

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 5

(SENATE AUTHORS: SHERAN, Lourey, Hayden, Champion and Hawj)

DATE	D-PG	OFFICIAL STATUS
01/10/2013	48	Introduction and first reading Referred to Health, Human Services and Housing
01/24/2013	94	Author added Hayden
01/31/2013	110a	Comm report: To pass as amended and re-refer to Finance
	133	Authors added Champion; Hawj

1.1

A bill for an act

1.2

relating to human services; expanding medical assistance eligibility; requiring

1.3

the use of modified adjusted gross income and a standard income disregard;

1.4

amending Minnesota Statutes 2012, sections 256B.02, by adding subdivisions;

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256B.055, subdivision 15; 256B.056, subdivisions 1a, 3, 4, 7, by adding

1.6

subdivisions; 256B.057, subdivision 2.

1.7

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

1.8

Section 1. Minnesota Statutes 2012, section 256B.02, is amended by adding a

1.9

subdivision to read:

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Subd. 17. **Affordable Care Act or ACA.** "Affordable Care Act" or "ACA" means

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Public Law 111-148, as amended by the federal Health Care and Education Reconciliation

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Act of 2010 (Public Law 111-152), and any amendments to, or regulations or guidance

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issued under, those acts.

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

1.15

Sec. 2. Minnesota Statutes 2012, section 256B.02, is amended by adding a subdivision

1.16

to read:

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Subd. 18. **Modified adjusted gross income and household income.** "Modified

1.18

adjusted gross income" and "household income" have the meaning provided in section

1.19

2002 of the Affordable Care Act.

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

1.21

Sec. 3. Minnesota Statutes 2012, section 256B.055, subdivision 15, is amended to read:

Subd. 15. **Adults without children.** (a) Medical assistance may be paid for a person who is:

(1) at least age 21 and under age 65;

(2) not pregnant;

(3) not entitled to Medicare Part A or enrolled in Medicare Part B under Title XVIII of the Social Security Act;

(4) not an adult in a family with children as defined in ~~section 256L.01, subdivision 3a~~ paragraph (b); and

(5) not described in another subdivision of this section.

(b) "Family with children" means:

(1) parents and their dependent children as defined in subdivision 3a, residing in the same household; or

(2) grandparents, foster parents, relative caretakers as defined in the medical assistance program, or legal guardians; and their wards who are children residing in the same household.

The term includes children who are temporarily absent from the household in settings such as schools, camps, or parenting time with noncustodial parents.

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

Sec. 4. Minnesota Statutes 2012, section 256B.056, subdivision 1a, is amended to read:

Subd. 1a. **Income and assets generally.** (a) Unless specifically required by state law or rule or federal law or regulation, the methodologies used in counting income and assets to determine eligibility for medical assistance for persons whose eligibility category is based on blindness, disability, or age of 65 or more years, the methodologies for the supplemental security income program shall be used, except as provided under subdivision 3, paragraph (a), clause (6). Increases in benefits under title II of the Social Security Act shall not be counted as income for purposes of this subdivision until July 1 of each year.

(b) Effective upon federal approval, for children eligible under section 256B.055, subdivision 12, or for home and community-based waiver services whose eligibility for medical assistance is determined without regard to parental income, child support payments, including any payments made by an obligor in satisfaction of or in addition to a temporary or permanent order for child support, and Social Security payments are not counted as income. For families and children, ~~which includes~~ and all other eligibility categories exempt from the use of modified gross income and household income under section 2002 of the Affordable Care Act, the methodologies under the state's AFDC

plan in effect as of July 16, 1996, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193, shall be used, except that effective October 1, 2003, the earned income disregards and deductions are limited to those in subdivision 1c.

(c) Effective January 1, 2014, for families and children, adults without children, and other individuals not otherwise exempt, the income and asset methodology required under section 2002 of the Affordable Care Act shall be used.

(d) For these purposes, a "methodology" does not include an asset or income standard, or accounting method, or method of determining effective dates.

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

Sec. 5. Minnesota Statutes 2012, section 256B.056, is amended by adding a subdivision to read:

Subd. 1e. **Families and children; income methodology effective January 1, 2014.** Effective January 1, 2014, the commissioner shall use modified adjusted gross income and household income, and replace existing income disregards with a five percent standard income disregard, when determining medical assistance income eligibility for applicants and enrollees who are families and children and other individuals not exempt from these requirements, as required under section 2002 of the Affordable Care Act.

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

Sec. 6. Minnesota Statutes 2012, section 256B.056, is amended by adding a subdivision to read:

Subd. 1f. **Adults without children income methodology.** Effective January 1, 2014, the commissioner shall use modified adjusted gross income and household income, and replace existing income disregards with a five percent standard disregard, when determining medical assistance income eligibility for applicants and enrollees who are adults without children under section 256B.055, subdivision 15, as required under section 2002 of the Affordable Care Act.

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

Sec. 7. Minnesota Statutes 2012, section 256B.056, subdivision 3, is amended to read:

Subd. 3. Asset limitations for individuals and families. (a) To be eligible for medical assistance, a person must not individually own more than \$3,000 in assets, or if a member of a household with two family members, husband and wife, or parent and child,

the household must not own more than \$6,000 in assets, plus \$200 for each additional legal dependent. In addition to these maximum amounts, an eligible individual or family may accrue interest on these amounts, but they must be reduced to the maximum at the time of an eligibility redetermination. The accumulation of the clothing and personal needs allowance according to section 256B.35 must also be reduced to the maximum at the time of the eligibility redetermination. The value of assets that are not considered in determining eligibility for medical assistance is the value of those assets excluded under the supplemental security income program for aged, blind, and disabled persons, with the following exceptions:

- (1) household goods and personal effects are not considered;
- (2) capital and operating assets of a trade or business that the local agency determines are necessary to the person's ability to earn an income are not considered;
- (3) motor vehicles are excluded to the same extent excluded by the supplemental security income program;
- (4) assets designated as burial expenses are excluded to the same extent excluded by the supplemental security income program. Burial expenses funded by annuity contracts or life insurance policies must irrevocably designate the individual's estate as contingent beneficiary to the extent proceeds are not used for payment of selected burial expenses;
- (5) for a person who no longer qualifies as an employed person with a disability due to loss of earnings, assets allowed while eligible for medical assistance under section 256B.057, subdivision 9, are not considered for 12 months, beginning with the first month of ineligibility as an employed person with a disability, to the extent that the person's total assets remain within the allowed limits of section 256B.057, subdivision 9, paragraph (d);
- (6) when a person enrolled in medical assistance under section 256B.057, subdivision 9, is age 65 or older and has been enrolled during each of the 24 consecutive months before the person's 65th birthday, the assets owned by the person and the person's spouse must be disregarded, up to the limits of section 256B.057, subdivision 9, paragraph (d), when determining eligibility for medical assistance under section 256B.055, subdivision 7. The income of a spouse of a person enrolled in medical assistance under section 256B.057, subdivision 9, during each of the 24 consecutive months before the person's 65th birthday must be disregarded when determining eligibility for medical assistance under section 256B.055, subdivision 7. Persons eligible under this clause are not subject to the provisions in section 256B.059. A person whose 65th birthday occurs in 2012 or 2013 is required to have qualified for medical assistance under section 256B.057, subdivision 9, prior to age 65 for at least 20 months in the 24 months prior to reaching age 65; and

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

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

(c) No asset limit shall apply to families and children and other individuals for whom asset tests are prohibited under section 2002 of the Affordable Care Act.

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

Sec. 8. Minnesota Statutes 2012, section 256B.056, subdivision 4, is amended to read:

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 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.

(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 July 1, 2002~~ January 1, 2014, to be eligible for medical assistance, ~~families~~ parents and relative caretakers may have an income up to 133 percent of the federal poverty guidelines for family size and children may have an income up to ~~100~~ 275 percent of the federal poverty guidelines for the family size.

(d) To be eligible for medical assistance under section 256B.055, subdivision 15, a person may have an income up to ~~75~~ 133 percent of federal poverty guidelines for the family size.

(e) In computing income to determine eligibility of persons under paragraphs (a) to (d) 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. Veterans 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. 9. Minnesota Statutes 2012, section 256B.056, subdivision 7, is amended to read:

6.1 Subd. 7. **Period of eligibility.** Eligibility is available for the month of application
6.2 and for three months prior to application if the person was eligible in those prior months. A
6.3 redetermination of eligibility must occur every 12 months. For persons subject to eligibility
6.4 determinations using modified adjusted gross income and household income as required
6.5 under section 2002 of the Affordable Care Act, six-month renewals shall not be required.

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

6.7 Sec. 10. Minnesota Statutes 2012, section 256B.057, subdivision 2, is amended to read:

6.8 Subd. 2. **Children.** (a) ~~Except as specified in subdivision 1b, Effective October 1,~~
6.9 ~~2003~~ January 1, 2014, a child one through ~~18~~ 21 years of age in a family whose countable
6.10 income is no greater than ~~150~~ 275 percent of the federal poverty guidelines for the same
6.11 family size, is eligible for medical assistance.

6.12 (b) For applications processed within one calendar month prior to the effective date,
6.13 eligibility shall be determined by applying the income standards and methodologies in
6.14 effect prior to the effective date for any months in the ~~six-month~~ budget period before
6.15 that date and the income standards and methodologies in effect on the effective date for
6.16 any months in the ~~six-month~~ budget period on or after that date. The income standards
6.17 for each month shall be added together and compared to the applicant's total countable
6.18 income for the ~~six-month~~ budget period to determine eligibility.

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

6.20 Sec. 11. **TRANSFER; SHIFT OF PREGNANT WOMEN AND CHILDREN**
6.21 **TO MEDICAL ASSISTANCE.**

6.22 \$..... is transferred from the health care access fund to the general fund for the
6.23 biennium ending June 30, 2015, to pay for health care services provided under the medical
6.24 assistance program to former MinnesotaCare enrollees who are pregnant women and
6.25 children.

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