



Bulletin

NUMBER

#16-21-08

DATE

August 10, 2016

OF INTEREST TO

County Directors
Social Services Supervisors
and Staff

Financial Assistance
Supervisors and Workers

Mille Lacs Tribal TANF

Tribal Chairpersons and
Tribal Health Directors

MinnesotaCare Operations
Managers, Supervisors,
and Staff

ACTION/DUE DATE

Please read and implement

EXPIRATION DATE

August 10, 2018

DHS Explains Spousal Impoverishment Rules for BI, CAC, CADI, and DD Enrollees

TOPIC

Spousal impoverishment rules for people enrolled in the Brain Injury (BI), Community Alternative Care (CAC), Community Access for Disability Inclusion (CADI), and Developmental Disabilities (DD) waiver programs.

PURPOSE

Provide policy information and instructions about spousal impoverishment rules for BI, CAC, CADI, and DD waiver enrollees.

CONTACT

County and tribal agencies and MinnesotaCare Operations, submit policy questions via HealthQuest. Lead agencies, submit questions via [PolicyQuest](#).

All others, direct questions to the following:

Health Care Eligibility and Access (HCEA) Division
P.O. Box 64989
St. Paul, MN 55164-0989

SIGNED

MARIE ZIMMERMAN
State Medicaid Director, Health Care Administration

On behalf of NATHAN MORACCO
Assistant Commissioner, Health Care Administration

TERMINOLOGY NOTICE

The terminology used to describe people we serve has changed over time. The Minnesota Department of Human Services (DHS) supports the use of "People First" language.

I. Background

The Affordable Care Act (ACA) requires states to use a set of rules known as spousal impoverishment protections when determining Medical Assistance (MA) eligibility for home and community-based services (HCBS) waivers for five years, beginning January 1, 2014. Although Minnesota had implemented a “deeming waiver” approach to protect married couples, the Centers for Medicare & Medicaid Services (CMS) is requiring Minnesota to apply the spousal impoverishment protection rules instead.

The Minnesota Legislature passed legislation, effective June 1, 2016, that:

- requires the use of the spousal impoverishment protection rules in the Brain Injury (BI), Community Alternative Care (CAC), Community Access for Disability Inclusion (CADI), and Developmental Disabilities (DD) waiver programs;
- increases the asset allowance for the spouse of the person requesting Medical Assistance for Long-Term-Care Services (MA-LTC) (the “community spouse”) to the maximum amount allowed under federal law; and
- establishes additional hardship waiver criteria to allow approval of MA when a community spouse does not make assets available to the spouse requesting MA-LTC.

In March 2016, we sent a letter to married people with disabilities who receive services through the BI, CAC, CADI, and DD waiver programs alerting them of potential changes in state law that could affect their MA eligibility. People receiving this letter were married enrollees with a community spouse. Married enrollees on MA for Employed Persons with Disabilities (MA-EPD) are not affected by the change in state law and were not sent the March 2016 letter. In August 2016, we sent follow-up letters to the waiver program enrollees with a community spouse letting them know whether they had to take further action:

- Enrollees who applied and were determined eligible for MA and waiver services on or after January 1, 2014, are affected by the new spousal impoverishment protection rules. The letter DHS sent to these enrollees (Attachment A) indicates that they must complete the Asset Assessment for Medical Assistance for Long-Term-Care Services (MA-LTC) (DHS-3340) form to have their eligibility redetermined under these rules.
- Enrollees who applied for MA and waiver services before January 1, 2014, are not affected by the new spousal impoverishment protection rules. The letter DHS sent to these enrollees (Attachment D) indicates that they are not required to take any action right now.

[Bulletin #16-21-04](#), issued on June 9, 2016, provides policy information and instructions about the changes in the implementation of spousal impoverishment protection rules for MA-LTC applications filed on or after June 1, 2016. Please refer to that bulletin for more information about the legislative history of the spousal impoverishment protection rules.

This bulletin discusses how the changes in policy related to spousal impoverishment rules may affect the eligibility of married BI, CAC, CADI, and DD waiver program enrollees who applied on or after January 1, 2014. It also includes the processes used to implement these policies.

II. Policy Changes

The following policy changes are effective beginning June 1, 2016:

- Spousal impoverishment rules apply to married BI, CAC, CADI, and DD waiver program enrollees who applied on or after January 1, 2014. This means that a community spouse's assets in excess of the community spouse asset allowance (CSAA) may be counted when determining whether the waiver program enrollee ("LTC spouse") remains eligible for MA and waiver services. An enrollee with excess assets must reduce them by March 1, 2017, or the enrollee's MA eligibility will end.
- Beginning June 1, 2016, the CSAA is now the maximum amount allowed under federal law for all community spouses. This amount is currently \$119,220. The amount is adjusted on January 1 of each year by the percentage increase in the Consumer Price Index for All Urban Consumers (all items; United States city average).
- The county or tribal agency may grant a hardship waiver when a community spouse does not want to make certain assets available to the LTC spouse because of a hardship to the family. The assets must be in a tax-deferred retirement account that will charge a penalty for early withdrawal or in a college savings plan under section 529 of the Internal Revenue Code for the LTC spouse's or community spouse's child under age 25.
 - For a hardship waiver to be considered under this provision, the excess assets the community spouse must make available to the LTC spouse must be in one of the types of accounts described above. A hardship waiver cannot be granted for the excess assets the community spouse owns that could be made available to the LTC spouse that are not in one of the types of accounts described above.

Please refer to the June 9, 2016, [Bulletin #16-21-04](#) for more information on these changes and how they affect people who apply for MA-LTC on or after June 1, 2016.

Enrollees who applied and were determined eligible for MA and waiver services on or after January 1, 2014, must have an eligibility redetermination for June 2016. However, if these enrollees have excess assets under this redetermination, they have until February 28, 2017, to reduce those assets. Only the value of a couple's countable assets as of June 1, 2016, is considered in the redetermination.

Enrollees whose MA-LTC eligibility is closed effective March 1, 2017, because of excess assets as a result of the redetermination must also have their cases reviewed to determine whether they can continue to be eligible for MA under another basis of eligibility. Enrollees may be eligible for MA under a families-with-children or adults basis of eligibility without an asset test. Or they may continue to be eligible for MA under the disability basis if they live apart from their spouse.

Assets accumulated or acquired after June 1, 2016, are not considered in this eligibility redetermination. The value of assets accumulated or acquired by either spouse after June 1, 2016, is not considered as long as the assets are in the name of the community spouse. The LTC spouse may transfer these assets to the community spouse without a transfer penalty.

III. Action Required

This section is addressed to financial eligibility workers.

Take the following actions to implement the new policies discussed in Section II for people who are currently enrolled in the BI, CAC, CADI, or DD waiver program and who:

- applied and were determined eligible for MA and waiver services on or after January 1, 2014, but before June 1, 2016;
- are not currently enrolled in MA-EPD; and
- had a community spouse on June 1, 2016.

If you have questions about how to apply the following information to a specific case, submit them through HealthQuest.

A. Asset Evaluations

In August 2016, married people enrolled in MA through the BI, CAC, CADI, or DD waiver program between January 1, 2014, and May 31, 2016, were sent a letter (Attachment A) informing them that they need to complete the [Asset Assessment for Medical Assistance for Long-Term-Care Services \(MA-LTC\) \(DHS-3340\) form](#) for their county or tribal agency to redetermine eligibility for June 2016 using the spousal impoverishment protection rules. Included with the letter were instructions for completing and returning the form (Attachment B) as well as a notice of privacy practices (Attachment C).

The letter and instructions told the enrollee to list assets the enrollee or his or her spouse owned on June 1, 2016. These include assets either spouse owned individually, with each other, or with other people. Enrollees were advised that workers will need to process the asset assessment, provide enrollees with results, and process proof of asset reduction for enrollees with excess assets, by or before February 28, 2017. In the letter, enrollees were strongly encouraged to return the DHS-3340 and necessary proofs to their county or tribal

agency as soon as possible, to give agencies time to process the assessment and, if necessary, enrollees time to reduce assets. The letter also explained that if enrollees returned their asset assessments after January 3, 2017, they and their county or tribal agency might not have time to complete the redetermination process by February 28, 2017.

Enrollees were instructed to contact their county or tribal worker if the community spouse has insufficient income to meet his or her monthly maintenance needs, or if they would like to request a hardship waiver.

1. Processing the DHS-3340

In August 2016, for each county or tribal agency with affected enrollees, we sent the designated county or tribal contact a list of the enrollees who were mailed the letter and DHS-3340. Each agency must monitor and process the cases on its list.

If you receive a DHS-3340 from an enrollee on or before January 3, 2017, you must do as follows:

- Confirm that the enrollee is subject to the spousal impoverishment rules:
 - If the enrollee was not married to a community spouse on June 1, 2016, do not apply the spousal impoverishment rules.
 - If the enrollee is receiving MA-EPD, do not apply the spousal impoverishment rules.
- Confirm that all the required proofs have been included with the form. These proofs must identify asset values as of June 1, 2016. If the required proofs have not been received, send the [Asset Assessment Request for Information for Current HCBS Waiver Enrollee \(DHS-3340F\)](#) form to the enrollee.
- When you have the required proofs, process the asset assessment form by evaluating assets following the spousal impoverishment protection rules to determine whether the assets are counted or excluded. Refer to the [Minnesota Health Care Programs \(MHCP\) Eligibility Policy Manual \(EPM\), Section 2.4.2.1.1, MA-LTC Asset Assessment](#), and updated policy in [Bulletin #16-21-04](#) for more information.
 - If the enrollee informs your agency that the community spouse has insufficient income to meet his or her monthly maintenance needs, refer to the policy in the [EPM, Section 2.4.2.1.2, Community Spouse Asset Allowance](#), to determine whether the CSAA may be increased with additional income-producing assets. Only the community spouse's income is used in this calculation because the community spouse income allocation is not used in a community budget for these enrollees.
 - In MAXIS, using the ASET function, record all assets as counted or excluded, by owner(s). Record the effective date as June 1, 2016, and the asset assessment received date as the date the DHS-3340 was received. Compare the results of the countable assets to the MA asset limit and to the maximum CSAA, including any increased CSAA with additional income-producing assets. Approve verified results. Add a case note to the MAXIS case, describing the results of the evaluation and any further actions taken.

- Send the appropriate form based on the results of the asset evaluation:
 - If the results of the asset evaluation show that on June 1, 2016, the LTC spouse was within the asset limit, send the Asset Assessment Results for Current HCBS Waiver Enrollee (DHS-3340E) form to the enrollee. Complete the “Assets not counted” and “Assets counted” sections of the form. The enrollee and his or her spouse do not need to take further action, and the enrollee remains eligible. Any assets accumulated or acquired by the community spouse after June 1, 2016, are not considered available to the LTC spouse as long as the LTC spouse remains eligible for MA-LTC and does not have a gap in coverage of one calendar month or more. Any assets the LTC spouse accumulated or acquired after June 1, 2016, must be put into the community spouse’s name or they will count toward the LTC spouse’s asset limit.

Note: The DHS-3340E is a new form for communicating results to these enrollees as described above and below. The DHS-3340E will be available on eDocs in August 2016.

- If the results of the asset evaluation show that the LTC spouse had excess assets on June 1, 2016, do the following:

1. Complete the Asset Evaluation Results for MA-LTC (DHS-3340A) form.

- Check the second box, which asks the couple to designate which assets will be included in the CSAA.
- Enter June 1, 2016, in the “Date you asked for MA-LTC to begin” field on the “Assets You and Your Spouse Reported Owning” page in the DHS-3340A.
- Enter \$119,220 (or the increased CSAA if applicable) in the sentence “Your spouse may keep up to _____ of the assets listed in Column A ‘Total Counted Amount.’”
- Send the DHS-3340A to the enrollee.

Note: The DHS-3340A is being revised, and the revised version will be available on eDocs in August 2016.

2. When the DHS-3340A is returned, determine whether assets not designated for the community spouse are available to the LTC spouse and whether the LTC spouse must reduce assets.
3. If the LTC spouse must reduce assets, complete the [Asset Reduction \(DHS-3341\) form](#) and send it to the enrollee. Enter the date February 28, 2017, on the form in the sentence that begins “Fill-in the Asset Reduction Worksheet . . .” This is the date by which the enrollee must reduce any excess assets.
 - Track the case, and if the enrollee has not provided proof of reduced assets, send another DHS-3341 no later than January 3, 2017. If proof of asset reduction is not received by February 17, 2017, close MA-LTC eligibility effective March 1, 2017. Send the [Lead Agency Assessor/Case Manager/Worker LTC](#)

[Communication Form \(DHS-5181\)](#) to the case manager, alerting the case manager that MA eligibility is closing.

- If proof of asset reduction is received by February 28, 2017, reopen MA eligibility effective March 1, 2017, and send a DHS-5181 to the case manager.
4. When an enrollee documents asset reduction, send the DHS-3340E to notify the enrollee that he or she is asset eligible. In MAXIS, create a new version of the asset evaluation in ASET with an effective date of the date the DHS-3340E was sent. Write a person note in ASET, and write a case note to record assets attributed to the CSAA.

If an enrollee with excess assets requests a hardship waiver at any point in this process, evaluate the request as soon as possible.

There are no changes to the renewal process. Process all renewals looking only at the LTC spouse's assets.

The enrollee must still meet all other eligibility requirements.

2. Terminating Eligibility

If the redetermination process is not completed or if no response has been received from an enrollee by February 17, 2017, close MA-LTC eligibility effective March 1, 2017. Send the enrollee a manual closing notice and determine whether the enrollee remains eligible for MA under another basis of eligibility.

Note: Do not use a MAXIS-generated closing notice. We are developing a manual closing notice that must be used for this purpose. It will be available in late January 2017. We will notify you when the notice is available and provide further instructions.

Send the DHS-5181 to the case manager, alerting the case manager that MA eligibility is closing.

If the redetermination process is completed between February 17 and February 28, 2017, and if the LTC spouse remains eligible, reopen MA-LTC effective March 1, 2017.

If an enrollee notifies you that he or she does not wish to comply with the redetermination process, create a TIKL to send the manual closing notice to the enrollee in February 2017, closing MA-LTC with an effective date of March 1, 2017, and to determine whether the enrollee remains eligible for MA under another basis of eligibility.

3. Special Steps for Assessments Received after January 3, 2017

If the enrollee returns the DHS-3340 after January 3, 2017, the enrollee's MA-LTC eligibility may be closed, and he or she may have to reapply. If the person has to reapply, the effective date of his or her asset evaluation is the date of application.

For a DHS-3340 received after January 3, 2017, you must do the following:

- Process the assessment as soon as possible.
- If the results of the asset evaluation show that the couple's total assets are \$122,220 or less, the enrollee is within the asset limit. Send the DHS-3340E. If the enrollee's eligibility was closed on February 17, 2017, reopen the case effective March 1, 2017.
- If the results of the asset evaluation show that the LTC spouse had excess assets on June 1, 2016, complete the process only if you can send the DHS-3340A no later than February 17, 2017. On February 17, 2017, if the enrollee has not already verified that he or she has reduced excess assets, send the manual closing notice. If the enrollee provides proof of the asset reduction no later than February 28, 2017, reopen the case effective March 1, 2017.
- If the process is not completed by February 17, 2017, send the manual closing notice.
- If the process is still not completed by February 28, 2017, the enrollee's coverage will remain closed. Determine whether the enrollee remains eligible for MA under another basis of eligibility.

B. Hardship Waiver Requests

Grant a hardship waiver when the LTC spouse has assets in excess of the CSAA, plus the MA asset limit, and you determine a hardship exists. See the policy in [Bulletin #16-21-04](#) for new criteria for hardship waivers, and refer to the [EPM, Section 2.4.2.1, Asset Eligibility for a Long-Term Care Spouse](#), for more information on hardship waivers.

Example:

A married couple has \$250,000 in countable assets. Of these assets, \$100,000 are in a section 529 college plan for the benefit of the couple's 17-year-old daughter and the community spouse's retirement account. The community spouse is under age 59½ and so would have to pay a penalty for early withdrawal from the retirement account.

After setting aside \$119,220 for the community spouse and \$3,000 toward the MA asset limit for the LTC spouse, the couple has \$127,780 in excess assets. The community spouse does not want to make the assets in the 529 college plan and the tax-deferred retirement account available, and the LTC spouse requests a hardship waiver.

The county agency determines a hardship exists because the community spouse would have to pay a penalty to withdraw retirement funds and liquidate the college savings plan. The couple must reduce the excess assets by the remaining \$27,780 of excess assets not in the 529 college plan and retirement account. After the couple completes the asset reduction, the LTC spouse is approved for ongoing MA with waiver services even though the couple has \$100,000 in assets greater than the \$119,220 CSAA and the \$3,000 MA asset limit.

Do not refer the case to the county attorney if a hardship waiver is granted because the assets are held in a tax-deferred retirement account from which funds cannot be withdrawn without penalty, or are held in a section 529 plan.

IV. Legal Authority

Laws of Minnesota 2016, Chapter 189, Article 19, Sections 4 and 6–8

V. Attachments

Attachment A: August 2016 letter to people who applied for MA through the BI, CAC, CADI, or DD waiver program on or after January 1, 2014, and before June 1, 2016

Attachment B: Instructions for completing the DHS-3340 enclosed with the letter

Attachment C: Notice of privacy practices

Attachment D: August 2016 letter to people who applied for MA through the BI, CAC, CADI, or DD waiver program before January 1, 2014

VI. Americans with Disabilities Act (ADA) Advisory



For accessible formats of this publication or assistance with additional equal access to human services, write to DHS.info@state.mn.us, call 800-657-3739, or use your preferred relay service. (ADA1 [9-15])

Minnesota Department of Human Services
 Health Care Eligibility and Access
 PO Box 64989
 St Paul, MN 55164-0989



ACTION NEEDED
Please complete the enclosed form
(DHS-3340) as soon as possible.

FIRST LAST
 ADDRESS LINE 1
 ADDRESS LINE 2

August 10, 2016

Dear Enrollee:

You are getting this letter because you applied for Medical Assistance (MA) for home and community-based services through the Brain Injury (BI), Community Alternative Care (CAC), Community Access for Disability Inclusion (CADI), or Developmental Disabilities (DD) waiver program on or after January 1, 2014. We previously sent you a letter about potential changes in state law affecting how eligibility for MA is determined for married people with disabilities who are enrolled in one of these waiver programs. We are writing to update you about those changes and tell you what action you must take.

Important: Contact your worker if you are currently receiving Medical Assistance for Employed Persons with Disabilities (MA-EPD) or were not married on June 1, 2016, because you may have received this letter in error.

What has changed?

The Centers for Medicare & Medicaid Services (CMS) is requiring Minnesota to apply a set of rules known as spousal impoverishment protections. These rules determine the amount of a married couple's total assets that must be counted when determining whether a married person is eligible for MA for long-term care (LTC).

Previously, only your income and assets, not those of your spouse, were counted when determining your eligibility for MA. To comply with the CMS requirement, the Minnesota Legislature made these changes to state law:

- *Current MA enrollees* who applied for MA through the BI, CAC, CADI or DD waiver program on or after January 1, 2014, are subject to the spousal impoverishment protection rules. This means that some of your spouse's assets may now be counted to determine whether you remain eligible for MA and waiver services.
- *New applicants* requesting services through the BI, CAC, CADI or DD waiver program on or after June 1, 2016, are subject to the spousal impoverishment protection rules. This means that some of the assets of an applicant's spouse may now be counted when determining eligibility for MA with waiver program services.
- Beginning June 1, 2016, the amount of a couple's assets that are protected for the community spouse, called the community spouse asset allowance, is now the maximum amount allowed under federal law for all community spouses. This amount is currently \$119,220.

- If your spouse does not want to make certain assets available to you, your county or tribal agency may grant a hardship waiver. The excess assets must be in a tax-deferred retirement account that will charge a penalty for early withdrawal. Or they must be in a college savings plan under section 529 of the Internal Revenue Code for you or your spouse's child under age 25.

When will this change take place?

Married enrollees who applied for MA with BI, CAC, CADI or DD waiver services on or after January 1, 2014, through May 31, 2016, are subject to the spousal impoverishment protection rules as of June 1, 2016. This means your eligibility must be redetermined. The redetermination must be completed by February 28, 2017. This letter tells you how the redetermination process works and what actions in the process you must take.

What do I need to do now?

You must complete the enclosed Asset Assessment for Medical Assistance for Long-Term-Care Services (MA-LTC) (DHS-3340) form. Follow the instructions included with the enclosed form, documenting the assets you and your spouse owned on **June 1, 2016**. For you and your county or tribal worker to have enough time to complete the process, we strongly recommend that you return the form and proofs to your county or tribal agency **as soon as possible**. Ask your county or tribal worker if you have questions about what you need to do or if you need help getting proofs.

If your county or tribal agency receives your completed form and proof of assets owned as of June 1, 2016, before January 3, 2017, the agency will process the asset assessment and notify you of the results within 30 days. However, if your county or tribal agency does not receive the form by January 3, 2017, it may be difficult for you and your worker to complete the process by February 28, 2017.

If your county or tribal agency notifies you that you do not have excess assets as of June 1, 2016, you will not need to do anything further. If the assets you owned on June 1, 2016, exceed the limit according to the asset assessment, you may have to reduce some of those assets by February 28, 2017, to remain eligible for MA-LTC.

You need to meet all other eligibility requirements between now and February 28, 2017, to remain eligible for MA and waiver services.

If you choose not to comply with the redetermination process, your MA and waiver services will close effective March 1, 2017.

Questions?

If you have specific questions about your case, please contact your county or tribal worker. County contact information can be found at <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-0005-ENG>.

If you have other questions or want information about getting legal advice, please call the Disability Linkage Line® at 866-333-2466.

Enclosures: Instructions for Completing the Asset Assessment for MA-LTC (DHS-3340) Form
Asset Assessment for MA-LTC (DHS-3340) Form
Minnesota Department of Human Services Notice of Privacy Practices

866-333-2466

Attention. If you need free help interpreting this document, call the above number.

ملاحظة: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اتصل على الرقم أعلاه.

កំណត់សំគាល់ ។ បើអ្នកត្រូវការជំនួយក្នុងការបកប្រែឯកសារនេះដោយឥតគិតថ្លៃ សូមហៅទូរស័ព្ទតាមលេខខាងលើ ។

Pažnja. Ako vam treba besplatna pomoć za tumačenje ovog dokumenta, nazovite gore naveden broj.

Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntawv no pub dawb, ces hu rau tus najnpawb xov tooj saum toj no.

ໂປຣດຊາບ. ຖ້າຫາກ ທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປເອກະສານນີ້ຟຣີ, ຈົ່ງໂທໄປທີ່ໝາຍເລກຂ້າງເທິງນີ້.

Hubachiisa. Dokumentiin kun bilisa akka siif hiikamu gargaarsa hoo feete, lakkoobsa gubbatti kenname bibili.

Внимание: если вам нужна бесплатная помощь в устном переводе данного документа, позвоните по указанному выше телефону.

Digniin. Haddii aad u baahantahay caawimaad lacag-la' aan ah ee tarjumaadda qoraalkan, lambarka kore wac.

Atención. Si desea recibir asistencia gratuita para interpretar este documento, llame al número indicado arriba.

Chú ý. Nếu quý vị cần được giúp đỡ dịch tài liệu này miễn phí, xin gọi số bên trên.

LB3-001 (3-13)



For accessible formats of this publication or assistance with additional equal access to human services, write to DHS.info@state.mn.us, call 800-657-3739, or use your preferred relay service. (ADA1 [9-15])



Instructions for Current HCBS Waiver Enrollees Completing the Asset Assessment for Medical Assistance for Long-Term-Care Services (MA-LTC) (DHS-3340) Form

1. Answer all questions on the form considering the assets you or your spouse owned on **June 1, 2016**.
2. Attach proofs of those assets as of **June 1, 2016**. See Page A for a list of the proofs.
3. Send the form and proofs to your county or tribal agency **as soon as possible** so both you and your worker have time to complete the process. If you do not return your asset assessment form by January 3, 2017, you and your worker may not have time to complete the process by February 28, 2017. If you return the form after January 3, 2017, and all the steps of the process have not been completed by February 28, 2017, your MA-LTC eligibility and your waiver services may close effective March 1, 2017, and you may have to reapply.

What happens after I return the asset assessment form?

Your county or tribal agency will process the asset assessment and send you a notice telling you one of these two things:

- Your assets are within the MA asset limit for June 1, 2016. If your notice says this, you will remain eligible without taking any further action.
- You have assets above the MA asset limit for June 1, 2016. If your notice says this, the agency will tell you how many assets your spouse can keep and whether you must provide proof that you reduced excess assets to remain eligible for MA-LTC. You may need to tell your county or tribal agency which assets your spouse will keep. You can keep up to \$3,000 in countable assets in your name. Your spouse can keep up to \$119,220 in countable assets in his or her name.

If your county or tribal agency tells you that you have too many assets to remain eligible for MA-LTC, you have until February 28, 2017, to send proof to the agency that you and your spouse's assets are within the MA limits. Once you have sent the proof to the agency, your worker will send you a notice telling you whether you will remain eligible. If you do not complete the process for determining whether the assets of you and your spouse are within MA limits by February 28, 2017, we will close your MA-LTC eligibility effective March 1, 2017.

The notice will tell you how to appeal if you disagree with your county or tribal agency's assessment.

What if my spouse doesn't have enough income to meet his or her monthly maintenance needs?

If your spouse has gross income that is less than \$2,005 per month, the amount of assets your spouse can keep may be higher than \$119,220. The extra assets must produce income to raise your spouse's monthly income. You will need to provide proof of your spouse's shelter and utility costs and income. Contact your worker if you want more information about this.

What if my spouse won't make certain assets available to me so that I can remain eligible for MA-LTC?

If your spouse does not want to make certain assets available to you, ask your county or tribal agency to grant you a hardship waiver. If your county or tribal agency grants the hardship waiver, you may continue to be eligible for MA-LTC. To be granted a waiver, you must request a hardship waiver and provide evidence that you have a hardship because either:

1. you would have an imminent threat to your health and well-being if you are no longer eligible for MA-LTC; or
2. the assets your spouse must make available to you are in a retirement account that will charge a penalty for early withdrawal or in a college savings plan under section 529 of the Internal Revenue Code for your or your spouse's child under age 25.

If a hardship waiver is granted under item 1 above, your county or tribal agency may file a legal action against your spouse to get the excess assets. When a hardship waiver is granted under item 2 above, the county or tribal agency cannot file a legal action against your spouse for the excess assets.

866-333-2466

Attention. If you need free help interpreting this document, call the above number.

ملاحظة: إذا أردت مساعدة مجانية لترجمة هذه الوثيقة، اتصل على الرقم أعلاه.

កំណត់សំគាល់ ។ បើអ្នកត្រូវការជំនួយក្នុងការបកប្រែឯកសារនេះដោយឥតគិតថ្លៃ សូមហៅទូរស័ព្ទតាមលេខខាងលើ ។

Pažnja. Ako vam treba besplatna pomoć za tumačenje ovog dokumenta, nazovite gore naveden broj.

Thov ua twb zoo nyeem. Yog hais tias koj xav tau kev pab txhais lus rau tsab ntaub ntawv no pub dawb, ces hu rau tus najnpawb xov tooj saum toj no.

ໄປຮອດຊາບ. ຖ້າຫາກ ທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປເອກະສານນີ້ພໍດີ, ຈົ່ງໂທໄປທີ່ໝາຍເລກຂ້າງເທິງນີ້.

Hubachiisa. Dokumentiin kun bilisa akka siif hiikamu gargaarsa hoo feete, lakkoobsa gubbatti kenname bibili.

Внимание: если вам нужна бесплатная помощь в устном переводе данного документа, позвоните по указанному выше телефону.

Digniin. Haddii aad u baahantahay caawimaad lacag-la'aan ah ee tarjumaadda qoraalkan, lambarka kore wac.

Atención. Si desea recibir asistencia gratuita para interpretar este documento, llame al número indicado arriba.

Chú ý. Nếu quý vị cần được giúp đỡ dịch tài liệu này miễn phí, xin gọi số bên trên.

LB3-0001 (3-13)



For accessible formats of this publication or assistance with additional equal access to human services, write to DHS.info@state.mn.us, call 800-657-3739, or use your preferred relay service. (ADA1 [9-15])



Minnesota Department of Human Services
Notice of Privacy Practices
 (Effective date: August 2016)

This notice tells how private or confidential information about you may be used and disclosed and how you can get this information. Please review it carefully.

Why do we ask for this information?

- To tell you apart from other people with the same or similar name
- To decide what you are eligible for
- To help you get medical and mental health services and decide whether you can pay for some services
- To make reports, do research, do audits, and evaluate our programs
- To investigate reports of people that may lie about the help they need
- To decide about out-of-home care and in-home care for you or your children
- To collect money from other agencies, like insurance companies, if they should pay for your care
- To decide whether you or your family need protective services
- To collect money from the state or federal government for help we give you

Why do we ask you for your Social Security number?

We need your Social Security number (SSN) to give you Medical Assistance (MA), some kinds of financial help, and child support enforcement services (42 CFR 435.910 [2012]; Minn. Stat. 256L.04, subd. 1a; 42 USC 666).

We also need your SSN to verify identity and prevent duplication of state and federal benefits. Additionally, your SSN is used to conduct computer data matches with our partner nonprofit and private agencies to verify income, resources, and other information that may affect your eligibility or benefits.

You do not have to give us the SSN for people in your home who are not applying for coverage. You also do not have to give us your SSN:

- If you have religious objections
- If you are not a U.S. citizen and are applying for Emergency Medical Assistance only
- If you are from another country, are in the U.S. on a temporary basis, and do not have permission from the U.S. Citizenship and Immigration Services (USCIS) to live in the U.S. permanently
- If you are living in the U.S. without the knowledge or approval of the USCIS

Why do we ask you for your asset information?

We ask for asset information to determine your eligibility for MA. We will use this information only for the purposes authorized by law. We will not share this information with any other person or entity.

Do you have to answer the questions we ask?

You do not have to give us your personal information. Without the information, we may not be able to help you. If you give us wrong information on purpose, you can be investigated and charged with fraud.

With whom may we share information?

We will share information about you only as needed and as allowed or required by law. We may share your information with the following agencies or people that need the information to do their jobs:

- Employees or volunteers with other state, county, local, federal, and partner nonprofit and private agencies
- Researchers, auditors, investigators, and others that do quality-of-care reviews and studies or to begin prosecutions or legal actions related to managing the human services programs
- Court officials, county attorneys, attorneys general, other law enforcement officials, child support officials, child protection and fraud investigators, and fraud prevention investigators
- Human services offices, including child support enforcement offices
- Governmental agencies in other states administering public benefits programs
- Health care providers, including mental health agencies and drug and alcohol treatment facilities
- Health care insurers, health care agencies, managed care organizations and others that pay for your care
- Guardians, conservators or people with power of attorney who are authorized representatives
- Coroners and medical investigators if you die and they investigate your death
- Credit bureaus, creditors or collection agencies if you do not pay fees you owe to us for services, in limited situations
- Certified application counselors, in-person assisters, navigators and anyone else to whom we must or can give the information under law

What are your rights regarding the information we have about you?

- You and people to whom you give permission may see and copy private information we have about you. You may have to pay for the copies.
- You may question whether the information we have about you is correct. Send your concerns in writing. Tell us why the information is wrong or not complete. Send your own explanation of the information you do not agree with. We will attach your explanation any time information is shared with another agency.
- You have the right to ask us in writing to share health information with you in a certain way or in a certain place.
For example, you may ask us to send health information to your work address instead of your home address. If we find that your request is reasonable, we will grant it.
- You have the right to ask us to limit or restrict the way that we use or disclose your information, but we are not required to agree to this request.
- You have the right to get a record of some of the people or organizations with whom we have shared your information. This record was started on April 14, 2003. You must ask for a copy of this record in writing to our Privacy Official.
- If you do not understand the information, ask your worker to explain it to you. You may ask the Minnesota Department of Human Services for another copy of this notice.

What are our responsibilities?

- We must protect the privacy of your personal, health care, and other private information according to the terms of this notice.
- We may not use your information for reasons other than the reasons listed on this form or share your information with individuals and agencies other than those listed on this form unless you tell us in writing that we can.
- We will not sell any data collected, created, or maintained as part of this application.
- We must follow the terms of this notice, but we may change our privacy policy because privacy laws change.

What privacy rights do children have?

If you are under 18, when parental consent for medical treatment is not required, information will be provided to parents only when the medical provider believes that your health is at risk if the information is not shared. Parents may see other information about you and let others see this information, unless you have asked that this information not be shared with your parents. You must ask for this in writing and say what information you do not want to share and why. If the agency agrees that sharing the information is not in your best interest, the information will not be shared with your parents. If the agency does not agree, the information may be shared with your parents if they ask for it.

What if you believe your privacy rights have been violated?

You may complain if you believe your privacy rights have been violated. You cannot be denied service or treated badly because you have made a complaint. If you believe that your medical privacy was violated by your doctor or clinic, a health insurer, a health plan, or a pharmacy, you may send a written complaint either to the county agency, the organization or to the federal civil rights office at:

- U.S. Department of Health and Human Services
Office for Civil Rights, Region V
233 N. Michigan Avenue, Suite 240
Chicago, IL 60601
312-886-2359 (Voice) or
toll free 800-368-1019
800-537-7697 (TTY)
312-886-1807 (Fax)

If you think that the Minnesota Department of Human Services has violated your privacy rights, you may send a written complaint to the U.S. Department of Health and Human Services at the address above or to:

- Minnesota Department of Human Services
Attn: Privacy Official
PO Box 64998
St. Paul, MN 55164-0998

Minnesota Department of Human Services
 Health Care Eligibility and Access
 PO Box 64989
 St Paul, MN 55164-0989



NO ACTION NEEDED
The change in law does not affect your
Medical Assistance eligibility
at this time.

August 10, 2016

Dear Enrollee:

We previously sent you a letter about potential changes in state law affecting how eligibility for Medical Assistance (MA) is determined for married people with disabilities who receive services through one of the following Home and Community-Based Services (HCBS) waiver programs: Brain Injury (BI), Community Access for Disability Inclusion (CADI), Community Alternative Care (CAC), or Developmental Disabilities (DD). You are getting this letter because our records show you continue to receive MA services through one of these waiver programs; you are married; and your spouse does not get waiver or long-term-care services. We are writing to update you about the changes mentioned in our earlier letter.

What has changed?

The Centers for Medicare & Medicaid Services (CMS) is requiring Minnesota to apply a set of rules known as spousal impoverishment protections when determining MA eligibility for the BI, CADI, CAC and DD waiver programs. These rules determine the amount of a married couple's total assets that must be counted when determining whether a married person is eligible for MA for long-term care (LTC).

To comply with the CMS requirement, the Minnesota Legislature made these changes to state law:

- *Current MA enrollees* who applied for services through the BI, CAC, CADI or DD waiver program on or after January 1, 2014, are subject to the spousal impoverishment protection rules. This means that some of an enrollee's spouse's assets may be counted to continue MA eligibility.

*According to our records, the change in law does not affect your eligibility at this time because you applied for services through the BI, CAC, CADI or DD waiver program before January 1, 2014. **You do not need to take any action now.***

- *New applicants* requesting services through the BI, CAC, CADI or DD waiver program on or after June 1, 2016, are subject to the spousal impoverishment protection rules. This means that some of an applicant's spouse's assets may be counted when determining eligibility for MA.
- Beginning June 1, 2016, the amount of a couple's assets that are protected for the community spouse, called the community spouse asset allowance, is now the maximum amount under federal law for all community spouses. This amount is currently \$119,220.

- The county or tribal agency may grant a hardship waiver if your spouse refuses to make excess assets available to you. The excess assets must be in a retirement account that will charge a penalty for early withdrawal. Or they must be in a college savings plan under section 529 of the Internal Revenue Code for your or your spouse's child under age 25.

Questions?

If you have specific questions about your case, please contact your county or tribal agency. County contact information can be found at <https://edocs.dhs.state.mn.us/lfsrserver/Public/DHS-0005-ENG>.

For all other questions, please call the Disability Linkage Line® at 866-333-2466.

866-333-2466

Attention. If you need free help interpreting this document, call the above number.

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