

Bulletin

February 11, 2014

Minnesota Department of Human Services -- P.O. Box 64941 -- St. Paul, MN 55164-0941

OF INTEREST TO

- County Directors
- Financial Assistance Supervisors and Staff
- Social Services Supervisors and Staff
- Mille Lacs Tribal TANF
- Case Managers
- MinnesotaCare Operations Managers, Supervisors and Staff

ACTION/DUE DATE

Please read and implement upon receipt.

EXPIRATION DATE

February 11, 2016

Same-Sex Marriage and Minnesota Health Care Programs Eligibility

TOPIC

Effect of same-sex marriage law on Minnesota Health Care Programs (MHCP) eligibility.

PURPOSE

Provide guidance in applying existing health care policies to legally married same-sex couples.

CONTACT

MinnesotaCare Operations, counties and tribal agencies should submit policy questions to HealthQuest.

All others should direct questions to:

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

SIGNED

NATHAN MORACCO
Acting Assistant Commissioner
Health Care Administration

Terminology Disclaimer

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 2013 Minnesota Legislature enacted changes to Minnesota's marriage law making it gender neutral. Beginning August 1, 2013, Minnesota recognizes marriage between same-sex couples as a legally binding union. This recognition includes civil marriages between same-sex couples that occurred in Minnesota on or after August 1, 2013, or a civil marriage that occurred in another state that recognizes marriage between same-sex couples as a legally binding union.

II. Introduction

For the purpose of Medical Assistance (MA) and MinnesotaCare, same-sex couples who are legally married under the law of the jurisdiction in which the marriage was celebrated are recognized as spouses effective August 1, 2013. There is no change in existing policies related to spouses including the acceptance of self-attestation of marital status. This bulletin provides guidance for applying these policies to same-sex spouses based on the effective date of the law.

III. Action Required

Add a same-sex spouse and his or her dependents upon being notified of a change in marital status. At renewal, review the relationship of other household members to the enrollee to confirm if a spouse of the enrollee resides in the home.

Apply existing policies regarding household composition, income and asset deeming, community spouse asset allowances and income allocations to community spouses for same-sex spouses as you would for opposite sex spouses.

Do not apply a negative action retroactively or cite an overpayment due to the application of this policy. Allow for a 10-day advanced notice to reduce eligibility or close coverage. Adjust long-term care (LTC) spenddowns retroactively, if required.

A. Household Composition

1. Medical Assistance

- a. If a legal marriage was reported prior to August 1, 2013, add the spouse and his or her dependents effective August 1, 2013.
- b. If the legal marriage is reported on or after August 1, 2013, add the spouse and his or her dependents the first full month after the marriage is reported.

2. MinnesotaCare

- a. If a legal marriage was reported prior to August 1, 2013, add the spouse and his or her dependents effective August 1, 2013.
- b. If the legal marriage was reported on or after August 1, 2013, add the spouse and his or her dependents in the month the change is reported.

Follow household composition policies in Health Care Programs Manual (HCPM) [Section 17.05](#) - Determining Household Size for MA, HCPM [Section 17.05.05](#) - Exceptions to MA Household Size, HCPM [Section 17.20](#) - Adding a Household Member, Insurance Affordability Programs Manual (IAPM) [Section 300.10.05.20](#) - Household Composition for Medical Assistance for Families With Children and Adults and IAPM [Section 500.10.15](#) - Household Composition for MinnesotaCare.

B. Income and Asset Deeming

Begin deeming the income and assets, if applicable, of the spouse effective the date the spouse is added to the household.

Follow income and asset deeming policies in HCPM [Chapter 18](#) - Deeming Income and Assets, IAPM [Section 300.10.10](#) - Financial Eligibility for Medical Assistance for Families With Children and Adults and IAPM [Section 500.15](#) - Financial Eligibility for MinnesotaCare.

C. Long-Term Care (LTC) Services Community Spouse Asset Allowance

Require an asset assessment from legally married same-sex couples to determine an LTC spouse's asset eligibility if MA payment of LTC services began on or after August 1, 2013, and the marriage occurred prior to approval of MA payment of LTC services. Require the couple to complete the Asset Assessment ([DHS-3340](#)) form to report assets they owned on the first day of the LTC spouse's first continuous period of institutionalization that has occurred on or after October 1, 1989.

Do not require an asset assessment to determine an LTC spouse's asset eligibility if an enrollee receiving MA payment of LTC services marries a community spouse after MA payment of LTC services is approved. An asset assessment is not required as long as the enrollee continues to receive MA payment of LTC services.

Require an asset assessment if an LTC enrollee:

- has a gap of one calendar month or more in receiving MA payment of LTC services,
- makes a new request for MA payment of LTC services,
- is an LTC spouse at the time of the new request, and
- there is a community spouse.

Follow the policies in HCPM [Section 19.45](#) - Asset Assessments.

D. Long-Term Care (LTC) Services Income Allocation to the Community Spouse

Allocate the income of an LTC spouse to a same-sex community spouse when the community spouse's income is insufficient to meet his or her monthly maintenance needs, effective August 1, 2013, or the month of marriage, whichever is later.

Follow income allocation policies in HCPM [Section 23.15.10.05](#) - Community Spouse Income Allocation.

IV. Legal References

Minnesota Statutes, section 517.01

V. Americans with Disabilities Act (ADA) Advisory

This information is available in accessible formats for people with disabilities by calling (651) 431-2283 (voice) or toll free at (888) 938-3224 or by using your preferred relay service. For other information on disability rights and protections, contact the agency's ADA coordinator.