

Department of Health & Human Services
Centers for Medicare & Medicaid Services
233 North Michigan Avenue, Suite 600
Chicago, Illinois 60601-5519



December 20, 2016

Marie Zimmerman, State Medicaid Director
Minnesota Department of Human Services
P.O. Box 64983
St. Paul, MN 55164-0983

Dear Ms. Zimmerman:

Enclosed for your records is an approved copy of the following State Plan Amendment:

Transmittal #16-0007 --Removes the option for recovery of all medical assistance services from the estates of deceased individuals who received services at and after age 55, and limits recovery to nursing facility services, home and community-based services and associated hospital and prescription drug services

--Effective Date: July 1, 2016

If you have any additional questions, please have a member of your staff contact Sandra Porter at (312) 353-8310 or via e-mail at Sandra.Porter@cms.hhs.gov.

Sincerely,

/s/

Ruth Hughes
Associate Regional Administrator
Division of Medicaid and Children's Health Operations

Enclosures

cc: Ann Berg, MDHS
 Sean Barrett, MDHS

Revision: HCFA-PM-95-3 (MB)
MAY 1995

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Minnesota

(b) Adjustments or Recoveries

The State complies with the requirements of section 1917(b) of the Act and regulations at 42 CFR 433.366(h) – (i).

Adjustments or recoveries for Medicaid claims correctly paid are as follows:

(1) For permanently institutionalized individuals, adjustments or recoveries are made from the individual's estate or lien imposed because of medical assistance paid on behalf of the individual for services provided in a nursing facility, ICF/MR, or other medical institution.

X Adjustments or recoveries are made for all other medical assistance paid on behalf of the individual.

(2) The State determines "permanent institutional status" of individuals under the age of 55 other than those with respect to whom it imposes liens on real property under §1917(a)(1)(B) (even if it does not impose those liens).

(3) For any individual who received medical assistance at age 55 or older, adjustments or recoveries of payments are made from the individual's estate for nursing facility services, home and community based services and related hospital and prescription drug services, except as specified in (b)(4).

X In addition to adjustment or recovery of payments for services listed above payments are adjusted or recovered for other services under the State plan as listed below:

~~All medical assistance (MA) services except as specified in (b)(4).~~

The revision to paragraph (b)(3) above is effective July 1, 2016 for estate claims pending on or after July 1, 2016 and estates for people who die on or after July 1, 2016.

(4) Limitation on Estate Recovery – Medicare Cost Sharing

(i) Medical assistance for Medicare cost sharing is protected from estate recovery for individuals qualified for a Medicare Savings Program group under 1902(a)(10)(E). This protection extends to the Medicare cost sharing benefits for each group under 1902(a)(10)(E) with dates of service on or after January 1, 2010: for QMB, Part A and B premiums, deductibles and coinsurance; for SLMB and QI, Part B premiums; and for QDWI, Part A premiums. The date of service for Medicare deductibles and coinsurance for QMB individuals is the date the request for payment is received by the State Medicaid agency. The date of service for Medicare Part A or B premiums is the date the State Medicaid Agency pays the premium. Individuals qualified for a Medicare Savings Program group under 1902(a)(10)(E) as QMB and SLMB individuals who also qualify for full Medicaid benefits under another eligibility group, receive the same estate recovery protection as stated above for QMB and SLMB individuals.

(ii) The exemption applies to a qualified individual under 1902(a)(10)(E) who is age 55 or older.