdivision
2.19 7. The income of a spouse of a person enrolled in medical assistance under section
2.20 256B.057, subdivision 9, during each of the 24 consecutive months before the person's
2.21 65th birthday must be disregarded when determining eligibility for medical assistance
2.22 under section 256B.055, subdivision 7. Persons eligible under this clause are not subject to
2.23 the provisions in section 256B.059. A person whose 65th birthday occurs in 2012 or 2013
2.24 is required to have qualified for medical assistance under section 256B.057, subdivision 9,
2.25 prior to age 65 for at least 20 months in the 24 months prior to reaching age 65; and

2.26 (7) effective July 1, 2009, certain assets owned by American Indians are excluded as
2.27 required by section 5006 of the American Recovery and Reinvestment Act of 2009, Public
2.28 Law 111-5. For purposes of this clause, an American Indian is any person who meets the
2.29 definition of Indian according to Code of Federal Regulations, title 42, section 447.50.

2.30 The assets specified in clauses (1) to (4) must be disclosed to the local agency at the
2.31 time of application and at the time of an eligibility redetermination, and must be verified
2.32 upon request of the local agency.

2.33 (b) No asset limit shall apply to persons eligible under section 256B.055, subdivision
2.34 15.

3.1 Sec. 2. Minnesota Statutes 2012, section 256B.056, subdivision 3c, as amended by
3.2 Laws 2013, chapter 1, section 4, is amended to read:

3.3 Subd. 3c. **Asset limitations for families and children.** (a) A household of two or
3.4 more persons must not own more than \$20,000 in total net assets, and a household of one
3.5 person must not own more than \$10,000 in total net assets. In addition to these maximum
3.6 amounts, an eligible individual or family may accrue interest on these amounts, but they
3.7 must be reduced to the maximum at the time of an eligibility redetermination. The value of
3.8 assets that are not considered in determining eligibility for medical assistance for families
3.9 and children is the value of those assets excluded under the AFDC state plan as of July 16,
3.10 1996, as required by the Personal Responsibility and Work Opportunity Reconciliation
3.11 Act of 1996 (PRWORA), Public Law 104-193, with the following exceptions:

3.12 (1) household goods and personal effects are not considered;

3.13 (2) capital and operating assets of a trade or business up to \$200,000 are not
3.14 considered, except that ~~a bank account that contains personal income or assets, or is~~
3.15 ~~used to pay personal expenses, is not considered a capital or operating asset of a trade or~~
3.16 business capital and operating assets used for personal expenses including, but not limited
3.17 to, mortgage payments, utility payments, motor vehicle payments, and grocery payments
3.18 paid out of a business account shall be considered earned income to the household;

3.19 (3) one motor vehicle is excluded for each person of legal driving age who is
3.20 employed or seeking employment;

3.21 (4) assets designated as burial expenses are excluded to the same extent they are
3.22 excluded by the Supplemental Security Income program;

3.23 (5) court-ordered settlements up to \$10,000 are not considered;

3.24 (6) individual retirement accounts and funds are not considered;

3.25 (7) assets owned by children are not considered; and

3.26 (8) effective July 1, 2009, certain assets owned by American Indians are excluded as
3.27 required by section 5006 of the American Recovery and Reinvestment Act of 2009, Public
3.28 Law 111-5. For purposes of this clause, an American Indian is any person who meets the
3.29 definition of Indian according to Code of Federal Regulations, title 42, section 447.50.

3.30 The assets specified in ~~clause (2)~~ clauses (1) to (7) must be disclosed to the local agency
3.31 at the time of application and at the time of an eligibility redetermination, and must be
3.32 verified upon request of the local agency.

3.33 (b) Beginning January 1, 2014, this subdivision applies only to parents and caretaker
3.34 relatives who qualify for medical assistance under subdivision 5.