— HOUSE RESEARCH — Bill Summary –

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Overview

This bill requires the spouse of an individual who receives medical assistance benefits for long-term care to pay a monthly contribution toward the cost of care. The ability to pay is determined by a using a sliding fee scale based on income.

After a married individual is determined eligible for medical assistance, the spouse who continues to reside in the community is allowed to keep his or her income. According to federal law the community spouse's income is not considered available to the institutionalized spouse.

1 Spousal contribution. Amends § 256B.14, by adding subdivision 3b.

Paragraph (a) provides definitions of commissioner, community spouse, cost of care, department, disabled child, income, and long-term care spouse.

Paragraph (b) requires the spouse of the long-term care spouse who receives medical assistance for long-term care services or alternative care services to contribute to the cost of care unless the community spouse is caring for a minor or disabled child in the home.

Paragraphs (c) to (f) provide the formula for computing the contribution amount.

Paragraph (g) requires the commissioner at the time of application for services to provide the spouse and community spouse a written explanation of the spousal contribution requirement, how to request a variance for undue hardship, review and redetermination of the contribution, and consequences for noncompliance.

Paragraph (h) provides that the contribution is to be assessed for each month the long term care spouse is eligible for medical assistance or alternative care.

Paragraph (i) requires a review of the spousal contribution a minimum of once every 12 months and when there is a loss or gain of income in excess of ten per cent. Sets out the requirements for requesting a review and the commissioner's responsibilities in scheduling a redetermination.

Paragraph (j) provides that the contribution cannot exceed the amount of medical assistance expended or the cost of alternative care services provided. Sets out the method of reimbursement if the

community spouse has contributed an amount in excess of costs.

Paragraph (k) allows a community spouse who has personal medical needs to request a variance for undue hardship if the spouse needs to retain the contribution amount to pay for these medical needs. Sets out the method for requesting the variance.

Paragraph (1) sets out the appeal rights.

Paragraph (m) sets out the method to enforce payments.