

HOUSE RESEARCH

Bill Summary

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Authors: Albright

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Analyst: Lynn Aves

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Overview

The 2013 legislature instructed the commissioner of human services to seek authority from the Centers for Medicare and Medicaid Services (CMS) to continue disregarding spousal income and assets for persons under age 65 who receive home and community-based waiver services, rather than apply the spousal impoverishment provisions of the Affordable Care Act. Spousal impoverishment provisions require states to determine the couple's assets and divide those assets in half. The Minnesota minimum and maximum limits for the community spouse share (the spouse not receiving assistance) are \$33,851 and \$119,220. The spouse receiving assistance is required to spend down the remainder of the assets to \$3,000. Currently Minnesota does not consider the spouse's assets.

CMS denied the waiver request. DHS will implement the federally required provisions and apply the federal standards by June 1, 2016, for new applicants and by March 1, 2017, for current HCBS recipients. This bill would exclude individuals eligible for HCBS on or before May 31, 2016, from the newly required federal standards.

Section

- 1 Home and community-based waived services.** Amends § 256B.059, by adding subd. 6. Paragraph (a) provides that for an individual who is eligible for HBCS, it shall be considered an undue hardship if the individual's eligibility would be terminated because of excess spousal assets in the form of designated retirement accounts or college savings accounts for the couple's children. Adds that there shall be no cause of action against the spouse.

Section

Paragraph (b) provides that this section applies to individuals who are eligible for HCBS on or before May 31, 2016.

2

Contingent effective date. Provides that if CMS issues a disapproval of this act, the act shall be considered repealed 30 days after receipt of the disapproval. Requires the commissioner to notify the revisor if this occurs.