

2024 Health Care Administration Policy Bills

Health Care Administration Statutory Corrections (HC-01)

This proposal makes statutory corrections to errors in language passed during the 2023 legislative session. To ensure program policies are accurately reflected in statute, this proposal makes the following corrections:

- **Clarification of Enrollee Error Overpayments:** Language passed during the 2023 legislative session, in Minnesota Statutes, section 256.0471, subd. 1, was intended to limit the circumstances in which an overpayment of state-funded Medical Assistance and MinnesotaCare to an enrollee could be collected through judgement by operation of law (JOL) to situations in which an enrollee continued to receive services during the pendency of an unsuccessful appeal. A drafting error, identified following session, would maintain the previous legislative intent, which allows *any* enrollee overpayment of state-funded MA or MinnesotaCare to be recovered by JOL. This proposal will correct that drafting error.
- **Dental Coverage Expansion:** This correction cleans up a cross-reference to MinnesotaCare, in Minnesota Statutes, section 256L.03, subd. 1., paragraph (c), regarding dental coverage, to ensure consistency within statute.
- **Family Planning Rate Increase:** This correction clarifies in Minnesota Statutes, section 256B.764, paragraph (c), that the 2023 family planning rate increase applies only to community clinics, which aligns with other rate increases in this section and in the 2023 fiscal note.
- **Recuperative Care:** During the 2023 legislative session, the Medical Assistance and MinnesotaCare benefit was expanded to include recuperative care, which includes a room and board component. Rather than developing a new rate methodology, DHS and stakeholders agreed to use the room and board rate used by other areas of the Department. The rate being referenced was also updated and moved to a different section in law during session. This proposal would make a technical update to reflect the agreement that was understood on the methodology for recuperative care room and board.

Repeal of the Medical Care Surcharge Fund Report (HC-02)

This proposal repeals the Medical Care Surcharge Fund report, mandated under Minnesota Statutes, section 256.9657, subd. 8, paragraph (a). First authorized by the legislature in 1992, the report provides a summary of the total collections and billings for the Medical Care Surcharge (MCS), Intergovernmental Transfers (IGTs), a summary of collection practice efforts, and a data summary of the billings and collections of surcharges and intergovernmental transfers. A 2022 report to the legislature, on the status of the agency's mandated reports, recommended that the report be repealed; however, during the 2022 session, rather than being repealed, the report was changed from a quarterly report to an annual report. Since this report is not currently used internally for decision making purposes, nor does DHS believe the report is being utilized by external decision makers, this proposal repeals this report.

State Tax Credits, Rebates, and Refunds Income and Asset Exclusion (HC-03)

This proposal conforms state law to existing Department policies and practices regarding income and asset exclusions for state tax credits, rebates, and refunds for people who are age 65 or older, blind or who have a disability (MA-ABD). Tax credits, rebates, and refunds are considered excluded income when determining MA eligibility for the MA-ABD population. Moreover, tax credits, rebates, and refunds are excluded as assets for 12 months after the month of receipt. These policies apply to both federal and state tax credits, rebates, or refunds. The income and asset requirements for MA-ABD applicants and enrollees follow Supplemental Security Income (SSI) program income and resource requirements as well. However,

with regard to tax refunds, rebates and credits, SSI guidance is limited to federal tax refunds, rebates, and credits. This proposal would clarify that for the MA-ABD population, both federal and state tax credits, rebates, and refunds are considered excluded income, and are not counted as assets for 12 months after the month of receipt. This proposal would ensure that DHS has specific legal authority to support existing policy.

Clarification of the Use of Asset Verification System (AVS) Authorization (HC-04)

This proposal clarifies Minnesota Statutes 256B.056 subd. 10, paragraph (e), regarding use of the Asset Verification System (AVS). Applicants, spouses, and or sponsors of Medical Assistance for people who are age 65 or older, blind or who have a disability (MA-ABD) are subject to an asset limit; to verify these assets, applicants, spouses, and or sponsors are required to provide authorization to use the Asset Verification System (AVS). The AVS allows the Department of Human Services (DHS) to collect information from financial institutions, to streamline and expedite application processing. In accordance with federal law, Minn. Stat. 256.01, subd. 18, paragraph (f), states that DHS will implement AVS to verify assets. As written, Minn. Stat. 256B.056 subd. 10, paragraph (e), appears to limit the use of the AVS to the purpose of identifying unreported accounts, as opposed to verifying assets. This proposal will clarify statute regarding the use of the AVS.

Allowing Electronic Notices to the Commissioner for Probate (HC-06)

This proposal allows the commissioner to receive recovery notices, required under Minnesota Statutes 524.3-801, paragraph (d), clause (1), via electronic means. Federal and state law require the Minnesota Department of Human Services (DHS) and local agencies to recover costs the Medical Assistance (MA) program pays for its members under certain circumstances. When a person's estate is in probate, the estate's personal representative or their attorney must notify any potential creditors, which may include the Commissioner of Human Services. Minnesota Statutes section 524.3-801, paragraph (d), clause (1), requires notices to the Commissioner, regarding the probate of estates, be served or sent via first-class mail. This proposal expands this notice to the commissioner, to include electronic notices. Electronic notices are environmentally friendly, increase efficiency, and reduce cost and processing times.