

1.1 moves to amend H.F. No. 1014 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2010, section 256B.056, subdivision 1a, is amended to
1.4 read:

1.5 Subd. 1a. **Income and assets generally.** Unless specifically required by state law or
1.6 rule or federal law or regulation, the methodologies used in counting income and assets
1.7 to determine eligibility for medical assistance for persons whose eligibility category is
1.8 based on blindness, disability, or age of 65 or more years, the methodologies for the
1.9 supplemental security income program shall be used, except as provided under subdivision
1.10 3, clause (6). Increases in benefits under title II of the Social Security Act shall not be
1.11 counted as income for purposes of this subdivision until July 1 of each year. Effective
1.12 upon federal approval, for children eligible under section 256B.055, subdivision 12, or
1.13 for home and community-based waiver services whose eligibility for medical assistance
1.14 is determined without regard to parental income, child support payments, including any
1.15 payments made by an obligor in satisfaction of or in addition to a temporary or permanent
1.16 order for child support, and Social Security payments are not counted as income. For
1.17 families and children, which includes all other eligibility categories, the methodologies
1.18 under the state's AFDC plan in effect as of July 16, 1996, as required by the Personal
1.19 Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public
1.20 Law 104-193, shall be used, except that effective October 1, 2003, the earned income
1.21 disregards and deductions are limited to those in subdivision 1c. For these purposes, a
1.22 "methodology" does not include an asset or income standard, or accounting method,
1.23 or method of determining effective dates.

1.24 Sec. 2. Minnesota Statutes 2011 Supplement, section 256B.056, subdivision 3, is
1.25 amended to read:

2.1 Subd. 3. **Asset limitations for individuals and families.** (a) To be eligible for
2.2 medical assistance, a person must not individually own more than \$3,000 in assets, or if a
2.3 member of a household with two family members, husband and wife, or parent and child,
2.4 the household must not own more than \$6,000 in assets, plus \$200 for each additional
2.5 legal dependent. In addition to these maximum amounts, an eligible individual or family
2.6 may accrue interest on these amounts, but they must be reduced to the maximum at the
2.7 time of an eligibility redetermination. The accumulation of the clothing and personal
2.8 needs allowance according to section 256B.35 must also be reduced to the maximum at
2.9 the time of the eligibility redetermination. The value of assets that are not considered in
2.10 determining eligibility for medical assistance is the value of those assets excluded under
2.11 the supplemental security income program for aged, blind, and disabled persons, with
2.12 the following exceptions:

2.13 (1) household goods and personal effects are not considered;

2.14 (2) capital and operating assets of a trade or business that the local agency determines
2.15 are necessary to the person's ability to earn an income are not considered;

2.16 (3) motor vehicles are excluded to the same extent excluded by the supplemental
2.17 security income program;

2.18 (4) assets designated as burial expenses are excluded to the same extent excluded by
2.19 the supplemental security income program. Burial expenses funded by annuity contracts
2.20 or life insurance policies must irrevocably designate the individual's estate as contingent
2.21 beneficiary to the extent proceeds are not used for payment of selected burial expenses; ~~and~~

2.22 (5) for a person who no longer qualifies as an employed person with a disability due
2.23 to loss of earnings, assets allowed while eligible for medical assistance under section
2.24 256B.057, subdivision 9, are not considered for 12 months, beginning with the first month
2.25 of ineligibility as an employed person with a disability, to the extent that the person's total
2.26 assets remain within the allowed limits of section 256B.057, subdivision 9, paragraph (d);

2.27 (6) when a person enrolled in medical assistance under section 256B.057, subdivision
2.28 9, reaches age 65 and has been enrolled during each of the 24 consecutive months before
2.29 the person's 65th birthday, the assets owned by the person and the person's spouse must
2.30 be disregarded, up to the limits of section 256B.057, subdivision 9, paragraph (c), when
2.31 determining eligibility for medical assistance under section 256B.055, subdivision 7. The
2.32 income of a spouse of a person enrolled in medical assistance under section 256B.057,
2.33 subdivision 9, during each of the 24 consecutive months before the person's 65th birthday
2.34 must be disregarded when determining eligibility for medical assistance under section
2.35 256B.055, subdivision 7, when the person reaches age 65. Persons eligible under this
2.36 clause are not subject to the provisions in section 256B.059; and

3.1 (7) notwithstanding the requirements of clause (6), persons whose 65th birthday
3.2 occurs in 2012 or 2013 are required to have qualified for medical assistance under section
3.3 256B.057, subdivision 9, prior to age 65 for at least 20 months in the 24 months prior
3.4 to reaching age 65.

3.5 (b) No asset limit shall apply to persons eligible under section 256B.055, subdivision
3.6 15.

3.7 **Sec. 3. COMMISSIONER REQUIRED TO SEEK FEDERAL APPROVAL.**

3.8 (a) By June 1, 2012, the commissioner of human services shall seek federal approval
3.9 as part of the MA reform waiver request required under Minnesota Statutes, section
3.10 256B.021 to:

3.11 (1) authorize persons who have been eligible for medical assistance under Minnesota
3.12 Statutes, section 256B.057, subdivision 9, for each of the 24 consecutive months prior
3.13 to reaching age 65, to continue to qualify for medical assistance under Minnesota
3.14 Statutes, section 256B.057, subdivision 9, beyond their 65th birthday as long as the other
3.15 requirements of Minnesota Statutes, section 256B.057, subdivision 9, are met;

3.16 (2) authorize federal funding under the waiver from April 1, 2012, until federal
3.17 approval is obtained for persons who turn age 65 in 2012 and who have been enrolled in
3.18 medical assistance under Minnesota Statutes, section 256B.057, subdivision 9, for at least
3.19 20 months within the 24 months prior to reaching age 65 to continue to qualify for medical
3.20 assistance under Minnesota Statutes, section 256B.057, subdivision 9. If federal approval
3.21 of clause (1) is not granted, then for temporary federal funding until 30 days after any
3.22 federal denial is made public through the disability stakeholders electronic notice list; and

3.23 (3) notwithstanding the requirements of clause (1), persons whose 65th birthday
3.24 occurs in 2012 or 2013 are required to have qualified for medical assistance under
3.25 Minnesota Statutes, section 256B.057, subdivision 9, prior to age 65 for at least 20 months
3.26 in the 24 months prior to reaching age 65.

3.27 (b) Money shall be appropriated from the state general fund until federal approval is
3.28 granted for individuals eligible for medical assistance under paragraph (a), clause (2).

3.29 This section shall expire when federal approval is granted or 30 days after a federal
3.30 denial.

3.31 **Sec. 4. CONTINUATION OF MEDICAL ASSISTANCE FOR EMPLOYED**
3.32 **PERSONS WITH DISABILITIES WHILE WAIVER REQUEST IS PENDING.**

3.33 Persons eligible for medical assistance under section 3, paragraph (a), clause
3.34 (2), shall be allowed to continue to qualify for Minnesota Statutes, section 256B.057,

4.1 subdivision 9, until the federal approval requested under section 3 is granted, or until 30
4.2 days after any federal denial is made public through the disability stakeholders electronic
4.3 notice list. This section shall expire June 30, 2013.

4.4 Sec. 5. **SCOPE OF FISCAL ANALYSIS.**

4.5 As provided in Minnesota Statutes, section 256B.021, subdivision 1, the fiscal
4.6 analysis for sections 1 to 5 shall include the cost of other state agencies' services or
4.7 programs as well as federal programs used by persons who would have to spend down their
4.8 retirement savings and monthly income if not allowed to continue using medical assistance
4.9 for employed persons with disabilities income and asset provisions after age 65."

4.10 Amend the title accordingly