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State/Territory Name: MN

Technical Correction: State Plan Amendment (SPA) #: 12-0014-A

This file contains the following documents in the order listed:

- 1) Technical Correction Approval Letter
- 2) CMS 179 Form
- 3) Approved SPA Pages

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



September 12, 2018

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 a copy of a **technical correction** approval package made to the following previously approved State Plan Amendment:

Transmittal #12-014-A --Proposes to change the working disabled group from TWWIIA to the BBA group with more liberal income and asset methods for applicants/enrollees in the BBA group, and a more liberal asset method allowing certain enrollees to establish Employment incentive asset accounts for a later disregard when enrolled in a group for individuals age 65 and older.

--Effective Date: April 1, 2012

--Approval Date: April 30, 2018

Per the state's request, CMS corrected the state's numbering format on Attachment 2.2-A page 23d. Specifically, CMS changed Item Numbers 23, 24, and 25 to Item Numbers 21, 22, and 23 respectively. The effective date and approval date of this State Plan Amendment remains the same.

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

Enclosures

cc: Ann Berg, DHS
 Pat Callaghan, DHS

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTER FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER:
12-14-A

2. STATE
Minnesota

3. PROGRAM IDENTIFICATION: TITLE XIX OF THE
SOCIAL SECURITY ACT (MEDICAID)

TO: REGIONAL ADMINISTRATOR
CENTER FOR MEDICARE & MEDICAID SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE
April 1, 2012

5. TYPE OF PLAN MATERIAL (*Check One*):

- NEW STATE PLAN AMENDMENT TO BE CONSIDERED AS NEW PLAN AMENDMENT
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (*Separate Transmittal for each amendment*)

6. FEDERAL STATUTE/REGULATION CITATION:
1902(r)(2)
1902(a)(10)(A)(ii)(XIII)
1916(g)

7. FEDERAL BUDGET IMPACT:
a. FFY '12: \$ 114,980
b. FFY '13: \$ 266,665

8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:
Attachment 2.2-A, p. 23d
Attachment 2.6-A, pp. 12c, 12d, 12e, 12f, 12g, 12n, 12o, new p. 12m
Attachment 2.6-A, Supplement 8a, new p. 7
Attachment 2.6-A, Supplement 8b, pp. 2, new pp. 2a and 6

9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (*If Applicable*):
Attachment 2.2-A, p. 23d
Attachment 2.6-A, pp. 12c, 12d, 12e, 12f, 12g, 12n, 12o
Attachment 2.6-A, Supplement 8b, pp. 2

10. SUBJECT OF AMENDMENT:

More liberal methods for individuals moving from employed disabled group to elderly group
Change from TWWIA basic coverage group to BBA group

11. GOVERNOR'S REVIEW (*Check One*):

- GOVERNOR'S OFFICE REPORTED NO COMMENT OTHER, AS SPECIFIED:
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL:



16. RETURN TO:
Ann Berg
Minnesota Department of Human Services
540 Cedar Street, PO Box 64983
St. Paul, MN 55164-0983

13. TYPED NAME:
Ann Berg

14. TITLE:
Deputy Medicaid Director

15. DATE SUBMITTED:
June 29, 2012

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED:
June 29, 2012

18. DATE APPROVED:
April 30, 2018

PLAN APPROVED – ONE COPY ATTACHED

19. EFFECTIVE DATE OF APPROVED MATERIAL:
April 1, 2012

20. SIGNATURE OF REGIONAL OFFICIAL:
/s/

21. TYPED NAME:
Ruth A. Hughes

22. TITLE:
Associate Regional Administrator

23. REMARKS:

State/Territory: Minnesota

Citation	Groups Covered
	B. <u>Optional Groups Other Than the Medically Needy</u> (Continued)
1902(a)(10)(A) (ii)(XIII) of the Act and 1905(a)(vii)	<input checked="" type="checkbox"/> 21. BBA Work Incentives Eligibility Group - Individuals with a disability whose net family income is below 250 percent of the Federal poverty level for a family of the size involved and who, except for earned income, meet all criteria for receiving benefits under the SSI program. <u>Individuals must be disabled as defined by the rules of the Supplemental Security Income (SSI) program.</u> See page 12c of Attachment 2.6-A.
1902(a)(10)(A) (ii)(XV) of the Act	<input checked="" type="checkbox"/> 22. TWWIIA Basic Coverage Group - Individuals with a disability at least 16 but less than 65 years of age whose income and resources do not exceed a standard established by the State. See page 12d of Attachment 2.6-A.
1902(a)(10)(A) (ii)(XVI) of the Act	<input type="checkbox"/> 23. TWWIIA Medical Improvement Group - Employed individuals at least 16 but less than 65 years of age with a medically improved disability whose income and resources do not exceed a standard established by the State. See page 12h of Attachment 2.6-A.

NOTE: If the State elects to cover this group, it MUST
also cover the Basic Coverage Group described in no. 24
above.

TN: 12-14-A
Supersedes
TN: 00-26

Approval Date: 4/30/18

Effective Date: 04/01/12
HCFA ID:

*(per State authorization,
CMS corrected numbering
format. Item #21, 22, 23
was listed as 23, 24, 25 in
error. S. Porter 09-06-18)*

State/Territory: Minnesota

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XIII) of the Act	<p data-bbox="570 554 1443 705">(i) <u>Working Individuals with Disabilities - BBA</u> In determining countable income and resources for working individuals with disabilities under the BBA, the following methodologies are applied:</p> <p data-bbox="570 751 1154 787">___ The methodologies of the SSI program.</p> <p data-bbox="570 833 1383 1020">___ The agency uses methodologies for treatment of income and resources more restrictive than the SSI program. These more restrictive methodologies are described in Supplement 4 (income) and/or Supplement 5 (resources) to Attachment 2.6-A.</p> <p data-bbox="570 1066 1443 1253"><u>X</u> The agency uses more liberal income and/or resource methodologies than the SSI program. More liberal methodologies are described in Supplement 8a to Attachment 2.6-A. More liberal resource methodologies are described in Supplement 8b to Attachment 2.6-A.</p> <p data-bbox="570 1299 1443 1417"><u>X</u> The agency requires individuals to pay premiums or other cost-sharing charges. The premiums or other cost-sharing charges, and how they are applied, are described on page 12m.</p>

State/Territory: Minnesota

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XV) of the Act	<p data-bbox="565 569 1424 642">(ii) <u>Working Individuals with Disabilities - Basic Coverage Group - TWWIA</u></p> <p data-bbox="667 682 1424 793">In determining financial eligibility for working individuals with disabilities under this provision, the following standards and methodologies are applied:</p> <p data-bbox="667 835 1424 909"><u> </u> The agency does not apply any income or resource standard.</p> <p data-bbox="760 947 1424 1020">NOTE: If the above option is chosen, no further eligibility-related options should be elected.</p> <p data-bbox="667 1058 1424 1131"><u>X</u> The agency applies the following income and/or resource standard(s):</p> <p data-bbox="760 1169 1424 1205">No income standard is applied.</p> <p data-bbox="760 1243 1424 1312">The resource standard is \$20,000 in nonexcluded resources.</p>

State/Territory: Minnesota

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XV) of the Act (cont.)	<p data-bbox="760 531 1440 569"><u>Income Methodologies</u></p> <p data-bbox="760 604 1440 716">In determining whether an individual meets the income standard described above, the agency uses the following methodologies.</p> <ul style="list-style-type: none"> <li data-bbox="760 751 1440 831">_____ The income methodologies of the SSI program. <li data-bbox="760 867 1440 1056">_____ The agency uses methodologies for treatment of income that are more restrictive than the SSI program. These more restrictive methodologies are described in Supplement 4 to Attachment 2.6-A. <li data-bbox="760 1092 1440 1243"><u> X </u> The agency uses more liberal income methodologies than the SSI program. More liberal income methodologies are described in Supplement 8a to Attachment 2.6-A.

State/Territory: Minnesota

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XV) of the Act (cont.)	<p data-bbox="747 525 1429 567"><u>Resource Methodologies</u></p> <p data-bbox="747 598 1429 724">In determining whether the individual meets the resource standard described above, the agency uses the following methodologies.</p> <p data-bbox="747 745 1429 1123">Unless one of the following items is checked the agency, under the authority of section 1902(r)(2) of the Act, disregards all funds held in retirement funds and accounts, including private retirement accounts such as IRAs and other individual accounts, and employer-sponsored retirement plans such as 401(k) plans, Keogh plans, and employer pension plans. Any disregard involving retirement accounts is separately described in Supplement 8b to Attachment 2.6-A.</p> <p data-bbox="747 1155 1429 1281"><input type="checkbox"/> The agency disregards funds held in employer-sponsored retirement plans, but not private retirement plans.</p> <p data-bbox="747 1312 1429 1501"><input checked="" type="checkbox"/> The agency disregards funds in retirement accounts in a manner other than those described above. The agency's disregards are specified in Supplement 8b to Attachment 2.6-A.</p>

TN: 12-14-A
Supersedes
TN: 00-26

Approval Date: 4/30/18

Effective Date: 04/01/12
HCFA ID:

State/Territory: Minnesota

Citation	Condition or Requirement
1902(a)(10)(A) (ii)(XV) of the Act (cont.)	<input type="checkbox"/> The agency does not disregard funds in retirement accounts.
	<input checked="" type="checkbox"/> The agency uses resource methodologies in addition to any indicated above that are more liberal than those used by the SSI program. More liberal resource methodologies are described in Supplement 8b to Attachment 2.6-A.
	<input type="checkbox"/> The agency uses the resource methodologies of the SSI program.
	<input type="checkbox"/> The agency uses methodologies for treatment of resources that are more restrictive than the SSI program. These more restrictive methodologies are described in Supplement 5 to Attachment 2.6-A.

State/Territory: Minnesota

Citation

Condition or Requirement

1902(a)(10)(A)(ii)(XIII),
(XVI), and 1916(g) of the
Act

Payment of Premiums or Other Cost Sharing Charges

For individuals eligible under the BBA eligibility group described in No. 23 on page 23d of Attachment 2.2-A:

X The agency requires payment of premiums or other cost-sharing charges on a sliding scale based on income. The premiums or other cost-sharing charges, and how they are applied, are described below:

Payment of a minimum premium of \$35 per month or a premium on a sliding scale, whichever is greater, applies to all individuals. The sliding scale premium amount is based on a person's income, the applicable family size and a sliding fee scale that begins at one percent of income at 100 percent of the Federal poverty guidelines and increases to 7.5 percent up to income of 300 percent of the Federal poverty guidelines, and remains at 7.5 percent for income above 300 percent of the Federal poverty guidelines.

Annual adjustments based upon changes in the federal poverty guidelines are effective July 1 of each year.

All individuals pay a cost-sharing charge of one-half of one percent of income.

State/Territory: Minnesota

Citation	Condition or Requirement
1902(a)(10)(A)(ii) (XV), and 1916(g) of the Act (cont.)	<p>For individuals eligible under the Basic Coverage Group described in No. 24 on page 23d of Attachment 2.2-A:</p> <p>NOTE: Regardless of the option selected below, the agency MUST require that individuals whose annual adjusted gross income, as defined under IRS statute, exceeds \$75,000 pay 100 percent of premiums.</p> <p>X The agency requires individuals to pay premiums or other cost-sharing charges on a sliding scale based on income. For individuals with net annual income below 450 percent of the Federal poverty level for a family of the size involved, the amount of premiums cannot exceed 7.5 percent of the individual 's income.</p> <p>The premiums or other cost-sharing charges, and how they are applied, are described on page 12o.</p>

State/Territory: Minnesota

Citation	Condition or Requirement
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Sections 1902(a)(10)(A)
(ii)(XV) and 1916(g)
of the Act (cont.)

Premiums and Other Cost-Sharing Charges

For the Basic Coverage Group the agency's premium or other cost-sharing charges, and how they are applied, are described below.

~~Payment of a minimum premium of \$35 per month or a premium on a sliding scale, whichever is greater, applies to all individuals. The sliding scale premium amount is based on a person's gross earned and unearned income, the applicable family size and a sliding fee scale that begins at one percent of income at 100 percent of the Federal poverty guidelines and increases to 7.5 percent up to income of 300 percent of the Federal poverty guidelines, and remains at 7.5 percent for income above 300 percent of the Federal poverty guidelines.~~

~~Annual adjustments based upon changes in the federal poverty guidelines are effective July 1 of each year.~~

~~All individuals pay a cost-sharing charge of one-half of one percent of gross unearned income.~~

TN: 12-14-A
Supersedes:
TN: 04-01

Approval Date: 4/30/18

Effective Date: 04/01/12

POLICY	HOW POLICY IS MORE LIBERAL	GROUPS TO WHICH POLICY IS APPLIED
<p><u>Employed disabled Disregard.</u> In step one, disregard earned and unearned income of the employed disabled person, and other family members.</p>	<p><u>Eligibility for the working disabled person uses a net income family income test of 250% of the federal poverty level by family size after application of SSI income disregards and exemptions.</u></p>	<p><u>§1902(a)(10)(A)(ii)(XIII)</u></p>
<p><u>Employed Disabled Spouse Disregard.</u> In step two, disregard all unearned income of the disabled person and do not deem earned and unearned income of the ineligible spouse to the employed disabled person.</p>	<p><u>Step two of the eligibility determination for the disabled person applies SSI income methods to determine if the individual would, but for earnings in excess of the limit in 1905(q)(2)(B), be eligible to received SSI benefits, including the deeming of income of the ineligible spouse to the disabled person.</u></p>	<p><u>1902(a)(10)(A)(ii)(XIII)</u></p>

TN: 12-14-A
Supersedes:
TN: New

Approval Date: 4/30/18

Date: 04/01/12

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State: MINNESOTA
MORE LIBERAL METHODS OF TREATING RESOURCES
UNDER §1902(r)(2) OF THE ACT

POLICY	HOW POLICY IS MORE LIBERAL	GROUPS TO WHICH POLICY IS APPLIED
Spouse Asset Exclusion. Do not count or deem assets of the ineligible spouse to the disabled person.	SSI deems assets of the ineligible spouse to the disabled applicant or recipient.	TWWHA Basic Coverage Group. §1902(a)(10)(A)(ii)(XV)(XIII).
Retirement/Medical Benefits Exclusion. Exclude the following assets of the employed disabled person: retirement accounts including individual accounts, 401(k) plans, 403(b) plans, Keogh plans, pension plans, and medical expense accounts through the employer.	SSI has no similar exclusions.	TWWHA Basic Coverage Group. §1902(a)(10)(A)(ii)(XV)(XIII).
<u>Additional Property Disregard:</u> <u>In step two, exclude \$18,000 in nonexcluded assets.</u>	<u>SSI excludes \$2,000 in nonexcluded assets for an individual.</u>	<u>§1902(a)(10)(A)(ii)(XIII).</u>
Dual-eligible Property Exclusion. Disregard the difference between three times the SSI asset limit and \$10,000 in nonexcluded assets for an individual, and the difference between three times the SSI asset limit and \$18,000 for a couple..	SSI allows \$2,000 in nonexcluded assets for an individual, and \$3,000 for a couple; and Medicaid requires an asset standard of three times the SSI limit.	Qualified medicare beneficiaries §1902(a)(10)(E)(i). Specified low-income medicare beneficiaries §1902(a)(10)(E)(iii). Qualified Individuals §1902(a)(10)(E)(iv).
Transition Disregard for Disabled Individuals Who Were Working. For individuals who become ineligible for the TWWHA Basic Coverage Group under §1902(a)(10)(A)(ii)(XV)(XIII) due to loss of earnings, and who qualify for Medicaid under another category, continue to disregard for 12 consecutive months the assets allowed and excluded under the TWWHA Basic Coverage Group , §1902(a)(10)(A)(ii)(XV)(XIII).	SSI has no similar disregard	Mandatory categorically needy aged, blind and disabled using more restrictive criteria under §1902(f) Optional categorically needy aged and disabled groups- §1902(a)(10)(A)(ii). Medically needy aged, blind, and disabled. §1902(a)(10)(C)(i)(III); and 1905(a) . Families under §1931 Medically needy families and children. §§1902(a)(10)(C)(i)(III), 1905(a)(i) and 1905(a)(ii). Reasonable categories of children in Supplement 1 to Attachment 2.2-A. §§1905(a)(i), 1902(e), 1902(m), 1902(a)(10)(C)(i)(III), 1915(c) and 1905(a)(i).
Retirement Assets. Exclude IRA's, 401(k) plans, 403(b) plans, Keogh plans and other individually-owned pension and retirement funds.	AFDC has no similar property exclusion.	Optional categorically needy: §§1902(a)(10)(A)(ii)(I), 1905(a)(i) and 1905(a)(ii). §§1902(a)(10)(A)(ii)(IV) and 1905(a)(ii) Medically needy families and children. §§1902(a)(10)(C)(i)(III), 1905(a)(i) and 1905(a)(ii).

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
 State: MINNESOTA
 MORE LIBERAL METHODS OF TREATING RESOURCES
 UNDER §1902(r)(2) OF THE ACT

POLICY	HOW POLICY IS MORE LIBERAL	GROUPS TO WHICH POLICY IS APPLIED
Settlements. Exclude court-ordered settlements up to \$10,000.	AFDC has no similar property exclusion.	Optional categorically <u>needy</u> : §§1902(a)(10)(A)(ii)(I), 1905(a)(i) and 1905(a)(ii). §§1902(a)(10)(A)(ii)(IV) and 1905(a)(ii) Medically needy families and children: §§1902(a)(10)(C)(i)(III), 1905(a)(i) and 1905(a)(ii).

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State: MINNESOTA

MORE LIBERAL METHODS OF TREATING RESOURCES
UNDER 1902(r)(2) OF THE ACT

Disregard of Employment Incentive Assets Account (EIAA)

Disregard of Employment Incentives Asset Account (EIAA). Disabled individuals eligible under section 1902(a)(10)(A)(XIII) will, after 24 months of consecutive enrollment under such section, qualify to establish one or more Employment Incentives Asset Accounts (EIAA). Assets that may be designated as an EIAA include assets such as a savings account, investments, mutual funds, retirement and pension accounts, and medical expense accounts. An EIAA may contain the individual's retirement accounts and medical expense benefits through an employer. An EIAA may contain up to \$17,000 of the individual's other non-excluded liquid assets.

An asset disregard will apply, under the following terms:

- 1) The individual shall identify to the state the account(s) that he or she designates as his or her Employment Incentives Assets Account(s) before disenrollment from the group.
- 2) The value of the assets in the EIAA are disregarded, including growth or appreciation, except that any amount by which the value of the other liquid assets exceeds \$17,000 in an EIAA is not disregarded.
- 3) Once the assets are designated as an EIAA they are only disregarded when the individual is enrolled in another group for individuals age 65 and older to which the EIAA disregard is applied.
- 4) If a person's Medicaid eligibility ends at any point before turning age 65, the EIAA will cease to exist.

Group to which disregard is applied: Individuals age 65 and older eligible under §1902(f), 1902(a)(10)(A)(ii)(I), 1902(a)(10)(A)(ii)(V), 1902(a)(10)(A)(ii)(VI), 1902(a)(10)(A)(ii)(X), 1902(a)(10)(A)(ii)(XI); medically needy individuals age 65 and older eligible under §1902(a)(10)(C).