

HOUSE RESEARCH

Bill Summary

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Overview

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

Section

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;

(2) the gift was made to a religious organization of which the donor was a member prior to and on the date of the gift; or

(3) 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.

Section

(These provisions amend a section that prohibits transfers for less than fair market value made within 72 months of MA application or any time after MA application. This section was adopted in 2003 with an effective date of July 1, 2003 or when permitted by federal law. The commissioner was directed to seek any federal waiver or authority needed to implement the section.)