

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 3729

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**Subject:** Spousal anti-impoverishment

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### Overview

This bill would allow continued eligibility for medical assistance benefits for an institutionalized spouse when the community spouse owns excess assets in the form of retirement accounts and college savings accounts, and denial of eligibility would cause an undue hardship on the family.

#### Section

- 1**     **Asset availability.** Amends Minnesota Statutes 2015 Supplement, § 256B.059, subd. 5. Allows an institutionalized spouse to maintain medical assistance eligibility when excess assets owned by the community spouse are retirement funds or funds protected for post-secondary education of a child under age 25. Provides that the retirement accounts are protected until the community spouse is eligible to withdraw funds without penalty. Requires that denial of eligibility must cause an undue hardship to the family. Provides that there shall not be an assignment of spousal support or a cause of action against the spouse for funds protected in retirement and college savings accounts.

Provides a June 1, 2016, effective date.