

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4445

02/29/2024 Authored by Elkins
The bill was read for the first time and referred to the Committee on Human Services Policy

1.1 A bill for an act
1.2 relating to human services; modifying available resources for medical assistance
1.3 long-term care eligibility; amending Minnesota Statutes 2022, section 256B.059,
1.4 subdivision 5.

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

1.6 Section 1. Minnesota Statutes 2022, section 256B.059, subdivision 5, is amended to read:

1.7 Subd. 5. Asset availability. (a) At the time of initial determination of eligibility for
1.8 medical assistance benefits for an institutionalized spouse, assets considered available to
1.9 the institutionalized spouse shall be the total value of all assets in which either spouse has
1.10 an ownership interest, reduced by the amount available to the community spouse under
1.11 subdivision 3.

1.12 The value of assets transferred for the sole benefit of the community spouse under section
1.13 256B.0595, subdivision 4, in combination with other assets available to the community
1.14 spouse under this section, cannot exceed the limit for the community spouse asset allowance
1.15 determined under subdivision 3 or 4. Assets that exceed this allowance shall be considered
1.16 available to the institutionalized spouse. If the community spouse asset allowance has been
1.17 increased under subdivision 4, then the assets considered available to the institutionalized
1.18 spouse under this subdivision shall be further reduced by the value of additional amounts
1.19 allowed under subdivision 4.

1.20 (b) An institutionalized spouse may be found eligible for medical assistance even though
1.21 assets in excess of the allowable amount are found to be available under paragraph (a) if
1.22 the assets are owned jointly or individually by the community spouse, and the institutionalized

2.1 spouse cannot use those assets to pay for the cost of care without the consent of the  
2.2 community spouse, and if:

2.3 (i) the institutionalized spouse assigns to the commissioner the right to support from the  
2.4 community spouse under section 256B.14, subdivision 3;

2.5 (ii) the institutionalized spouse lacks the ability to execute an assignment due to a physical  
2.6 or mental impairment; or

2.7 (iii) the denial of eligibility would cause an imminent threat to the institutionalized  
2.8 spouse's health and well-being.

2.9 (c) After the month in which the institutionalized spouse is determined eligible for  
2.10 medical assistance, and during the continuous period of enrollment, no assets of the  
2.11 community spouse are considered available to the institutionalized spouse, unless the  
2.12 institutionalized spouse has been found eligible under paragraph (b).

2.13 (d) Assets determined to be available to the institutionalized spouse under this section  
2.14 must be used for the health care or personal needs of the institutionalized spouse.

2.15 (e) For purposes of this section, assets do not include life estates owned by a community  
2.16 spouse at the time an institutionalized spouse applies for medical assistance benefits and  
2.17 assets excluded under the Supplemental Security Income program.

2.18 **EFFECTIVE DATE.** This section is effective retroactively from June 24, 2020, and  
2.19 applies to applications for medical assistance submitted before, on, or after that date.