

# House Research Act Summary

**CHAPTER:** 203

**SESSION:** 2001 Regular Session

**TOPIC:** DHS Health Care Program Modifications

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## Overview

This act makes changes in provisions governing DHS health care programs. Many of the changes clarify or correct errors in current law, or modify current law to reflect the approval or disapproval of waiver requests submitted to the federal government.

### Section

- 1    **Supported employment.** Amends § 254B.02, by adding subd. 23a. Provides a definition of supported employment for purposes of the consolidated standards for services to persons with developmental disabilities.
- 2    **Applicability.** Amends § 245B.03, subd. 1. Provides that the consolidated standards apply to supported employment.
- 3    **Licensing exception.** Amends § 252.28, subd. 3a. Clarifies that a waivered service site originally licensed to serve six persons moving from an ICF/MR can remain licensed to serve six persons.
- 4    **Olmsted county licensing exception.** Amends § 252.28, subd. 3b. Clarifies that a waivered service site originally licensed to serve five persons moving from an ICF/MR can remain licensed to serve five persons.
- 5    **Income and assets generally.** Amends § 256B.056, subd. 1a. In response to federal denial of a state waiver request, strikes language that would classify, upon federal approval, certain in kind contributions and payments made in satisfaction of or in addition to an order for child support or maintenance as income to the recipient.
- 6    **Individuals on fixed or excluded income.** Amends § 256B.056, subd. 5a. Allows MA enrollees to report income annually when the only income received is excluded from consideration as income. (This reflects receipt of federal waiver approval.)
- 7    **Prohibited transfers.** Amends § 256B.0595, subd. 1. Strikes language that would have

- established a stricter asset transfer limit, to reflect federal denial of a state waiver request.
- 8     **Period of ineligibility.** Amends § 256B.0595, subd. 2. Places current law specifying grounds for causes of action for certain transfers in a new section of statute.
- 9     **Dental services.** Amends § 256B.0625, subd. 9. Clarifies MA dental coverage for persons who cannot use removable dentures.
- 10    **Technical assistance to providers.** Amends § 256B.071, subd. 2. Modifies language governing technical assistance to providers related to Medicare maximization, to reflect actual practice. Also removes outdated language related to determining Medicare coverage.
- 11    **Medical assistance reimbursement of case management services.** Amends § 256B.094, subd. 6. Clarifies MA child welfare targeted case management standards for clients served by tribal social services who are placed outside the reservation.
- 12    **Payment limitation.** Amends § 256B.094, subd. 8. Updates a rule citation.
- 13    **Variable rate adjustments.** Amends § 256B.5013, subd. 1. Clarifies the administration of variable rate adjustments for ICF/MR residents with increased care needs.
- 14    **County authority.** Amends § 256B.69, subd. 3a. Strikes language requiring the commissioner to seek a federal waiver for a MinnesotaCare fee-for-service option, to reflect federal denial of the waiver request.
- 15    **General assistance medical care; eligibility.** Amends § 256D.03, subd. 3. For purposes of determining whether GAMC enrollees must move to MinnesotaCare, provides that earned income is deemed available to family members.
- 16    **Payment options.** Amends § 256L.15, subd. 1a. Allows MinnesotaCare premiums to be paid from any type of state refund.
- 17    **Repealer.** Amends Laws 1996, chapter 451, article 2, section 61. Reinstates a provision of law that was repealed contingent on federal approval, to reflect federal denial of a waiver request.
- 18    **Effective date; application.** Amends Laws 1996, chapter 451, article 2, section 62. Strikes effective date and other language for a federal waiver request related to MA asset transfers and estate claims that was denied.
- 19    **Repealer.** (a) Repeals a provision in Laws 1995, chapter 178 that directs the commissioner to seek a federal waiver to establish an earned income disregard for certain employed persons with disabilities (federal law allows this as a state plan option, making the waiver unnecessary). Also repeals language in Laws 1996, chapter 451 related to asset transfer limits and estate claims that cannot be implemented due to federal denial of a waiver request.  
(b) Repeals language authorizing an advisory committee related to Medicare maximization that is no longer needed.