

Subject DHS policy bill—systemic critical incident review and medical assistance trusts

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Overview

A 2021 Minnesota Court of Appeals decision held that federal law, rather than Minnesota Statutes, section 501C.1206, applies to irrevocable trusts, for purposes of determining financial eligibility for medical assistance for long-term care (MA-LTC) services. This bill removes the language that previously required irrevocable trusts to be considered revocable when determining MA-LTC eligibility.

The bill also establishes a Department of Human Services systemic critical incident review team, to review critical incidents related to vulnerable adults who reside in facilities or receive services for which the department is the lead investigative agency.

Summary

Section	Description
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| 1 | Department of Human Services systemic critical incident review team.
Amends § 256.01 by adding subd. 12b. Allows the commissioner to establish a systemic critical incident review team to review critical incidents related to vulnerable adults in facilities or services for which the Department of Human Services is the lead investigative agency. Specifies duties of the review team and requirements for the critical incident review process, including: data collection, systemic mapping of the critical incident, and analysis of the case for systemic influences. Specifies case selection committee requirements and data and disclosure prohibitions. |
| 2 | Public health care programs and certain trusts.
Amends § 501C.1206. Strikes language that previously functioned to make irrevocable trusts revocable for the purposes of determining financial eligibility for medical assistance for long-term care costs. |

Section	Description
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	Provides an immediate effective date.
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