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Allison J. Frasier
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David Godfrey
MN Department of Human Services; Saint Paul

Laurie A. Hanson
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Medical Assistance 2012

Tuesday, March 27, 2012

Video replay dates available.



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Medical Assistance 2012

Asset Transfers, Community Spouses & New Law

Highlights include:

- All the new developments including bulletin #11-21-10, Changes proposed by the pending waiver requests, the treatment of life estates, new community spouse income requirements and much, much more!
- Current asset transfer policies
- Asset transfer penalty policies/hardship waivers
- Transfers that are exceptions to the penalty periods
- Presentation by State Medicaid Director, David Godfrey on Waiver Requests
- A long range planning panel
- The use of life estates amidst current MA policies
- The new community spouse support obligation
- Obtaining an increased community spouse support order
- Senior housing – the impact of recent law changes
- Much, much more!

Tuesday, March 27, 2012

Minnesota CLE Conference Center

Seventh Street & Nicollet Mall • Third Floor City Center • Minneapolis

Video replay details inside.

SCHEDULE

8:30 – 8:55 a.m. Check-in & Continental Breakfast

8:55 – 9:00 a.m. Welcome & Introduction

9:00 – 9:45 a.m.

Current Asset Transfer Policies

The calculation of asset transfer penalties, and the ability to shorten those penalty periods remained unchanged from October 1, 1993, until December 1, 2011. On November 4, 2011, DHS issued Bulletin #11-21-10, which modified penalty return policies to no longer allow credit for partial return of assets after a penalty period is imposed. The new Bulletin was immediately challenged in federal court. This presentation will discuss the current status of penalty return policies and the lawsuit or lawsuits that have challenged this policy.

– *David A. Rephan & Julian J. Zweber*

9:45 – 10:15 a.m.

Hardship Waivers in Light of Zero Tolerance for Asset Transfers

As the state tries to apply more restrictive asset transfer penalty policies, the need for hardship waivers will increase. This presentation will discuss the procedure and the criteria for obtaining hardship waivers to eliminate penalty periods for uncompensated transfers.

– *Laurie A. Hanson & Cathryn D. Reher*

10:15 – 10:30 a.m. Break

10:30 – 11:30 a.m.

Exceptions to Transfer Penalties

A panel of experienced practitioners will discuss the asset transfers that are exceptions to imposition of a penalty period, including transfers for fair value, transfers to a spouse, to a disabled child or a trust for a disabled child, the two-years-of-needed-care transfer of homestead exception, and transfers made exclusively for a purpose other than becoming eligible for MA. The panel will also discuss the presumption of improper purpose, the burden of proof to establish an exception, and the test to be met to prove a transfer was not made for an improper purpose.

– *Allison J. Frasier & Jeffrey W. Schmidt*

11:30 a.m. – 12:15 p.m.

Waiver Requests and the Potential Impact on MA Programs

The 2011 Special Session passed legislation to require DHS to seek waivers from federal MA requirements to allow a number of substantial changes in state medical assistance programs. David Godfrey, State Medicaid Director, will summarize the changes proposed by the pending waiver requests and explain how and when DHS hopes to implement these changes.

– *David Godfrey*

12:15 – 1:00 p.m. Lunch (on your own)

1:00 – 2:00 p.m.

Long Range Planning to Pay for Long Term Care

A panel of experienced Elder Law attorneys will discuss long range planning to prepare for the possibility of long-term care needs. Topics will include the role of long-term care insurance, succession planning for family cabins, farms and businesses, the avoidance of uncompensated transfer penalties, financing long-term care, dissolution of marriage, and MA planning.

– *Mark L. Anderson, Robert H. Chesley and Stuart E. Schmitz*

2:00 – 2:30 p.m.

MA and Life Estates

Life estates remain popular with clients. New policies implemented by DHS in 2010 complicate the use of life estates to avoid probate and to avoid complications when a life estate owner applies for medical assistance benefits. This segment will discuss current MA policies regarding treatment of life estates during determinations of eligibility and in subsequent efforts to recover MA benefits.

– *Randy F. Boggio*

2:30 – 2:45 p.m. Break

2:45 – 3:15 p.m.

The New Community Spouse Support Obligation

A 2011 state statute becomes effective July 1, 2011, to require a community spouse with income over 250% of federal poverty guidelines for a household of two (\$3,065 between July 1, 2010 and June 30, 2011) to contribute a portion of the community spouse's income on a sliding scale towards the support of the medical assistance spouse. The Commissioner of Human Services has been directed to develop the sliding scale increments. This presentation will discuss this new obligation and how it will be collected.

– *Mark L. Anderson*

3:15 – 3:45 p.m.

Obtaining an Increased Community Spouse Support Order

The option of having a community spouse petition, a state court under federal law to increase their spousal income share. (*Blumberg v. Tennessee Department of Human Services*, No.M2000-00237-COA-R3-CV (Tenn. App. October 25, 2000))

– *Mary Frances Price*

3:45 – 4:15 p.m.

Public Assistance Issues in Senior Housing

Housing with Services Establishments and Medical Assistance: This presentation will address the impact of recent law changes for clients desiring to move into or to continue residing in senior housing of all types.

– *Barbara J. Blumer*

4:15 – 4:30 p.m. Questions & Answers

SEMINAR INFORMATION

LIVE PRESENTATION

Tuesday, March 27, 2012

Minnesota CLE Conference Center

Seventh Street & Nicollet Mall

Third Floor City Center, Minneapolis

VIDEO REPLAYS

Schedule times for replays may differ from live presentation due to abbreviated lunch and break periods. Start times are as indicated below. Please register at least one week in advance to secure your copy of the course materials on the day of the seminar.

Minneapolis – 4/9/12

Minneapolis – 4/23/12

(Registration 8:30; Replay 9:00)

Minnesota CLE Conference Center

Seventh Street & Nicollet Mall

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Albert Lea – 5/18/12

(Registration 8:30; Replay 9:00)

Christian & Peterson

314 South Broadway

Brainerd – 5/4/12

(Registration 8:30; Replay 9:00)

Brainerd Public Library

416 Fifth Street South

Duluth – 5/4/12

(Registration 8:30; Replay 9:00)

Radisson Hotel Duluth—Harborview

505 West Superior Street

Hibbing – 5/4/12

(Registration 8:30; Replay 9:00)

St. Louis County Courthouse

1810 East 12th Avenue

Mankato – 5/11/12

(Registration 8:45; Replay 9:00)

SMRLS Office

12 Civic Center Plaza, Suite 3000

Park Rapids – 5/4/12

(Registration 8:45; Replay 9:00)

Hubbard County Courthouse

301 Court Street

St. Cloud Area – 7/27/12

(Registration 8:30; Replay 9:00)

Minnesota School of Business

1201 Second Street South, Waite Park

Willmar – 5/2/12

(Registration 8:30; Replay 9:00)

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QUESTIONS?

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