

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3729

03/31/2016 Authored by Albright, Newton, Loeffler, Schoen and Hertaus
The bill was read for the first time and referred to the Committee on Health and Human Services Finance

1.1 A bill for an act
1.2 relating to health care; modifying spousal anti-impovertishment provisions;
1.3 amending Minnesota Statutes 2014, section 256B.059, by adding a subdivision.

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

1.5 Section 1. Minnesota Statutes 2014, section 256B.059, is amended by adding a
1.6 subdivision to read:

1.7 Subd. 6. **Home and community-based waived services.** (a) For an individual
1.8 eligible for home and community-based waived services under section 256B.092 or
1.9 256B.49 and whose eligibility is based on the need for an institutional level of care, it
1.10 shall be considered an undue hardship if the individual's eligibility for services would be
1.11 terminated because of excess spousal assets in the form of designated retirement accounts
1.12 or college savings accounts for the couple's children under 25 years of age, and there shall
1.13 not be a cause of action as to the individual's spouse.

1.14 (b) This section applies to individuals who are determined eligible for home and
1.15 community-based waived services under section 256B.092 or 256B.49 based on the
1.16 need for an institutional level of care on or before May 31, 2016.

1.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.18 Sec. 2. **CONTINGENT EFFECTIVE DATE.**

1.19 If the Centers for Medicare and Medicaid Services issues a disapproval of this
1.20 act, this act shall be considered repealed 30 days after the disapproval is received. The
1.21 commissioner of human services shall notify the revisor of statutes if the Centers for
1.22 Medicare and Medicaid Services issues a disapproval of this act.