

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective August 1, 1984 and applies to all crimes committed on or after that date.

Approved April 22, 1984

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**CHAPTER 422 — S.F.No. 1454**

*An act relating to public welfare; authorizing the commissioner to enter into interstate adoption compacts; establishing procedures for interstate assistance payments; amending Minnesota Statutes 1983 Supplement, section 256B.06, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 259.*

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

Section 1. Minnesota Statutes 1983 Supplement, section 256B.06, subdivision 1, is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is a child eligible for or receiving adoption assistance payments under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676 or section 2 of this act; or

(2) Who is a child eligible for or receiving foster care maintenance payments under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676; or

(3) Who is eligible for or receiving public assistance, or a woman who is pregnant, as medically verified, and who would be eligible for assistance under the aid to families with dependent children program if the child had been born and living with the woman; or

(4) Who meets the categorical eligibility requirements of the supplemental security income program and the other eligibility requirements of this section; or

(5) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(6) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

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(7) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(8) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(9) Who alone, or together with his spouse, does not own real property other than the homestead. For the purposes of this section, "homestead" means the house owned and occupied by the applicant as his dwelling place, together with the land upon which it is situated and an area no greater than two contiguous lots in a platted or laid out city or town or 80 contiguous acres in unplatted land. Occupancy or exemption shall be determined as provided in chapter 510 and applicable law, including continuing exemption by filing notice under section 510.07. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price or unless sale of the real estate would net an insignificant amount of income applicable to the family's needs, or unless the commissioner determines that sale of the real estate would cause undue hardship; and

(10) Who individually does not own more than \$3,000 in cash or liquid assets, or if a member of a household with two family members (husband and wife, or parent and child), does not own more than \$6,000 in cash or liquid assets, plus \$200 for each additional legal dependent. Cash and liquid assets may include a prepaid funeral contract and insurance policies with cash surrender value. The value of the following shall not be included:

(a) the homestead, and (b) one motor vehicle licensed pursuant to chapter 168 and defined as: (1) passenger automobile, (2) station wagon, (3) motorcycle, (4) motorized bicycle or (5) truck of the weight found in categories A to E, of section 168.013, subdivision 1e; and

(11) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members (husband and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income due solely to increases in federal retiree, survivor's, and disability insurance benefits, veterans administration benefits, and railroad retirement benefits in the percentage amount established in the biennial appropriations law unless prohibited by federal law or regulation. If prohibited, the commissioner shall first seek a waiver. In excess

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income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

(12) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by either spouse when one spouse is a nursing home resident; and

(13) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

**Sec. 2. [259.431] INTERSTATE ADOPTION COMPACTS; SERVICE PAYMENTS.**

Subdivision 1. PURPOSE. It is the purpose and policy of the state of Minnesota to:

(a) Enter into interstate agreements with agencies of other states for the protection of children for whom the commissioner is providing adoption assistance.

(b) Provide procedures for interstate assistance payments, including medical payments, for eligible children who are adopted interstate and for children adopted in Minnesota who move to another state.

Subd. 2. DEFINITIONS. For the purposes of this section, the terms defined in this subdivision shall have the meanings given them, unless the context clearly indicates otherwise.

(a) "Adoption assistance state" means the state that signs an adoption assistance agreement in a particular case.

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(b) "Commissioner" means the commissioner of public welfare of the state of Minnesota.

(c) "Resident state" means the state of which the child is a resident because of the residence of the adoptive parents.

(d) "State" means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, the Virgin Islands, Guam, the commonwealth of the Northern Mariana Islands, or a territory or possession of the United States.

**Subd. 3. COMPACTS AUTHORIZED.** The commissioner is authorized to develop, negotiate and enter into one or more interstate compacts on behalf of this state with other states to implement the purposes of this act. When entered into, the compact will have the force and effect of law.

**Subd. 4. CONTENTS OF COMPACTS.** A compact entered into under this act must include:

(a) A provision allowing all states to join the compact;

(b) A provision for withdrawal from the compact upon written notice to the parties. The provision must require a period of one year between the date of the notice and the effective date of the withdrawal;

(c) A requirement that the protections afforded under the compact continue in force for the duration of the adoption assistance from a party state other than the one in which the adoptive parents and the child are resident;

(d) A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the state which provides the adoption assistance, and that the agreement be expressly for the benefit of the adopted child and enforceable by the adoptive parents and the state agency providing the adoption assistance; and

(e) Other provisions necessary and appropriate for the proper administration of the compact.

A compact entered into under this act may contain provisions establishing procedures and entitlements to medical, developmental, child care, or other social services for the child under state law, even though the child and the adoptive parents are in a state other than the one responsible for or providing the services or funds to pay part of or all of the costs.

**Subd. 5. MEDICAL ASSISTANCE; DUTIES OF THE COMMISSIONER OF PUBLIC WELFARE.** The commissioner of public welfare shall:

(a) Issue a medical assistance identification card to any child with special needs who is a resident in this state and the subject of an adoption assistance agreement with another state when a certified copy of the adoption assistance

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agreement obtained from the adoption assistance state has been filed with the commissioner. The adoptive parents shall be required at least annually to show that the agreement is still in force or has been renewed.

(b) Consider the holder of a medical assistance identification card under this subdivision as any other recipient of medical assistance under chapter 256B; process and make payment on claims for the recipient in the same manner as for other recipients of medical assistance.

(c) Provide coverage and benefits for a child who is in another state and who is covered by an adoption assistance agreement made by the commissioner for the coverage or benefits, if any, which is not provided by the resident state. The adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the resident state and shall be reimbursed. However, there shall be no reimbursement for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents.

(d) Publish temporary and permanent rules implementing this subdivision. Such rules shall include procedures to be followed in obtaining prior approvals for services which are required for the assistance.

Subd. 6. PENALTIES FOR FALSE CLAIMS. Any person who submits a claim or makes a statement for payment or reimbursement for services or benefits under subdivision 5 which the maker or claimant knows or should know to be false, misleading, or fraudulent is guilty of perjury. That person shall also be subject to a fine of not more than \$3,000 or imprisonment for not more than 3 years, or both.

Subd. 7. FEDERAL PARTICIPATION. Consistent with federal law, the commissioner shall, in connection with the administration of this act and any compact under this act, include in any state plan made under the Adoption Assistance and Child Welfare Act of 1980, Titles IV(e) and XIX of the Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The commissioner shall apply for and administer all relevant aid in accordance with state and federal law.

Approved April 22, 1984

#### CHAPTER 423 — S.F.No. 1351

*An act relating to commerce; providing an alternative distribution of assets following voluntary dissolution of a cooperative association; amending Minnesota Statutes 1982, section 308.14, by adding a subdivision.*

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