

House Research Act Summary

CHAPTER: 266

SESSION: 2004 Regular Session

TOPIC: Charitable Contribution Exception to MA Asset Transfer Prohibition

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Overview

This act exempts charitable contributions meeting specified criteria from the MA prohibition against asset transfers for less than fair market value.

- 1 Prohibited transfers.** Amends § 256B.0595, subd. 1b. Provides that convincing evidence of any one of the following shall establish that a gift is a charitable contribution made exclusively for a purpose other than establishing or maintaining MA eligibility, unless at the time of the gift the donor or the donor's spouse was receiving long-term care services, was advised by a medical professional of the need for long-term care services, or was an MA applicant or recipient:

(1) the donor made one or more gifts to the same organization more than 180 days prior to the date of the gift in question; or

(2) the gift was made to an organization for which the donor had provided volunteer services, acknowledged in writing, prior to the date of the gift.

Allows a person to use alternative methods to establish with convincing evidence that a charitable gift was made exclusively for a purpose other than establishing or maintaining MA eligibility.

Effective date. Provides that the section is effective upon publication in the State Register of notice of federal approval for a 72-month lookback period.