

1.1 ..... moves to amend H.F. No. 767 as follows:

1.2 Page 1, after line 26, insert:

1.3 "Sec. 2. Minnesota Statutes 2012, section 144.0724, subdivision 12, is amended to read:

1.4 Subd. 12. **Appeal of nursing facility level of care determination.** A resident or  
1.5 prospective resident whose level of care determination results in a denial of long-term  
1.6 care services can appeal the determination as outlined in section 256B.0911, subdivision  
1.7 3a, paragraph (h), clause ~~(7)~~ (9)."

1.8 Page 14, after line 8, insert:

1.9 "Sec. 5. Minnesota Statutes 2012, section 256B.056, subdivision 3, is amended to read:

1.10 Subd. 3. **Asset limitations for individuals and families.** (a) To be eligible for  
1.11 medical assistance, a person must not individually own more than \$3,000 in assets, or if a  
1.12 member of a household with two family members, husband and wife, or parent and child,  
1.13 the household must not own more than \$6,000 in assets, plus \$200 for each additional  
1.14 legal dependent. In addition to these maximum amounts, an eligible individual or family  
1.15 may accrue interest on these amounts, but they must be reduced to the maximum at the  
1.16 time of an eligibility redetermination. The accumulation of the clothing and personal  
1.17 needs allowance according to section 256B.35 must also be reduced to the maximum at  
1.18 the time of the eligibility redetermination. The value of assets that are not considered in  
1.19 determining eligibility for medical assistance is the value of those assets excluded under  
1.20 the supplemental security income program for aged, blind, and disabled persons, with  
1.21 the following exceptions:

- 1.22 (1) household goods and personal effects are not considered;
- 1.23 (2) capital and operating assets of a trade or business that the local agency determines  
1.24 are necessary to the person's ability to earn an income are not considered;
- 1.25 (3) motor vehicles are excluded to the same extent excluded by the supplemental  
1.26 security income program;

2.1 (4) assets designated as burial expenses are excluded to the same extent excluded by  
 2.2 the supplemental security income program. Burial expenses funded by annuity contracts  
 2.3 or life insurance policies must irrevocably designate the individual's estate as contingent  
 2.4 beneficiary to the extent proceeds are not used for payment of selected burial expenses;

2.5 (5) for a person who no longer qualifies as an employed person with a disability due  
 2.6 to loss of earnings, assets allowed while eligible for medical assistance under section  
 2.7 256B.057, subdivision 9, are not considered for 12 months, beginning with the first month  
 2.8 of ineligibility as an employed person with a disability, to the extent that the person's total  
 2.9 assets remain within the allowed limits of section 256B.057, subdivision 9, paragraph (d);

2.10 (6) when a person enrolled in medical assistance under section 256B.057, subdivision  
 2.11 9, is age 65 or older and has been enrolled during each of the 24 consecutive months  
 2.12 before the person's 65th birthday, the assets owned by the person and the person's spouse  
 2.13 must be disregarded, up to the limits of section 256B.057, subdivision 9, paragraph (d),  
 2.14 when determining eligibility for medical assistance under section 256B.055, subdivision  
 2.15 7. The income of a spouse of a person enrolled in medical assistance under section  
 2.16 256B.057, subdivision 9, during each of the 24 consecutive months before the person's  
 2.17 65th birthday must be disregarded when determining eligibility for medical assistance  
 2.18 under section 256B.055, subdivision 7. Persons eligible under this clause are not subject to  
 2.19 the provisions in section 256B.059. ~~A person whose 65th birthday occurs in 2012 or 2013~~  
 2.20 ~~is required to have qualified for medical assistance under section 256B.057, subdivision 9,~~  
 2.21 ~~prior to age 65 for at least 20 months in the 24 months prior to reaching age 65; and~~

2.22 (7) effective July 1, 2009, certain assets owned by American Indians are excluded as  
 2.23 required by section 5006 of the American Recovery and Reinvestment Act of 2009, Public  
 2.24 Law 111-5. For purposes of this clause, an American Indian is any person who meets the  
 2.25 definition of Indian according to Code of Federal Regulations, title 42, section 447.50.

2.26 (b) No asset limit shall apply to persons eligible under section 256B.055, subdivision  
 2.27 15.

2.28 **EFFECTIVE DATE.** This section is effective January 1, 2014."

2.29 Page 16, line 29, after "under" insert "this subdivision and" and delete "subdivisions  
 2.30 5 and" and insert "subdivision"

2.31 Page 17, delete sections 6 and 7

2.32 Page 20, line 32, strike "clause" and insert "clauses" and after "(7)" insert ", (8),  
 2.33 and (9)"

2.34 Page 21, delete section 9

2.35 Page 29, line 11, delete "do this using" and insert "use"

2.36 Page 29, line 12, delete "this" and insert "the"

- 3.1 Page 29, line 13, delete "for its use"
- 3.2 Renumber the sections in sequence and correct the internal references
- 3.3 Amend the title accordingly