

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH LEGISLATURE

S.F. No. 762

(SENATE AUTHORS: HOFFMAN, Marty and Hayden)

DATE	D-PG	OFFICIAL STATUS
02/25/2013	391	Introduction and first reading Referred to Health, Human Services and Housing
03/18/2013	1150a	Comm report: To pass as amended and re-refer to Finance

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A bill for an act  
relating to human services; modifying the medical assistance income standard  
for seniors and persons with disabilities; requiring the commissioner to request  
authority to continue current home and community-based services waiver policy  
on treatment of a nonassisted spouse's income and assets; amending Minnesota  
Statutes 2012, section 256B.056, subdivisions 4, as amended, 5c.

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

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Section 1. Minnesota Statutes 2012, section 256B.056, subdivision 4, as amended by  
Laws 2013, chapter 1, section 5, is amended to read:

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Subd. 4. **Income.** (a) To be eligible for medical assistance, a person eligible under  
section 256B.055, subdivisions 7, 7a, and 12, may have income up to ~~100~~ 133 percent  
of the federal poverty guidelines using the modified adjusted gross income methodology  
under the federal Patient Protection and Affordable Care Act (Public Law 111-148), as  
amended by the federal Health Care and Education Reconciliation Act of 2010 (Public  
Law 111-152), and any amendments to, or regulations or guidance issued under, those  
acts. When determining income eligibility using the modified adjusted gross income  
methodology, the commissioner shall subtract from the individual's modified adjusted gross  
income an amount equivalent to five percent of the federal poverty guidelines. Effective  
January 1, 2000, and each successive January, recipients of Supplemental Security Income  
may have an income up to the supplemental security income standard in effect on that date.

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(b) To be eligible for medical assistance, families and children may have an income  
up to 133-1/3 percent of the AFDC income standard in effect under the July 16, 1996,  
AFDC state plan. Effective July 1, 2000, the base AFDC standard in effect on July 16,  
1996, shall be increased by three percent.

(c) Effective January 1, 2014, to be eligible for medical assistance, under section 256B.055, subdivision 3a, a parent or caretaker relative may have an income up to 133 percent of the federal poverty guidelines for the household size.

(d) To be eligible for medical assistance under section 256B.055, subdivision 15, a person may have an income up to 133 percent of federal poverty guidelines for the household size.

(e) To be eligible for medical assistance under section 256B.055, subdivision 16, a child may have an income up to 133 percent of the federal poverty guidelines for the household size.

(f) In computing income to determine eligibility of persons under paragraphs (a) to (e) who are not residents of long-term care facilities, the commissioner shall disregard increases in income as required by Public Laws 94-566, section 503; 99-272; and 99-509. For persons eligible under paragraph (a), veteran aid and attendance benefits and Veterans Administration unusual medical expense payments are considered income to the recipient.

**EFFECTIVE DATE.** This section is effective January 1, 2014.

Sec. 2. Minnesota Statutes 2012, section 256B.056, subdivision 5c, is amended to read:

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

(b) The excess income standard for a person whose eligibility is based on blindness, disability, or age of 65 or more years is ~~70 percent of the federal poverty guidelines for the family size. Effective July 1, 2002, the excess income standard for this paragraph shall equal 75 percent of the federal poverty guidelines.~~ Effective January 1, 2014, the excess income standard shall equal 133 percent of the federal poverty guidelines using the modified adjusted gross income methodology under the federal Patient Protection and Affordable Care Act (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and any amendments to, or regulations or guidance issued under, those acts.

Sec. 3. **RECOMMENDATIONS ON RAISING THE ASSET LIMITS FOR SENIORS AND PERSONS WITH DISABILITIES.**

The commissioner of human services shall consult with interested stakeholders to develop recommendations and a request for a federal 1115 demonstration waiver in order to increase the asset limit for individuals eligible for medical assistance due to disability or age who are not residing in a nursing facility, intermediate care facility for persons with developmental disabilities, or other institution whose costs for room and

board are covered by medical assistance or state funds. The recommendations must be provided to the legislative committees with jurisdiction over health and human services policy and finance by February 1, 2014.

Sec. 4. **DIRECTION TO COMMISSIONER.**

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