

**A****ABBREVIATIONS**

Medicare, glossary, Chapter B.1 Appendix C

**ABLE ACCOUNTS**

Assets, § C.3.7.Z

**ABUSE. SEE ALSO MALTREATMENT**

Defined, § A.5.2.C.1.a

Listing of non-legal advocacy services, Chapter A.6

Appendix D

Minnesota Adult Abuse Reporting Center (MAARC), § A.6.5.A

Vulnerable adults, criminal remedies, § A.5.7.A.1

Vulnerable Adults Act, 2022 amendments, § A.5.9.N

**ACCELERATED DEATH BENEFIT**

Defined, Chapter B.2 Appendix A

**ACCOUNTS AND ACCOUNTING**

Attorney failure to account, statutory attorney fee awards,

§ A.6.2.A.4

Conservators and conservatorship

Reports, § A.3.2.E.7

Termination, § A.3.2.E.8

Pooled trusts, reporting requirements, § C.6.7.D.9

Special needs trusts, reporting requirements, § C.6.7.C.8

Taxes, audit rules, § A.4.3.K

**ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACT OF 2014**

Assets, ABLE accounts, § C.3.7.Z

Distribution treatment, pooled and special needs trusts,

§ C.6.7.E

**ACTIVITIES OF DAILY LIVING (ADLS)**

Defined, Chapter B.2 Appendix A

Long-term care insurance, cognitive impairment claims, § B.2.6

**ACTUAL NOTICE OF REVOCATION**

Defined, power of attorney, § A.3.2.C.8

**ACTUARIAL TABLES**

Medicaid-compliant annuities, § C.5.2

**ADJUSTED BASIS**

Determination, § A.4.2.A.3

**ADJUSTED GROSS INCOME**

Capital gains tax rates, calculation, § A.4.2.B.5

**ADMINISTRATION FOR COMMUNITY LIVING (ACL)**

Vulnerable adults, § A.5.8.B

**ADMINISTRATIVE APPEAL JUDGES**

Medical assistance appeals, fair hearing judges, § C.9.1

**ADULT DAY CARE**

Defined, Chapter B.2 Appendix A

Memory care, evictions, § D.2.5.C

Tables, survey of nursing home transfer/discharge decisions,

Chapter D.2 Appendix A

**ADULT FOSTER CARE**

Eviction from long-term care facilities, § D.2.7.A

Senior housing options, adult foster care facilities (AFC),

§ D.1.6

Tables, survey of nursing home transfer/discharge decisions,

Chapter D.2 Appendix A

**ADULT PROTECTIVE SERVICES**

Maltreatment report processing, intake and referral, § A.5.4.B

**ADVANCE FUNERAL DIRECTIVES**

Generally, § A.3.5.C

Planning for death, § A.3.5.C

**ADVANCED CARE PLANNING**

Vulnerable Adults Act, 2017 amendments, § A.5.9.I

**AFFIDAVITS**

Dissolution of marriage, temporary hearing, § C.7.2.A.3

**AFFORDABLE CARE ACT (ACA)**

Marketplace calculations of veterans benefits, § B.3.6.C

Medicaid eligibility standards, § C.1.1.A

Nursing home litigation, § D.3.3.D

**AFR (APPLICABLE FEDERAL RATE)**

Valuation, life estates and remainder interests, § C.3.7.I.4

**AGE**

Minnesota supplemental needs trust, beneficiary requirements,

§ C.6.7.B.4.b

Pooled trusts, beneficiary requirements, § C.6.7.D.7.c

Special needs trusts, beneficiary requirements, § C.6.7.C.5.c

**AGENCY**

Apparent authority, arbitration clauses, § D.3.9

Defined, medical assistance application, § C.8.1

**AGENT ORANGE**

Veterans benefits

Blue Water Navy Vietnam Veterans Act of 2019, § B.3.8.D

Presumptive conditions coverage expansion, § B.3.8.E

**AGRICULTURAL HOMESTEAD**

Assets, § C.3.7.I.2

**ALASKA NATIVE CLAIMS SETTLEMENT ACT (ANCSA)**

Assets

ANCSA payments, § C.3.7.S

**ALTERNATIVE CARE (AC)**

Generally, §§ B.4.1 to B.4.12

AC vs. medical assistance, estate recovery, § B.4.9

Administration of program, § B.4.6

Budget determination, case mix classification, § B.4.3

Care providers, § B.4.7

Case management, § B.4.6

Case mix classification, § B.4.3

NFLOC 2009 changes, § B.4.10

Community assessment, § B.4.2

Coverage of services, § B.4.5

COVID-19 waivers, CMS guidance on program status, § B.4.11

Current status of program, § B.4.12

Eligibility for program, § B.4.2

Essential community supports (ECS)

Ineligibility for AC funding, § B.4.4

Nursing facility level of care (NFLOC) criteria, § B.4.4

Estate recovery, § B.4.9

Fee schedule, payment due, § B.4.8

FY 2016 funding changes, § B.4.8

Highest need individuals, case mix K, § B.4.3

Immigration status, eligibility for program, § B.4.2

Local lead agencies, powers and duties, § B.4.8

Lowest need individuals, case mix L, § B.4.3

NFLOC criteria for public payment, 2009 changes, § B.4.10

Overlap with medical assistance or MinnesotaCare, § B.4.5

Personal care services, coverage, § B.4.5

Purpose, § B.4.1

Quality improvement plans, § B.4.7  
 Services covered, § B.4.5  
 Tables, fee schedule, § B.4.8  
 Targeted funds vs. discretionary funds, § B.4.8

### ALTERNATIVE MINIMUM TAX (AMT)

Qualified retirement accounts, tax planning, § A.4.5.D

### ALZHEIMER'S DISEASE

Vulnerable Adults Act, 2017 amendments, § A.5.9.I

### AMBULANCE SERVICE

Medicare, coverage, § B.1.8

### AMERICANS WITH DISABILITIES ACT (ADA)

Nursing homes, challenging transfer or discharge, § D.2.2.C.9.b

### ANATOMICAL GIFTS

Health care directives, scope of provisions, § A.3.3.B.9

### ANNUITIES

Asset transfers, date of transfer, § C.4.5.A  
 Assets, § C.3.7.N  
 Calculation for MA-LTC, rules for annuities, § C.1.4.A.2  
 Commuted value, defined, § C.3.7.N  
 Defined, veterans benefits, § B.3.6.B.6  
 EPM guidance  
   Classification of, § C.5.4.A  
   Conversion into income stream, § C.5.4.B  
   Conversion into income stream as uncompensated transfer, § C.5.4.C  
   General guidance, § C.5.4.A  
   Purchase/conversion as uncompensated transfer, § C.5.4.C  
   Purchase procedures, § C.5.4.A  
   State as beneficiary requirement, § C.5.4.D  
   Transfer analysis, § C.5.4.C  
   Use to pre-pay funeral expenses, § C.5.4.E  
 Immediate annuities for reduction of assets, medical assistance, § C.5.1.D  
 Medicaid-compliant annuities, requirements, § C.5.2  
 Medical assistance (MA)  
   Immediate annuities for reduction of assets, § C.5.1.D  
   Impact, §§ C.5.1 to C.5.4  
   Single premium immediate annuities, § C.5.1.C  
 Medical assistance planning  
   DRA '05 purchase rules, § C.5.3.D  
   EPM guidance, § C.5.4  
   EPM rules, § C.5.3.A  
   Federal case law, § C.5.3.C  
   Federal statutory law, § C.5.3.B  
   Income stream as not available resource, § C.5.3.C.2  
   As not uncompensated transfer, § C.5.3.C.3  
 Recovery of medical assistance, amendments to statutory law (2008), § C.10.3.A.5  
 Reduction of assets  
   Assignment of ownership, § C.4.2.B.4  
   Immediate annuities, § C.4.2.B.5  
   Purchasing excluded assets, § C.4.2.B.4  
 Role in estate planning, § C.5.1.A  
 Role in medical assistance planning, § C.5.1.B  
 Single premium immediate annuities, medical assistance planning, § C.5.1.C  
 State as beneficiary, Medicaid-compliant annuities, § C.5.2

### ANTENUPTIAL CONTRACTS

Generally, § C.7.1  
 Challenges, § C.7.1.B  
 Change in circumstances review, enforceability, § C.7.1.D

Commingling of assets, § C.7.1.E  
 Common law test, enforceability, § C.7.1.B  
 Defense of Marriage Act (DOMA), same-sex marriage, § C.7.1.F  
 Enforceability, § C.7.1.B  
   At death, § C.7.1.D  
   At dissolution, § C.7.1.B  
 Marital property, defined, § C.7.1.B  
 Medical assistance planning  
   Advice to clients, § C.7.1.E  
   Effect on contract, § C.7.1  
   Eligibility for MA, § C.7.1.C  
 Nonmarital property, defined, § C.7.1.B  
 Requirements, § C.7.1.A  
 Same-sex marriage, § C.7.1.F

### APPARENT AUTHORITY

Defined, arbitration clauses, § D.3.9

### APPEALS. SEE ALSO HEARINGS

Assisted living facilities (ALFs)  
   Terminating assisted living contract, § D.1.3.D.8.d  
   Termination of contract, § D.2.3.B.5  
 Court of appeals, medical assistance appeals, § C.9.6  
 District court appeals, medical assistance appeals, § C.9.5  
 Medical assistance, §§ C.9.1 to 9.7 (*See also* MEDICAL ASSISTANCE APPEALS)  
 Medicare  
   Benefits Improvement and Protection Act of 2000 (BIPA), § B.1.2.D  
   Observation care status, § B.1.4.C  
 Minnesota Nursing Home Discharge Law  
   Appeal process, § D.2.2.B.3  
   Procedures, § D.2.2.B.3  
 Nursing homes  
   Adverse administrative decisions, § D.2.2.C.2  
   Challenging transfer or discharge, § D.2.2.C.1  
 Recovery of medical assistance, medical assistance liens, § C.10.2.B.7

### APPLICABLE FEDERAL RATE (AFR)

Valuation, life estates and remainder interests, § C.3.7.I.4

### APPRAISALS. SEE ALSO VALUATION

Long-term care partnerships, asset limit protections, § C.10.1.C.6

### ARBITRATION

Nursing home litigation, arbitration clauses rule, § D.3.9  
 Vulnerable Adults Act, 2017 amendments, § A.5.9.I

### ASSAULT

Vulnerable adults, criminal remedies, § A.5.7.A.2  
 Vulnerable Adults Act, 2011 amendments, § A.5.9.C

### ASSESSMENT

Alternative care (AC), community assessment, § B.4.2  
 Assisted living facilities (ALFs)  
   Licensure, § D.1.3.D.6  
   Pre-admission assessments, § D.1.3.D.6  
   Rulemaking of 2021, § D.1.9.C  
 Community spouse, asset assessments, § C.3.9  
 Home health care, Outcome and Assessment Information Set (OASIS), § B.1.6.D  
 Maltreatment report processing, assessment for emergency response, § A.5.4.C  
 Medical assistance application, asset assessment, § C.8.5.C  
 MnCHOICES, home and community-based services (HCBS), § C.2.4  
 Nursing homes falls, assessment and planning, § D.3.2.C

**ASSET TRANSFERS**

- Generally, §§ C.4.1 to C.4.6
- Amendments to statutory law, actions for uncompensated transfers (2008), § C.10.3.A.4
- Application of law
  - California decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix B
  - Maryland decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix C
- Capital assets, tax planning, § A.4.2.C
- Dissolution of marriage, temporary hearing, § C.7.2.A.3
- Ending transfer penalty
  - Full return clarification, § C.4.5.D.2.a
  - Penalty for inaction, § C.4.5.D.1
  - Penalty for transfer, § C.4.5.D.2
- EPM guidance
  - Annuity conversion into income stream as uncompensated transfer, § C.5.4.C
  - Annuity transfer analysis, § C.5.4.C
- Hardship waivers, imminent threat evidence, § C.4.6.A
- Irrevocable trust with no retained interest, transfer rules, § C.6.5.D.3
- Irrevocable trust with retained interest, transfer rules, § C.6.5.C.2
- Medical assistance
  - Immediate annuities for reduction of assets, § C.5.1.D
  - Prior asset rules, Chapter C.1 Appendix A
- Medical assistance application
  - Asset transfer reports, § C.8.7
  - Excess assets reduction, § C.8.4.C.1
- Medical assistance for long-term care (MA-LTC), no penalty spousal asset transfers, § C.1.4.B.4
- Medical assistance (MA), homestead transfer to child, § C.1.2.D.2.a
- Permissible transfers, exceptions to transfer rules, § C.4.3
- Pooled trusts, beneficiaries age 65 or older, § C.6.7.D.8
- Purpose of transfer, convincing evidence, § C.4.3.I
- Real property, to minors, § C.3.7.W
- Recovery of medical assistance, cause of action for asset transfers, § C.10.1.C.7
- Reduction of excess assets
  - Income-producing assets, § C.4.1
  - Methods, § C.4.1
- Sale of capital assets
  - Tax planning, § A.4.2.C
  - Taxes, § A.4.2
- Tax planning
  - Appreciated assets, § A.4.2.C
  - Capital assets, § A.4.2.C
  - Homestead, § A.4.2.D
  - Sale by parents and gift to children, § A.4.2.C.3
  - Transfer in kind, § A.4.2.C.1
  - Transfer in kind and sale by children, § A.4.2.C.2
- Taxes, savings bonds, § A.4.3.J
- Transfer penalty, § C.4.5.B
  - Determination, § C.4.5.B
  - Ending penalty, § C.4.5.D
  - Hardship waivers, § C.4.6
  - Imposition of penalty, § C.4.5.C
  - Pfoser v. Harpstead* case, Chapter C.4 Appendix A
- Two-year transfer exemption, purchasing excluded assets, § C.4.2.B.1
- Uncompensated transfers, § C.4.5
- Veterans benefits, exceptions to covered asset transfer penalty, § B.3.6.B.4

Veterans homes, property limitations, § B.3.2.B.5.3

**ASSETS**

- Generally, §§ C.3.1 to C.3.9
- ABLE accounts, § C.3.7.Z
- Agricultural homestead, § C.3.7.I.2
- Alaska Native Claims Settlement Act (ANCSA), ANCSA payments, § C.3.7.S
- Annuities, § C.3.7.N
- Asset verification, EPM guidance, § C.3.8
- Assets vs. resources, § C.3.7.I.4
- Availability of assets, § C.3.7
  - Unavailable vs. available, § C.3.7.A
  - Unknown assets, § C.3.7.B
- Burial contracts, § C.3.7.Q
- Categories of assets, § C.3.4.A
- Cobell Settlement for American Indians, § C.3.7.S
- Commingleing, antenuptial contracts, § C.7.1.E
- Community spouse asset allowance (CSAA), MA-LTC application after May 2016, § C.1.4.A.1
- Community spouses
  - Asset assessments, § C.3.9
  - Self-support assets, § C.3.7.X
- Continuing care retirement community entrance fees, § C.3.7.R
- Contracts, burial contracts, § C.3.7.Q
- Countable assets, § C.3.6
- Custodial property, § C.3.7.W
- Deeming, income vs. assets, § C.3.3
- Deeming of assets, medical assistance, § C.3.3.C
- Defined
  - Health Care Programs Manual* (HCPM), § C.3.1
  - POMS manual, § C.3.1
  - Veterans benefits, § B.3.6.B.2
- Discretionary trusts, defined, § C.3.7.O
- Dividends, life insurance, § C.3.7.P
- EPM, application of law, § C.3.1
- Estimated market value (EMV), § C.3.7.I.2
- Excess assets, § C.3.7.C
- Exclusions, § C.3.5
  - Burial fund, § C.3.7.P, § C.3.7.Q
  - Community spouses, § C.3.7.X.1
  - EPM provisions for self support, § C.3.7.X.3
  - Federal exclusion standards, § C.3.7.X.2
  - Identifiable assets, § C.3.5
  - Non-identifiable assets, § C.3.5
  - Self support, § C.3.5
  - Self-support assets, § C.3.7.X.1
  - Tribal payments and interests, § C.3.5
- Fair market value (FMV), § C.3.7.I.2
- 529 plans, § C.3.7.V
- Hardship waivers, § C.3.7.I.2
- Health Care Programs Eligibility Policy Manual* (EPM), application of law, § C.3.1
- Health expense accounts, medical assistance eligibility, § C.3.7.H
- Household goods, § C.3.7.T
- Income vs. assets, § C.3.2
- Investments, personal property, § C.3.7.T
- Joint business ventures, § C.3.7.U
- Jointly owned assets, § C.3.7.D
- Leaseholds, real property interests, § C.3.7.Y
- Life insurance, § C.3.7.P
- Limitations, § C.3.4
  - Types of assets, § C.3.4.A

- Liquid assets
    - Federal exclusion standards, § C.3.7.X.2
    - Medical assistance eligibility, § C.3.7.E
  - Long-term care partnerships, asset limit protections, § C.10.1.C.6
  - Medicaid qualifying trusts, defined, § C.3.7.O
  - Medical assistance for long-term care (MA-LTC), increased community spouse asset allowance, § C.1.4.B.4
  - Medical assistance (MA)
    - Asset limits, § C.3.4
    - Prior asset rules, Chapter C.1 Appendix A
    - Reduction of excess assets, § C.3.7.C
  - Mineral rights, real property interests, § C.3.7.Y
  - Motor vehicles, § C.3.7.M
  - Non-homestead real property, § C.3.7.I.3
  - Non-liquid personal property, § C.3.7.F
  - Partnerships, § C.3.7.U
  - Personal effects, § C.3.7.T
  - Personal property, § C.3.7.F, § C.3.7.T
  - Persons with disabilities, ABLE accounts, § C.3.7.Z
  - Prepaid funeral funds, § C.3.7.Q
  - Programs Operations Manual System* (POMS manual), income vs. assets, § C.3.2
  - Promissory notes, § C.3.7.L
  - Real property, § C.3.7.I
    - Contracts for deed, § C.3.7.I.6
    - Cooperatives, § C.3.7.I.5
    - Easements, § C.3.7.I.5
    - Homestead, § C.3.7.I.1
    - Homestead equity limit, § C.3.7.I.2
    - Life estates, § C.3.7.I.4
    - Mineral rights, § C.3.7.I.5
    - Miscellaneous interests, § C.3.7.I.5
    - Non-homestead realty, § C.3.7.I.3
    - Remainder interests, § C.3.7.I.4
  - Reduction of excess assets, § C.3.7.C, § C.4.1
    - Methods, § C.4.1
  - Sale of capital assets, taxes, § A.4.2
  - Self-support assets, § C.3.7.X
    - EPM provisions for self support, § C.3.7.X.3
  - Stock, § C.3.7.J
  - Stocks and bonds, § C.3.7.J
  - Tables
    - Health Care Programs Eligibility Policy Manual* Appendix F: Standards and Guidelines, Chapter C.2 Appendix C
    - MDHS insurance affordability programs income and asset guidelines, Chapter C.2 Appendix A
  - Timber rights, real property interests, § C.3.7.Y
  - Tribal gaming revenues, § C.3.7.S
  - Tribal payments and interests, § C.3.7.S
  - Trusts, § C.3.7.O
  - U.S. Savings Bonds, § C.3.7.K
  - Waiver programs, financial eligibility, § C.2.3.A
  - Water rights, real property interests, § C.3.7.Y
- ASSETS OF THE INDIVIDUAL**
- Defined, special needs trusts, § C.6.7.C.6
- ASSIGNMENT**
- Taxes, assignment of income stream, § A.4.3.A
- ASSISTED LIVING (AL)**
- Generally, § D.1.3, § D.1.9
  - Office of Ombudsman for Long-Term Care, function and contact information, § A.6.5.B
- Vulnerable Adults Act
    - 2019 amendments, § A.5.9.K
    - 2021 amendments, § A.5.9.M
- ASSISTED LIVING BILL OF RIGHTS**
- Generally, § D.1.3.D.12
  - Evictions, assisted living facilities, § D.2.3.B
- ASSISTED LIVING CARE**
- Defined, Chapter B.2 Appendix A
- ASSISTED LIVING FACILITIES (ALFS)**
- Generally, § D.1.3
  - Appeals, rulemaking of 2021, § D.1.9.C
  - Assessments, rulemaking of 2021, § D.1.9.C
  - Assisted Living Bill of Rights, § D.2.3.B
    - Contracts, § D.2.3.B.1
    - Terminations, § D.2.3.B.1
  - Assisted living title protection, § D.1.3.B
  - Contract changes not considered terminations
    - Emergency relocations, § D.2.3.B.7.c
    - Nonrenewal of housing, § D.2.3.B.7.a
    - Planned closure of facility, § D.2.3.B.7.e
    - Reduction of services, § D.2.3.B.7.b
    - Relinquishing dementia care license, § D.2.3.B.7.f
    - Transfer of resident within facility, § D.2.3.B.7.d
  - Contracts, changes to contract not considered terminations, § D.2.3.B.7
  - Coordinated moves, required procedures, § D.2.3.B.6
  - Defined, § D.1.3.D.1
  - Disclosure, rulemaking of 2021, § D.1.9.C
  - Elder Care and Vulnerable Adult Protection Act, licensing requirements, § D.2.3.B
  - Elderly waiver (EW), MA-LTC vs. EW, § C.2.6.A.3
  - Eviction from long-term care facilities, § D.2.3
    - Elder Care and Vulnerable Adult Protection Act, § D.2.3.B
    - Federal law, § D.2.3.A
    - State law, § D.2.3.B
    - Terminology, § D.2.3.B.1
  - Glossary of long-term care insurance terminology, Chapter B.2 Appendix A
  - Health Care Bill of Rights, § D.2.3.B
  - History of facilities
    - Housing with services (HWS), § D.1.3.A
    - Memory care options, § D.1.3.C
    - Minimum requirements, § D.1.3.B
    - Resident choice of services, § D.1.3.B
    - Title protection vs. licensure, § D.1.3.B
  - History of licensing, § D.1.3, § D.1.9
    - Legislation of 2019, § D.1.9.A
    - Legislation of 2022 amendments, § D.1.9.E
    - Legislation update of 2020, § D.1.9.B
    - Rulemaking of 2021, § D.1.9.C
    - Special session 2021 amendments, § D.1.9.D
  - Housing with services, § D.1.3.A
  - As housing with services (HWS) establishments, LTC coverage, § B.2.6
  - Infection control, legislation update of 2020, § D.1.9.B
  - Licensure, § D.1.3.D
    - Assessments, § D.1.3.D.6
    - Assisted living bill of rights, § D.1.3.D.12
    - Assisted living directors, § D.1.3.D.7
    - Changes in 2021, § D.1.3.D
    - Dementia care licensing, § D.1.3.D.4
    - Facility license, § D.1.3.D.1

- History, § D.1.3, § D.1.9
  - Housing and services combination, § D.1.3.D.5
  - Memory care options, § D.1.3.C
  - Minimum requirements, § D.1.3.B, § D.1.3.D.2
  - Miscellaneous provisions, § D.1.3.D.16
  - New facility fees, § D.1.3.D.15
  - Notice requirements, § D.1.3.D.13
  - Oversight, § D.1.3.D.3
  - Ownership and control disclosure, § D.1.3.D.11
  - Physical plant, § D.1.3.D.10
  - Procedures, § D.1.3.D.3
  - Reviews, § D.1.3.D.6
  - Service plans, § D.1.3.D.6
  - Single contract provisions for combined services, § D.1.3.D.5
  - Staffing, supervision, and training, § D.1.3.D.9
  - Surveys, § D.1.3.D.14
  - Termination of assisted living contract, § D.1.3.D.8
  - Licensure changes in 2019, elderly waiver (EW), § C.2.6.A.3
  - Licensure changes in 2021
    - Abuse prevention, § D.1.3.D.16
    - Assisted living bill of rights, § D.1.3.D.12
    - Assisted living director duties, § D.1.3.D.7
    - Contract for combined housing and services, § D.1.3.D.5
    - Dementia care licenses, § D.1.3.D.4
    - Infection control, § D.1.3.D.16
    - Life-sustaining treatment procedures, § D.1.3.D.6
    - Minimum licensure requirements, § D.1.3.D.2
    - New facility fees, § D.1.3.D.15
    - Notice requirements, § D.1.3.D.13
    - Ongoing review of resident care, § D.1.3.D.6
    - Oversight and licensing process, § D.1.3.D.3
    - Ownership and control, § D.1.3.D.11
    - Physical plant requirements, § D.1.3.D.10
    - Pre-admission assessments, § D.1.3.D.6
    - Resident fund accounting, § D.1.3.D.16
    - Retention of records, § D.1.3.D.5
    - Staffing and supervision, § D.1.3.D.9
    - Standards, § D.1.3.D.2
    - Supportive services definition, § D.1.3.D.1
    - Surveys by MDH, § D.1.3.D.14
    - Terminating assisted living contract, § D.1.3.D.8
    - Training staff, § D.1.3.D.9
    - Transfer of ownership, § D.1.3.D.11
    - Waiver of liability, § D.1.3.D.5
  - Long-term care insurance
    - Memory care claims, § B.2.6
    - Policy interpretation litigation, § B.2.6
  - Memory care
    - Evictions, § D.2.5.B
    - Options, § D.1.3.C
  - Nonrenewal of housing, § D.2.4.A
  - Physician assistants, legislation of 2022 amendments, § D.1.9.E
  - Pre-termination meeting requirement, eligible representatives, § D.2.3.B.2
  - Representatives, pre-termination meeting requirement, § D.2.3.B.2
  - Staffing, rulemaking of 2021, § D.1.9.C
  - Statistics, Minnesota licensed facilities, § D.2.3.B
  - Tables, survey of nursing home transfer/discharge decisions, Chapter D.2 Appendix A
  - Terminating assisted living contract
    - Generally, § D.1.3.D.8
    - Appeals, § D.1.3.D.8.d, § D.2.3.B.5
    - Changes to contract not considered terminations, § D.2.3.B.7
    - Coordinated moves, § D.1.3.D.8.e, § D.2.3.B.6
    - Emergency relocation, § D.1.3.D.8.a
    - Expedited termination, § D.2.3.B.1.c
    - Facility-initiated transfers within facility, § D.1.3.D.8.f
    - Governing rules, § D.2.3.B.5
    - Hearings, § D.2.3.B.5
    - Nonpayment, § D.2.3.B.1.a
    - Nonrenewal of housing, § D.1.3.D.8.c
    - Notice of contract termination, § D.2.3.B.3
    - Notice requirements, § D.1.3.D.8.b
    - Post-termination procedures, § D.2.3.B.4
    - Pre-termination meeting requirement, § D.2.3.B.2
    - Representatives, § D.2.3.B.2
    - Resident-initiated transfer or termination, § D.1.3.D.8.g
    - Resources, § D.2.3.B.8
    - Rulemaking of 2021, § D.1.9.C
    - Violation of assisted living contract, § D.2.3.B.1.b
    - Training, rulemaking of 2021, § D.1.9.C
- ASSISTED LIVING FACILITIES WITH DEMENTIA CARE**
- Generally, § D.1.3
- ATTORNEY-CLIENT RELATIONSHIP**
- Antenuptial contracts
    - Advice to clients, § C.7.1.E
    - Requirements, § C.7.1.A
  - Coercion, elderly adult as client, § A.1.2.A.1
  - Competence, nursing home litigation, § D.3.8.C
  - Concurrent clients, § A.1.2.B
  - Conflict of interest, § A.1.2.B
    - Future conflicts waivers, § A.1.2.B.1
  - Consent, § A.1.2
    - Informed consent for conflict, § A.1.2.B.1
  - Court appointment, § A.1.2
  - Determining client, § A.1.2
  - Diminished capacity clients, § A.1.3
    - Confidentiality rules application, § A.1.3.B
    - Lawyer duty, § A.1.3.A
    - Protective actions, § A.1.3.A
    - Scope of representation, § A.1.3.B
  - Disclosure, conflict of interest, § A.1.2.B.1
  - Elderly adult as client, § A.1.2.A.1
  - Emergencies, scope of representation, § A.1.3.C
  - Ethical considerations, §§ A.1.1 to A.1.3
  - Family member as client, § A.1.2.A.2
  - Formation, § A.1.1
  - Future conflicts waivers, § A.1.2.B.1
  - Intent, § A.1.2
  - Joint representation, § A.1.2.A.3
  - Loyalty, concurrent clients, § A.1.2.B
  - Medical assistance appeals, pre-hearing matters, § C.9.2.D
  - Medical assistance application, authorized representative, § C.8.2.C.4
  - Nursing home litigation, § D.3.8
    - Attorney competence, § D.3.8.C
    - Contingency fee contracts, § D.3.8.B
    - Who is the client?, § D.3.8.A
  - Oral agreements, § A.1.2
  - Organizing information, §§ A.2.1 to A.2.2
  - Payment source, § A.1.2.A
  - Planning notebook, §§ A.2.1 to A.2.2
  - Protective actions, diminished capacity clients, § A.1.3.A
  - Representing veterans benefit claimants, § B.3.3.A.1
  - Reverse mortgages, application procedures, § B.5.3

- Waivable conflicts, § A.1.2.B
  - Future conflicts waivers, § A.1.2.B.1
- Waiver, informed consent for conflict, § A.1.2.B.1
- Who is the client, § A.1.2
- Who pays, § A.1.2.A
- Written agreements, § A.1.2

**ATTORNEY FEES**

- Attorney-client relationship, who pays, § A.1.2.A
- Economically needy older adults, resources, § A.6.1
- Fee-generating case, defined, § A.6.1
- Motion for attorney fees, preparation, § A.6.2.B
- Nursing home litigation, contingency fee contracts, § D.3.8.B
- Statutory attorney fee awards
  - Attorney failure to account, § A.6.2.A.4
  - Deceptive trade practices, § A.6.2.A.2
  - Financial exploitation, § A.6.2.A.1
  - Motion for attorney fees, § A.6.2.B
  - Tenant rights cases, § A.6.2.A.3
  - Unauthorized release of health information, § A.6.2.A.5
  - Withholding Medicaid personal allowance, § A.6.2.A.6
- Supplemental Security Income (SSI) clients, SSA approval, § C.6.7.F

**ATTORNEY GENERAL**

- Function and contact information, § A.6.5.C

**AUGMENTED ESTATE**

- Calculation, recovery of medical assistance, § C.10.1.C.3.b

**AUTHORIZED REPRESENTATIVE**

- Defined, medical assistance application, § C.8.2.C

**B****BACKGROUND STUDY**

- Appointment of conservator, § A.3.2.E.5
- Appointment of guardian, § A.3.3.E.5
- Nursing homes, employees, § D.3.3.D.7
- Vulnerable Adults Act
  - 2013 amendments, § A.5.9.E
  - 2014 amendments, § A.5.9.F

**BANK ACCOUNTS**

- Assets, jointly owned assets, § C.3.7.D

**BANKS**

- Financial management
  - Joint ownership, § A.3.2.B
  - Power of attorney accounts, § A.3.2.A
- Forms, Minnesota Bankers Association Legal Compliance Bulletin LC-7-2006, Chapter A.3 Appendix B
- Planning notebook, financial records, § A.2.2.E
- Title to assets, convenience signer vs. joint owner, § A.3.5.A
- Voluntary reporters, financial exploitation procedures, § A.5.3.B.2
- Vulnerable adults
  - Access to records, § A.5.7.C.1
  - Voluntary reporting of financial institutions, § A.5.7.C.2

**BARG CASE**

- Amendments to statutory law in 2009, undoing *Barg*, § C.10.3.B.1
- Claims against estate, predeceased spouse as MA recipient, § C.10.1.D.2

**BASIS**

- Adjusted basis, determination, § A.4.2.A.3
- Sale of capital assets, adjusted basis, § A.4.2.A.3

- Taxes, discharge of home mortgage debt, § A.4.3.N.5
- Term interests in property, § A.4.2.A.4

**BED RESERVATION**

- Defined, Chapter B.2 Appendix A

**BENEFICIARIES**

- Annuities, state as beneficiary requirement, § C.5.4.D
- Designation, qualified retirement accounts, § A.4.5.C
- Medical assistance, annuities role in planning, § C.5.1.B
- Reverse mortgages, Home Equity Conversion Mortgage (HECM), § B.5.9
- State as beneficiary, Medicaid-compliant annuities, § C.5.2
- Tables, tax rules and deadlines summary, Chapter A.4 Appendix E

**BENEFICIARY AND FAMILY CENTERED CARE QUALITY IMPROVEMENT ORGANIZATIONS (BFCC-QIOS)**

- Medicare, organizations involved, § B.1.2.E
- Resources, CMS manual, § B.1.2.E

**BENEFITS IMPROVEMENT AND PROTECTION ACT OF 2000 (BIPA)**

- Qualified independent contractors (QICs), Medicare appeals, § B.1.2.D

**BLUE WATER NAVY VETERANS**

- Vietnam era service, veterans benefits, § B.3.8.D

**BLUE WATER NAVY VIETNAM VETERANS ACT OF 2019**

- Veterans benefits, § B.3.8.D

**BOARDING CARE HOMES**

- Eviction from long-term care facilities, § D.2.7.B

**BOND (FIDUCIARY)**

- Conservators and conservatorship, appointment of conservator, § A.3.2.E.5

**BRAIN INJURY (BI) WAIVER**

- Generally, § C.2.5.A
- Covered services, § C.2.5.A.2
- Eligibility criteria, § C.2.5.A.1
- Tables, comparison of MnCHOICES, RSC and CAC, CADI, BI waivers for persons with disabilities, Chapter C.2 Appendix B

**BURIAL FLAGS**

- Veterans benefits, § B.3.7

**BURIAL INSURANCE**

- Defined, § C.3.7.P
- Life insurance funded burial contracts, § C.3.7.Q
- Reduction of assets, purchasing excluded assets, § C.4.2.B.4

**BURIAL SPACE**

- EPM guidance, annuities used to pre-pay funeral expenses, § C.5.4.E
- Reduction of assets, purchasing excluded assets, § C.4.2.B.4

**C****CAC (COMMUNITY ALTERNATIVE CARE) WAIVER. SEE COMMUNITY ALTERNATIVE CARE (CAC) WAIVER****CADI (COMMUNITY ACCESS FOR DISABILITY INCLUSION) WAIVER. SEE COMMUNITY ACCESS FOR DISABILITY INCLUSION (CADI) WAIVER****CAPACITY. SEE ALSO PERSONS WITH DISABILITIES**

- Assisted living facilities (ALFs), long-term care insurance claims, § B.2.6

- Diminished capacity
  - Defined, § A.1.3
  - Protective actions, § A.1.3.A
  - Scope of representation, § A.1.3.B
  - Disability and incapacity planning, §§ A.3.1 to A.3.5
- CAPITAL ASSETS**
  - Sales, taxes, § A.4.2
- CAPITAL GAIN**
  - Defined, § A.4.2.A.1
- CAPITAL GAINS TAX RATES**
  - Generally, § A.4.2.B
- CAPITAL LOSS**
  - Defined, § A.4.2.A.1
- CARE/CASE MANAGEMENT**
  - Defined, Chapter B.2 Appendix A
- CAREGIVER NEGLECT**
  - Defined, § A.5.2.C.2.a
- CAREGIVERS**
  - Defined, § A.5.2.C.4.a
  - Vulnerable Adults Act
    - 2013 amendments, § A.5.9.E
    - 2022 amendments, § A.5.9.N
- CARES ACT OF 2020**
  - Qualified retirement accounts, § A.4.5
- CASE MANAGEMENT**
  - Alternative care (AC), § B.4.6
- CASH SURRENDER VALUE (CSV)**
  - EPM guidance, annuities used to pre-pay funeral expenses, § C.5.4.E
  - Life insurance, § C.3.7.P
- CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS)**
  - Function, § B.1.2.A
  - Jimmo* webpage, skilled nursing care, § B.1.5
  - Nursing homes, § D.3.3.D.5
    - 2019 rule on arbitration clauses, § D.3.9
    - Quality assurance and program improvement (QAPI) standards, § D.3.3.D.5
  - The State Medicaid Manual*, trusts and medical assistance, § C.6.2.A
- CERTIFICATES AND CERTIFICATION**
  - Forms, chronically ill certification, Chapter A.4 Appendix C
  - Persons with disabilities, medical assistance for employed persons with disabilities (MA-EPD), § C.2.8
  - Recovery of medical assistance, clearance certificates, § C.10.1.C.5
  - Waiver programs, disability, § C.2.2.D
- CHARITABLE DONATIONS**
  - Non-cash charitable donations
    - Appraisals for \$5000 or more, § A.4.3.D.2
    - Used vehicles, § A.4.3.D.1
  - Qualified retirement accounts
    - Charitable distributions, § A.4.5.E
    - Qualified charitable distributions (QCDs), § A.4.5.E
  - Taxes
    - Bunching contributions to one tax year, § A.4.3.F.2
    - Non-cash charitable donations, § A.4.3.D
    - Options, § A.4.3.F
    - Qualified charitable distributions (QCD), § A.4.3.F.1
- CHILD WITH DISABILITIES**
  - Reduction of assets, permissible transfers, § C.4.3.B
- CHILDREN AND MINORS**
  - Dependency and indemnity compensation (DIC), § B.3.8.A
  - Veterans benefits, survivors pension, § B.3.8.B
- CHRONICALLY ILL**
  - Community alternative care (CAC) waiver, eligibility criteria, § C.2.5.B.1
  - Defined, Chapter B.2 Appendix A
  - Forms, chronically ill certification, Chapter A.4 Appendix C
  - Tax-free life insurance distributions for chronically/terminally ill persons, § A.4.3.I
  - Taxes, medical expense deductions, § A.4.3.C
- CHRONICALLY ILL INDIVIDUAL**
  - Defined, § A.4.3.C
- CHRONICALLY ILL PERSON**
  - Defined
    - Long-term care insurance, § B.2.2
- CIVIL REMEDIES**
  - Vulnerable adults, § A.5.7.B
  - Miscellaneous statutory and common law provisions, § A.5.7.B.2
- CLAIMS AGAINST ESTATE**
  - Cost sharing benefits, defined, § C.10.1.B.3
  - Elective share
    - Augmented estate calculation, § C.10.1.C.3.b
    - Estate planning issues, § C.10.1.C.3.d
    - Lookback period, § C.10.1.C.3.a
    - Timing of election, § C.10.1.C.3.c
  - Estate, defined, § C.10.1.B.2
  - Forms, MDHS health care programs estate recovery and liens
  - FAQs, Chapter C.10 Appendix A
  - Predeceased spouse as MA recipient
    - Application of 2009 amendments to 519.05, § C.10.1.D.5
    - Case interpretation, § C.10.1.D
    - Collateral estoppel or res judicata effect of *Barg*, § C.10.1.D.4
    - Joint tenancy transfer to spouse as ending interest, § C.10.1.D.2
    - Joint tenancy transfer to spouse as “other arrangement,” § C.10.1.D.1
    - Joint tenancy transfer vs. termination at death, § C.10.1.D.3
    - Pre- and post-amendment of 519.05 events application, § C.10.1.D.7
    - In re Estate of Barg*, § C.10.1.D.2
    - Transfer to spouse as “other arrangement”, § C.10.1.D.1
    - Veteran’s benefits in VA-paid housing, § C.10.1.D.6
  - Priorities and preferences, recovery of medical assistance, § C.10.1.B.4
  - Recovery of medical assistance
    - Amendments to statutory law in 2009, § C.10.3.B
    - Amendments to statutory law in 2016, § C.10.3.E
    - Amount of claim, § C.10.1.B.5
    - Billing accuracy, § C.10.1.B.3
    - Cause of action for asset transfers, § C.10.1.C.7
    - Claim priority, § C.10.1.B.4
    - Cost sharing benefits, § C.10.1.B.3
    - Delaying payment, § C.10.1.C.2
    - Elective share, § C.10.1.C.3
    - Estate recovery, § C.10.1.A.2
    - Estates subject to claims, § C.10.1.B.3

- Federal law, § C.10.1.B.1
  - Long-term care partnership effect, § C.10.1.C.6
  - Notice procedures, § C.10.1.C.1
  - Post-death eligibility challenges, § C.10.1.B.3
  - Predeceased spouse as MA recipient, § C.10.1.D
  - Single MA recipients, § C.10.1.C.4
  - Special needs trusts, § C.10.4
  - Stop Unfair Medicaid Recoveries Act of 2022, § C.10.1.B.1
  - Undoing *Barg*, § C.10.3.B.1
  - Undue hardship, § C.10.1.C.1
  - Zombie life estates and joint tenancies, § C.10.5
  - Undue hardship, defined, § C.10.1.C.1
- CLASS**
- Defined, insurance, Chapter B.2 Appendix A
- CLEAR AND CONVINCING EVIDENCE**
- Defined, § D.3.6
- CLEARANCE CERTIFICATES**
- Claims against estate, recovery of medical assistance, § C.10.1.C.5
- CLIENT BILL OF RIGHTS**
- Vulnerable Adults Act, 2014 amendments, § A.5.9.F
- CO-INSURANCE**
- Defined, Chapter B.2 Appendix A
- COBRA (COMPREHENSIVE OMNIBUS RECONCILIATION ACT OF 1985)**
- Trusts and medical assistance, § C.6.2.A
- COERCION**
- Attorney-client relationship, elderly adult as client, § A.1.2.A.1
  - Nursing homes, “voluntary” transfer or discharge, § D.2.2.C.6
- COGNITIVE IMPAIRMENT**
- Assisted living facilities (ALFs), long-term care insurance, § B.2.6
  - Defined, Chapter B.2 Appendix A
- COLLATERAL SOURCE RULE**
- Nursing home litigation, double recovery issues, § D.3.7.D
- COLLECTIBLES**
- Taxes
    - Record retention, § A.4.3.L
    - Sale of capital assets, § A.4.2.G.2
- COLLEGE FUNDS**
- Assets, 529 plans, § C.3.7.V
- COMMERCE DEPARTMENT**
- Long-term care insurance
    - Enforcement, § B.2.5
    - Powers and duties, § B.2.4
- COMMON LAW**
- Power of attorney, financial management, § A.3.2.C.1.b
- COMMON LAW POWER OF ATTORNEY**
- Defined, § A.3.2.C.1.b
- COMMUNITY ACCESS FOR DISABILITY INCLUSION (CADI) WAIVER**
- Generally, § C.2.5.C
  - Covered services, § C.2.5.C.2
  - Eligibility criteria, § C.2.5.C.1
  - Essential community supports (ECS), nursing facility level of care (NFLOC) criteria, § B.4.4
- Tables, comparison of MnCHOICES, RSC and CAC, CADI, BI waivers for persons with disabilities, Chapter C.2 Appendix B
- COMMUNITY ALTERNATIVE CARE (CAC) WAIVER**
- Generally, § C.2.5.B
  - Covered services, § C.2.5.B.2
  - Eligibility criteria, § C.2.5.B.1
  - Tables, comparison of MnCHOICES, RSC and CAC, CADI, BI waivers for persons with disabilities, Chapter C.2 Appendix B
- COMMUNITY-BASED SERVICES**
- Medical assistance for long-term care (MA-LTC), covered individuals, § C.1.3.A
- COMMUNITY HEALTH**
- Listing of non-legal advocacy services, Chapter A.6 Appendix D
- COMMUNITY SPOUSE**
- Asset assessments, § C.3.9
  - Asset transfers, § C.3.7.I.4
  - Community spouse asset allowance (CSAA), MA-LTC application after May 2016, § C.1.4.A.1
  - Defined, § C.1.4
  - Elective share
    - Augmented estate calculation, § C.10.1.C.3.b
    - Claiming share, § C.10.1.C.3.a
    - Estate planning issues, § C.10.1.C.3.d
    - Timing of election, § C.10.1.C.3.c
  - Home and community-based services (HCBS), spouses of waiver recipients under age 65, § C.2.7.B
  - Income-producing assets, increased spousal share allowance, § C.4.4
  - Medical assistance
    - Immediate annuities for reduction of assets, § C.5.1.D
    - Prior asset rules, Chapter C.1 Appendix A
  - Medical assistance application, § C.8.2.B
  - Medical assistance for long-term care (MA-LTC)
    - Income-producing asset retention, § C.1.4.B.4
    - Increased community spouse asset allowance, § C.1.4.B.4
    - Increased community spouse monthly income allowance, § C.1.4.B.3
    - Long-term care community spouse allocation, § C.1.4.B.2
  - Medical assistance planning, post-MA application divorce, § C.7.2.D.2
  - Qualified retirement accounts, medical assistance planning, § A.4.5.G.3, § A.4.5.G.4, § A.4.5.G.6
  - Reduction of assets, permissible transfers, § C.4.3.A
  - Self-support assets, § C.3.7.X
  - Tables, *Health Care Programs Eligibility Policy Manual* Appendix F: Standards and Guidelines, Chapter C.2 Appendix C
- COMMUNITY SPOUSE ASSET ALLOWANCE (CSAA)**
- Adjustment by court order, § C.1.4.A.3
  - MA-LTC application after May 2016, § C.1.4.A.1
  - Prior asset rules, Chapter C.1 Appendix A
- COMMUTED VALUE**
- Defined, annuities, § C.3.7.N
- COMPETENCY**
- Dissolution of marriage, jurisdictional matter, § C.7.2.A.5
  - Nursing home litigation, contingency fee contracts, § D.3.8.B
  - Personal injury, nursing home litigation, § D.3.4.B
- COMPLAINTS**
- Nursing homes, forms, documents, and resolution process, § D.3.3.D.4

**COMPREHENSIVE OMNIBUS RECONCILIATION ACT OF 1985 (COBRA)**

Trusts and medical assistance, § C.6.2.A

**COMPUTERS**

Planning notebook, usernames and passwords, § A.2.2.H

**CONCURRENT CONFLICT**

Defined, § A.1.2.B

**CONFIDENTIAL OR PRIVILEGED INFORMATION**

Diminished capacity clients, confidentiality rules application, § A.1.3.B

Nursing home litigation, settlement confidentiality and tax implications, § D.3.7.A

**CONFLICT OF INTEREST**

Attorney-client relationship

Concurrent clients, § A.1.2.B

Future conflicts waivers, § A.1.2.B.1

**CONSENT**

Attorney-client relationship, § A.1.2

Informed consent for conflict, § A.1.2.B.1

Criminal remedies, financial exploitation, § A.5.7.A.4

**CONSERVATORS AND CONSERVATORSHIPS**

Appointment of conservator

Bond posting, § A.3.2.E.5

Eligibility, § A.3.2.E.3

Emergency vs. non-emergency, § A.3.2.E.1

Forms for petition, § A.3.2.E.3

Notice, § A.3.2.E.4

Petition, § A.3.2.E.3

Qualifications and background study, § A.3.2.E.5

Venue, § A.3.2.E.2

When apropos, § A.3.2.E

Disability and incapacity planning, financial management, § A.3.2.E

Dissolution of marriage, competency of parties, § C.7.2.A.5

Financial management, protective proceedings, § A.3.2.E.9

Powers and duties, § A.3.2.E.6

Reports, § A.3.2.E.7

Resources, forms for petition, § A.3.2.E.3

Termination, § A.3.2.E.8

Vulnerable Adults Act

2013 amendments, § A.5.9.E

2020 amendments, § A.5.9.L

**CONSIDERATION**

Medicaid-compliant annuities, § C.5.2

Reduction of assets, permissible transfers, § C.4.3.G, § C.4.3.H

Uncompensated transfers, § C.4.5

**CONSUMER INFORMATION**

Long-term care insurance, resources, § B.2.5

**CONTINUING CARE RETIREMENT COMMUNITIES**

Entrance fees, as assets, § C.3.7.R

Services provided, § C.3.7.R

**CONTRACTS**

Antenuptial contracts, requirements, § C.7.1.A

Assets, burial contracts, § C.3.7.Q

Assisted Living Bill of Rights, § D.2.3.B.1

Attorney-client relationship, written agreements, § A.1.2

**CONTRACTS FOR DEED**

Assets, real property, § C.3.7.I.6

Defined, § C.3.7.I.6

**CONTROLLING INDIVIDUAL**

Defined

Assisted living facilities (ALFs), § D.1.3.D.10

**CONVENIENCE ACCOUNTS**

Disability and incapacity planning, financial management, § A.3.2.A

**COOPERATIVES**

Assets, real property interests, § C.3.7.Y

As homestead, § C.3.7.Y

**CORPORATIONS**

Nursing homes, direct corporate liability, § D.3.3.C

**COST SHARING BENEFITS**

Defined, recovery of medical assistance, § C.10.1.B.3

**COUNTABLE ASSETS**

Medical assistance, § C.3.6

**COUNTIES**

Legal Services Coalition programs listed by county, Chapter A.6

Appendix B

Maltreatment report processing, lead investigative agency, § A.5.4.D

Vulnerable Adults Act, 2012 amendments, § A.5.9.D

**COUNTY OF FINANCIAL RESPONSIBILITY**

Defined, medical assistance application, § C.8.3.B

**COURT OF APPEALS**

Medical assistance appeals, § C.9.6

**COVERED ASSETS**

Defined, veterans benefits, § B.3.6.B.3

**COVID-19 IMPACT**

Alternative care (AC), CMS guidance on program status, § B.4.11

CARES Act of 2020

Coronavirus related distributions (CRD), § A.4.5

Qualified retirement accounts, § A.4.5

Home and community-based services (HCBS), impact, § C.2.9

Home health care, homebound certification, § B.1.6.C

Medical assistance application, temporary changes in procedures, § C.8.11

Medicare, coverage, § B.1.9

Nursing homes, immunity measures, § D.3.2.G

Vulnerable adults

2020 executive orders, § A.5.9.L

Impact, § A.5.1

Vulnerable Adults Act, 2021 amendments, § A.5.9.M

**CREDIT CARDS**

Planning notebook, financial records, § A.2.2.E

**CRIMES AND OFFENSES**

Nursing homes, reporting criminal activity, § D.3.3.D.8

**CRIMINAL ABUSE**

Defined, § A.5.7.A.1

**CRIMINAL ALERT NETWORK**

Vulnerable adults, criminal remedies, § A.5.7.A.6.b

**CRIMINAL REMEDIES**

Vulnerable adults, § A.5.7.A

Abuse, § A.5.7.A.1

Assault, § A.5.7.A.2

Criminal alert network, § A.5.7.A.6.b

Financial exploitation, § A.5.7.A.4

Forfeiture for financial exploitation, § A.5.7.A.6.e

Neglect, § A.5.7.A.3  
 Sex offender registration, § A.5.7.A.6.d  
 Statute of limitations, § A.5.7.A.6.c  
 Theft by swindle, § A.5.7.A.5

**CUSTODIAL CARE**

Defined, Chapter B.2 Appendix A

**CUSTODIAL PROPERTY**

Defined, § C.3.7.W

**CUSTODIAN**

Defined  
 Qualified retirement accounts, § A.4.5.A

**D****DAILY BENEFIT**

Defined, Chapter B.2 Appendix A

**DAMAGES**

Nursing home litigation, § D.3.5.C  
 Court approval of settlement distribution, § D.3.5.D  
 Punitive damages, § D.3.6  
 Wrongful death, § D.3.5.C  
 Pecuniary loss, inclusions, § D.3.5.C

**DATA PRACTICES**

Reporting suspected maltreatment, recording data, § A.6.4.A  
 Unauthorized release of health information, statutory attorney fee awards, § A.6.2.A.5  
 Vulnerable Adults Act  
 2014 amendments, § A.5.9.F  
 2022 amendments, § A.5.9.N

**DEATH**

Antenuptial contracts, change in circumstances review, § C.7.1.D  
 Marital property, defined, § C.7.1.D  
 Nursing home litigation, survival of claim, § D.3.4.D  
 Planning for death, § A.3.5  
 Advance funeral directives, § A.3.5.C  
 Probate assets, § A.3.5.B  
 Title to assets, § A.3.5.A  
 Trusts, § A.3.5.B  
 Wills, § A.3.5.B  
 Reverse mortgages, Home Equity Conversion Mortgage (HECM), § B.5.10  
 Tables  
 Mortality tables, Chapter A.4 Appendix A  
 Tax rules and deadlines summary, Chapter A.4 Appendix E  
 Veterans benefits, burial and memorial benefits, § B.3.7

**DECEDENT ESTATES**

Forms, MDHS health care programs estate recovery and liens  
 FAQs, Chapter C.10 Appendix A  
 Nursing home litigation, survival of claim, § D.3.4.D

**DECREES OF DESCENT**

Claims against estate, recovery of medical assistance, § C.10.1.C.5  
 Interested person, recovery of medical assistance, § C.10.1.C.5

**DEEDS AND CONVEYANCES. SEE ALSO TRANSFER ON DEATH DEEDS (TODDS)**

Reverse mortgages, Home Equity Conversion Mortgage (HECM), § B.5.9

**DEFENSE OF MARRIAGE ACT (DOMA)**

Antenuptial contracts, same-sex marriage, § C.7.1.F

**DEFICIT REDUCTION ACT OF 2005 (DRA '05)**

Medicaid-compliant annuities, § C.5.2  
 Medicaid eligibility standards, § C.1.1.A  
 Partnership long-term care insurance policies, § B.2.3

**DEFINED BENEFIT PLANS**

Defined, § A.4.5.A.4

**DEFINED CONTRIBUTION PLANS**

Defined, § A.4.5.A.4

**DEFINITIONS**

Abuse, § A.5.2.C.1.a  
 Accelerated death benefit, Chapter B.2 Appendix A  
 Activities of daily living (ADLs), Chapter B.2 Appendix A  
 Actual notice of revocation, power of attorney, § A.3.2.C.8  
 Adult day care, Chapter B.2 Appendix A  
 Agency, medical assistance application, § C.8.1  
 Annuity, veterans benefits, § B.3.6.B.6  
 Apparent authority, arbitration clauses, § D.3.9  
 Asset, § C.3.1  
 Assets of the individual, special needs trusts, § C.6.7.C.6  
 Assisted living care, Chapter B.2 Appendix A  
 Assisted living facility, § D.1.3.D.1  
 Authorized representative, medical assistance application, § C.8.2.C  
 Bed reservation, Chapter B.2 Appendix A  
 Burial insurance, § C.3.7.P  
 Burial space, § C.3.7.Q  
 Capital gain, § A.4.2.A.1  
 Capital loss, § A.4.2.A.1  
 Care/case management, Chapter B.2 Appendix A  
 Care coordination, Chapter B.2 Appendix A  
 Caregiver, § A.5.2.C.4.a  
 Caregiver neglect, § A.5.2.C.2.a  
 Chronically ill, Chapter B.2 Appendix A  
 Chronically ill individual, § A.4.3.C  
 Chronically ill person, long-term care insurance, § B.2.2  
 Clear and convincing evidence, § D.3.6  
 Co-insurance, Chapter B.2 Appendix A  
 Cognitive impairment, Chapter B.2 Appendix A  
 Common law power of attorney, § A.3.2.C.1.b  
 Community spouse, § C.1.4  
 Commuted value, annuities, § C.3.7.N  
 Concurrent conflict, § A.1.2.B  
 Controlling individual, assisted living facilities (ALFs), § D.1.3.D.10  
 Cost sharing benefits, recovery of medical assistance, § C.10.1.B.3  
 Covered assets, veterans benefits, § B.3.6.B.3  
 Criminal abuse, § A.5.7.A.1  
 Custodial care, Chapter B.2 Appendix A  
 Custodial property, § C.3.7.W  
 Custodian, qualified retirement accounts, § A.4.5.A  
 Daily benefit, Chapter B.2 Appendix A  
 Defined benefit plans, § A.4.5.A.4  
 Defined contribution plans, § A.4.5.A.4  
 Dependent relative, homestead exclusion, § C.3.7.I.1  
 Diminished capacity, § A.1.3  
 Discretionary trust, § C.3.7.O  
 Discretionary trust with support standards, § C.3.7.O  
 Durable power of attorney, § A.3.2.C.4  
 Elimination period, Chapter B.2 Appendix A  
 Elopement, § D.3.2.F

- Estate
  - Amendments to recovery, § C.10.3.B.3
  - Cause of action for asset transfers, § C.10.1.C.7
  - Recovery of medical assistance, § C.10.1.B.2
  - State plan amendment, § C.10.3.D
- Eviction, § D.2.1
- Expense-incurred policy, Chapter B.2 Appendix A
- False, maltreatment report classification, § A.5.4.G
- Fee-generating case, § A.6.1
- Financial exploitation, § A.5.2.C.3.a
- Future purchase option, Chapter B.2 Appendix A
- Gain, sale of capital assets, § A.4.2.A.1
- Guaranteed renewable, long-term care insurance, § B.2.2
- Guardian, § A.3.3.E
- Hands on assistance, § A.4.3.C.1
- Home, home equity limit, § C.3.7.I.2
- Home health care, Chapter B.2 Appendix A
- Homestead, § C.3.7.I.1
- Household goods, § C.3.7.T
- Income, medical assistance, § C.3.2
- Inconclusive, maltreatment report classification, § A.5.4.G
- Indemnity policy, Chapter B.2 Appendix A
- Independent housing, § D.1.2
- Informed consent, § A.1.2.B.1
- Initial disposition, maltreatment reports, § A.5.4.E.1
- Institutional spouse, prior asset rules, Chapter C.1 Appendix A
- Institutionalization
  - Prior asset rules, Chapter C.1 Appendix A
  - Recovery of medical assistance, § C.10.3.A.3
- Institutionalized spouse, § C.1.4
- Instrumental/independent activities of daily living (IADLs), Chapter B.2 Appendix A
- Interested person, recovery of medical assistance, § C.10.1.C.5
- Intermediate care, Chapter B.2 Appendix A
- Lapse, Chapter B.2 Appendix A
- Lapse protection, Chapter B.2 Appendix A
- Licensed health care practitioner, § A.4.3.C.3
- Life estates, § C.3.7.I.4
- Life insurance, § C.3.7.P
- Limited pay option, Chapter B.2 Appendix A
- Long-term care facilities, § C.3.7.I.1, § D.2.1
- Long-term care services, § C.3.7.I.2
- Long-term care spenddown, § C.1.3.D
- Maintenance or personal care services, § A.4.3.C.3
- Maltreatment, § A.5.2.C. § A.6.5.A
- Mandated reporters, maltreatment reports, § A.5.3.B.1
- Marital property, § C.7.1.B
  - At death, § C.7.1.D
  - Recovery of medical assistance, § C.10.3.B.6
- Medicaid qualifying trusts, § C.3.7.O
  - Pre-August 11, 1993 trusts, § C.6.3.A
- Medical assistance, amendments to recovery, § C.10.3.B.2
- Medical institution, prior asset rules, Chapter C.1 Appendix A
- Medigap insurance, Chapter B.2 Appendix A
- Monthly benefit, Chapter B.2 Appendix A
- Named fiduciary, § D.3.7.C.1
- Naturalized citizen, § C.1.2.B
- Neglect, § A.5.2.C.2.a
- Net sale price, § A.4.2.A.2
- No determination, maltreatment report classification, § A.5.4.G
- Non-borrowing spouse, Home Equity Conversion Mortgage (HECM), § B.5.8.E
- Non-liquid personal property, § C.3.7.F
- Nonforfeiture, Chapter B.2 Appendix A
- Nonmarital property, § C.7.1.B
- Nonqualified plan, retirement and pensions, § A.4.5.A
- Nursing facility, prior asset rules, Chapter C.1 Appendix A
- OBRA '93 trusts, § C.3.7.O
- Observation care, § B.1.4.B
- Other arrangement, amendments to recovery, § C.10.3.B.4
- Outline of coverage, Chapter B.2 Appendix A
- Per diem policy, Chapter B.2 Appendix A
- Person, medical assistance appeals, § C.9.2.B
- Personal effects, § C.3.7.T
- Plan of care, Chapter B.2 Appendix A
- Pooled trust, § C.6.7.D.2
- Preexisting conditions, Chapter B.2 Appendix A
  - Long-term care insurance, § B.2.2.B
- Premiums, Chapter B.2 Appendix A
- Pressure sore, § D.3.2.A
- Principal residence, § A.4.3.N.3
- Probate assets, § A.3.5.B
- Property agreement, § C.3.7.I.6
- Qualified, long-term care insurance, § B.2.2
- Qualified long-term care services, § A.4.3.C
- Qualified plan, § A.4.5.A
- Qualified retirement account, § A.4.5.A
- Reduced paid-up benefits, Chapter B.2 Appendix A
- Reimbursement policy, Chapter B.2 Appendix A
- Relative, homestead exclusion, § C.3.7.I.1
- Resources, § C.3.1
  - MA-LTC calculation, § C.1.4.A.1
- Respite care, Chapter B.2 Appendix A
- Restricted access, third-party funded trusts, § C.6.4.B
- Restricted access trust, § C.3.7.O
- Reverse mortgage, § B.5.1
- Revocable trust, trusts created after August 10, 1993, § C.6.5.B
- Rider, Chapter B.2 Appendix A
- Self neglect, § A.5.2.C.2.a
- Severe cognitive impairment, § A.4.3.C.2
- Single-pay option, Chapter B.2 Appendix A
- Skilled nursing care, § B.1.5, Chapter B.2 Appendix A
- Special needs trust, § C.3.7.O, § C.6.7.C.2
- Standby assistance, § A.4.3.C.1, Chapter B.2 Appendix A
- Step-down, Chapter B.2 Appendix A
- Substantial assistance, § A.4.3.C.1
- Substantial supervision, § A.4.3.C.2
- Substantiated, maltreatment report classification, § A.5.4.G
- Substitute decision maker, § A.3.1
- Supplemental needs trusts, § C.6.7.B.2
- Support trust, § C.3.7.O
- Supported decision maker, § A.3.1
- Supported decision making (SDM), § A.3.4.B
- Supportive services, § D.1.3.D.1
- Surrogate decision maker, § A.3.1
- Surviving spouse, § B.3.1.B
- Taxable income, § A.4.2.B.4.a
- Terminal condition, § A.3.3.B.1
- Termination, assisted living contract, § D.1.3.D.8
- Trust, veterans benefits, § B.3.6.B.6
- Trustee, qualified retirement accounts, § A.4.5.A
- Uncompensated transfers, § C.4.5
- Underwriting, Chapter B.2 Appendix A
- Undue hardship, recovery of medical assistance, § C.10.1.C.1
- United States citizen, § C.1.2.B
- Unsubstantiated, maltreatment report classification, § A.5.4.G
- Verification, medical assistance application, § C.8.6.A
- Veteran, § B.3.1.A

Vulnerable adult, § A.5.2.B, § A.6.5.A  
 Waiting period, Chapter B.2 Appendix A  
 Waiver of premium, Chapter B.2 Appendix A  
 Wandering, § D.3.2.F  
 Writing, § A.1.2.B.1  
 Zombie life estate or joint tenancy, § C.10.5

**DEMENTIA. SEE ALSO MEMORY CARE**

Nursing homes, dementia and abuse, § D.3.3.D.6  
 Vulnerable adults, increase in frequency, § A.5.1  
 Vulnerable Adults Act, 2019 amendments, § A.5.9.K

**DEMOGRAPHICS**

Vulnerable adults, history and background, § A.5.1

**DEPENDENCY AND INDEMNITY COMPENSATION (DIC)**

*Federal Benefits for Veterans, Dependents, and Survivors* manual, § B.3.8.A

**DEPENDENT RELATIVE**

Defined, homestead exclusion, § C.3.7.I.1

**DEVELOPMENTAL DISABILITIES (DD) WAIVER**

Generally, § C.2.5.D  
 Covered services, § C.2.5.D.2  
 Eligibility criteria, § C.2.5.D.1

**DIALYSIS**

Medicare coverage  
 End-stage renal disease (ESRD), § B.1.10.A  
 Permanent kidney failure, § B.1.10.B

**DIMINISHED CAPACITY**

Defined, § A.1.3

**DIMINISHED CAPACITY CLIENTS**

Attorney-client relationship, § A.1.3  
 Confidentiality rules application, § A.1.3.B  
 Emergencies, § A.1.3.C  
 Lawyer duty, § A.1.3.A  
 Protective actions, § A.1.3.A  
 Scope of representation, § A.1.3.B

**DIRECTOR OF NURSING (DON)**

Nursing home litigation, powers and duties, § D.3.6

**DIRECTORIES**

Legal Services Coalition programs listed by county, Chapter A.6 Appendix B  
 Listing of non-legal advocacy services, Chapter A.6 Appendix D  
 Listing of non-Legal Services Corporation civil legal service providers, Chapter A.6 Appendix C  
 Reverse mortgages, counseling agencies, § B.5.3

**DISABILITY AND INCAPACITY PLANNING**

Generally, §§ A.3.1 to A.3.5  
 Convenience accounts, financial management, § A.3.2.A  
 Decision-making persons and processes, § A.3.1  
 Financial management, § A.3.2  
 Conservators and conservatorships, § A.3.2.E  
 Conservatorship, § A.3.2.E  
 Informal arrangements, § A.3.2.A  
 Joint ownership, § A.3.2.B  
 Power of attorney, § A.3.2.C  
 Protective proceedings, § A.3.2.E.9  
 Trusts, § A.3.2.D

**Forms**

Minnesota Bankers Association Legal Compliance Bulletin LC-7-2006, Chapter A.3 Appendix B

Minnesota Statutory Short Form Power of Attorney, Chapter A.3 Appendix A

**Health care agent**

Appointment, § A.3.3.B.5  
 Powers and duties, § A.3.3.B.6

**Health care management, § A.3.3**

DNR/DNI orders, § A.3.3.C  
 Guardians and guardianship, § A.3.3.E  
 Health care directives, § A.3.3.B  
 Informal arrangements, § A.3.3.A  
 Provider orders for life-sustaining treatment (POLST), § A.3.3.D

**Long-term care planning**

Digital assets, § A.3.2.C.10.g  
 Disparate levels of authority, § A.3.2.C.10.h  
 Effective date, § A.3.2.C.10.e  
 Enforcement provisions, § A.3.2.C.10.b  
 Familiarity of short form, § A.3.2.C.10.a  
 Gifting process, § A.3.2.C.10.c  
 Gifts to trust, § A.3.2.C.10.d  
 Limitations, § A.3.2.C.10  
 Out-of-state assets, § A.3.2.C.10.f  
 Short form as all or nothing, § A.3.2.C.10.i

**Planning for death, § A.3.5****Power of attorney accounts, financial management, § A.3.2.A****Supported decision making (SDM)**

ABA Practical Tool for SDM, § A.3.4.D  
 Defined, § A.3.4.B  
 Purpose and function, § A.3.4.A  
 Resources, § A.3.4.D  
 Support system application, § A.3.4.C

**DISABILITY COMPENSATION**

Veterans benefits, § B.3.5

**DISADVANTAGED OLDER ADULTS. SEE LEGAL AID****DISCLOSURE**

Antenuptial contracts, requirements, § C.7.1.A  
 Assisted living facilities (ALFs), ownership and control, § D.1.3.D.11  
 Conflict of interest, attorney-client relationship, § A.1.2.B.1  
 Home Equity Conversion Mortgage (HECM), disclosure requirements, § B.5.4.C  
 Nursing home litigation  
 Financial disclosures, § D.3.3.D.3  
 Ownership and financial relationships, § D.3.3.D.1  
 Nursing homes, information about staff and nurses, § D.3.3.D.2  
 Representing veterans benefit claimants, § B.3.3.A.1

**DISCOVERY**

Dissolution of marriage, § C.7.2.A.2  
 Medical assistance appeals, discovery options, § C.9.2.G  
 Nursing homes, challenging transfer or discharge, § D.2.2.C.1

**DISCRETIONARY TRUST WITH SUPPORT STANDARDS**

Defined, § C.3.7.O

**DISCRETIONARY TRUSTS**

Defined, § C.3.7.O

**DISSOLUTION OF MARRIAGE**

Generally, § C.7.2  
 Antenuptial contracts, enforceability, § C.7.1.B  
 Competency of parties, § C.7.2.A.5  
 Discovery, § C.7.2.A.2  
 Hearings, temporary hearing, § C.7.2.A.3

Income, § C.7.2.C  
 Spousal maintenance, § C.7.2.C.2  
 Inter-spousal transfer rules, medical assistance planning, § C.7.2.D.1  
 Marital vs. nonmarital assets, property division, § C.7.2.B  
 Medical assistance planning, § C.7.2  
 Application of law, § C.7.2.D  
 Challenges, § C.7.2.D  
 Inter-spousal transfer rules, § C.7.2.D.1  
 Post-MA application divorce, § C.7.2.D.2  
 Pre-MA application divorce, § C.7.2.D.1  
 Partial distribution of property, temporary hearing, § C.7.2.A.3  
 Procedures, § C.7.2.A.1  
 Property division, assets vs. income, § C.7.2.B  
 Resolution of issues, § C.7.2.A.4  
 Summons and petition, § C.7.2.A.1

**DISTRICT COURT APPEALS**

Medical assistance appeals, § C.9.5

**DME (DURABLE MEDICAL EQUIPMENT)**

Medicare, coverage, § B.1.6.A

**DO NOT INTUBATE (DNI) ORDERS**

Assisted living facilities (ALFs), resident request and procedures, § D.1.3.D.6  
 Health care directives, § A.3.3.C

**DO NOT RESUSCITATE (DNR) ORDERS**

Health care directives, § A.3.3.C

**DOCUMENTS**

Taxes, record retention, § A.4.3.L

**DOMESTIC ABUSE**

Listing of non-legal advocacy services, Chapter A.6 Appendix D

**DUE PROCESS**

Medical assistance appeals, pre-hearing matters, § C.9.2

**DURABLE MEDICAL EQUIPMENT (DME)**

Medicare, coverage, § B.1.6.A

**DURABLE POWER OF ATTORNEY**

Defined, § A.3.2.C.4

**E****EASEMENTS**

Assets, real property interests, § C.3.7.Y

**ECONOMICALLY NEEDY OLDER ADULTS. SEE LEGAL AID****ECS (ESSENTIAL COMMUNITY SUPPORTS). SEE ESSENTIAL COMMUNITY SUPPORTS (ECS)****EDUCATIONAL FUNDS**

Assets, 529 plans, § C.3.7.V

**ELDER CARE AND VULNERABLE ADULT PROTECTION ACT**

Eviction from long-term care facilities, assisted living facilities, § D.2.3.B

**ELDER JUSTICE ACT (EJA)**

Vulnerable adults, health care reform, § A.5.8.A

**ELDER WAIVER PROGRAMS**

Senior housing options, § D.1.7

**ELDERLY WAIVER (EW)**

Community spouse asset allowance (CSAA), MA-LTC application after May 2016, § C.1.4.A.1  
 Essential community supports (ECS), nursing facility level of care (NFLOC) criteria, § B.4.4  
 Prior asset rules, Chapter C.1 Appendix A  
 Spousal impoverishment rules, institutional vs. community spouse, § C.1.4  
 Vulnerable adults, case management, § A.5.7.D.2  
 Vulnerable Adults Act, 2017 amendments, § A.5.9.I

**ELECTIVE SHARE**

Claims against estate  
 Augmented estate calculation, § C.10.1.C.3.b  
 Claiming share, § C.10.1.C.3.a  
 Estate planning issues, § C.10.1.C.3.d  
 Timing of election, § C.10.1.C.3.c

**ELIGIBILITY POLICY MANUAL (EPM)**

Annuities  
 Classification of, § C.5.4.A  
 Conversion into income stream, § C.5.4.B  
 General guidance, § C.5.4.A  
 Purchase/conversion as uncompensated transfer, § C.5.4.C  
 Purchase procedures, § C.5.4.A  
 State as beneficiary requirement, § C.5.4.D  
 Use to pre-pay funeral expenses, § C.5.4.E  
 Application of law, asset definitions, § C.3.1  
 Calculation, long-term care services (MA-LTC), § C.1.3.D  
*Health Care Programs Eligibility Policy Manual (EPM) vs. Health Care Programs Manual (HCPM)*, application of law, § C.3.1  
 Medical assistance (MA)  
 Administration, § C.1.1.B  
 Annuities, § C.5.4  
 Annuities effect, § C.5.1  
 Appeals, §§ C.9.1 to 9.7  
 Application, § C.8.1  
 Planning, § C.5.4  
 Recovery of medical assistance, § C.10.1.A.1  
 Tables  
*Health Care Programs Eligibility Policy Manual Appendix F:*  
 Standards and Guidelines, Chapter C.2 Appendix C  
 Mortality tables, Chapter A.4 Appendix A  
 Trusts and medical assistance, § C.6.2.B  
 Vulnerable Adults Act, 2016 amendments, § A.5.9.H

**ELIMINATION PERIOD**

Defined, Chapter B.2 Appendix A

**ELOPEMENT**

Defined, § D.3.2.F

**EMAIL**

Planning notebook, usernames and passwords, § A.2.2.H

**EMERGENCIES**

Appointment of conservator, emergency vs. non-emergency, § A.3.2.E.1  
 Attorney-client relationship, scope of representation, § A.1.3.C  
 Guardians and guardianship, emergency vs. non-emergency appointment, § A.3.3.E.1  
 Listing of non-legal advocacy services, Chapter A.6 Appendix D  
 Maltreatment report processing, assessment for emergency response, § A.5.4.C  
 Minnesota Legal Aid Help Line, § A.6.1

**EMOTIONAL ABUSE**

Minnesota Adult Abuse Reporting Center (MAARC), § A.6.5.A

**EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA)**

Long-term care insurance, application of law, § B.2.6  
Nursing home litigation, Medicare and Medicaid reimbursement, § D.3.7.C.1

**EMPLOYEES**

Asset exclusions, medical assistance, § C.3.5  
Background study, nursing homes, § D.3.3.D.7  
Medical assistance for employed persons with disabilities (MA-EPD), § C.2.8

**EMPLOYERS**

Nursing homes, direct corporate liability, § D.3.3.C

**END-STAGE RENAL DISEASE (ESRD)**

Medicare, coverage, § B.1.10.A

**ESSENTIAL COMMUNITY SUPPORTS (ECS)**

Alternative care (AC) not available, § B.4.4  
Current status of program, § B.4.12  
Eligibility for ECS, § B.4.4  
Nursing facility level of care (NFLOC) criteria, § B.4.4

**ESTATE**

Defined  
Amendments to recovery, § C.10.3.B.3  
Cause of action for asset transfers, § C.10.1.C.7  
Recovery of medical assistance, § C.10.1.B.2  
State plan amendment, § C.10.3.D

**ESTATE PLANNING**

Role of annuities, § C.5.1.a

**ESTATE RECOVERY**

Alternative care (AC), § B.4.9  
Homestead, life estate, § A.4.2.E.5  
*Medical Assistance Estate Recovery Manual*, reduction of assets, § C.4.2.B.4

**ESTATE RECOVERY MANUAL (ERM)**

Medical assistance claims, recovery of medical assistance, § C.10.1

**ESTATE TAXES**

Federal law, summary of rules, § A.4.4.A  
Life insurance contracts, three year rule on estate tax, § A.4.4.G.3  
Qualified terminable interest property (QTIP), Minnesota QTIP election, § A.4.4.D.2  
Returns, state and federal deadlines, § A.4.4.E  
State law  
Gifts within three years of death, § A.4.4.D.3  
Minnesota QTIP election, § A.4.4.D.2  
Non-Minnesota property, § A.4.4.D.4  
Small business/family farm deductions, § A.4.4.D.5  
Summary of rules 2017 to present, § A.4.4.D.1  
Tables, summary of state estate tax rules 2017 to present, § A.4.4.D.1

**ESTIMATED MARKET VALUE (EMV)**

Assets, § C.3.7.I.2  
Non-homestead real property, § C.3.7.I.3

**ESTIMATED TAX PAYMENTS**

Medical assistance, § A.4.3.H

**ETHICAL CONSIDERATIONS. SEE PROFESSIONAL CONDUCT****EUTHANASIA**

Health care directives, prohibited provisions, § A.3.3.B.10

**EVICITION**

Defined, § D.2.1

**EVICITION FROM LONG-TERM CARE FACILITIES**

Generally, §§ D.2.1 to D.2.7  
Adult foster care, § D.2.7.A  
Assisted living facilities, § D.2.3  
Elder Care and Vulnerable Adult Protection Act, § D.2.3.B  
Federal law, § D.2.3.A  
Nonrenewal of housing, § D.2.4.A  
State law, § D.2.3.B  
Boarding care homes, § D.2.7.B  
Eviction, defined, § D.2.1  
Identification  
Facility licenses held, § D.2.1.A.1  
Type of facility, § D.2.1.A.1  
What has happened, § D.2.1.A.2  
Independent senior living, § D.2.4  
Termination of tenancy, § D.2.4.A  
Licensure, type of facility licenses, § D.2.1.A.1  
Long-term care facilities, defined, § D.2.1  
Memory care, § D.2.5  
Adult day care, § D.2.5.C  
Assisted living facilities (ALFs), § D.2.5.B  
Nursing homes, § D.2.5.A  
Notice of intent to evict, information gathering, § D.2.1.A.2  
Nursing homes  
Challenging transfer or discharge, § D.2.2.C  
Eviction terminology, § D.2.2  
Federal Nursing Homes Transfer and Discharge Law, § D.2.2.A  
Minnesota Nursing Home Discharge Law, § D.2.2.B  
Procedural posture, identification, § D.2.1.A.2  
Tables, survey of nursing home transfer/discharge decisions, Chapter D.2 Appendix A  
Type of facility  
Identification, § D.2.1.A.1  
Nursing homes, § D.2.2  
Veterans homes, § D.2.6  
What has happened, identification, § D.2.1.A.2

**EXPENSE-INCURRED POLICY**

Defined, Chapter B.2 Appendix A

**F****FAIR HOUSING ACT (FHA)**

Nursing homes, challenging transfer or discharge, § D.2.2.C.9.b

**FAIR MARKET VALUE (FMV)**

Assets, § C.3.7.I.2  
Medicaid-compliant annuities, § C.5.2  
Non-homestead real property, § C.3.7.I.3  
Pooled trusts, asset transfers, § C.6.7.D.8  
Reduction of assets, permissible transfers, § C.4.3.H

**FALSE**

Defined, maltreatment report classification, § A.5.4.G

**FAMILY**

Medical assistance (MA), homestead transfer to child, § C.1.2.D.2.a

Permissible transfers, homestead transfer to sibling co-owner, § C.4.3.F  
 Taxes, paying family members for personal services, § A.4.3.G

**FAMILY CAREGIVERS**

Recovery of medical assistance, amendments to statutory law (2008), § C.10.3.A.3

**FAMILY FARMS**

Estate taxes, small business/family farm deductions, § A.4.4.D.5

**FARMS**

Agricultural homestead, § C.3.7.1.2

**FEDERAL BENEFITS FOR VETERANS, DEPENDENTS, AND SURVIVORS MANUAL**

Burial and memorial benefits, § B.3.7  
 Dependency and indemnity compensation (DIC), § B.3.8.A  
 Health care benefits, § B.3.4  
 Service-connected disabilities, § B.3.5

**FEDERAL HOUSING ADMINISTRATION (FHA)**

Home Equity Conversion Mortgage (HECM) program, § B.5.2

**FEDERAL NURSING HOMES TRANSFER AND DISCHARGE LAW**

Generally, § D.2.2.A

**FEE-GENERATING CASES**

Defined, § A.6.1  
 Motion for attorney fees, preparation, § A.6.2.B  
 Statutory attorney fee awards, § A.6.2.A  
   Attorney failure to account, § A.6.2.A.4  
   Deceptive trade practices, § A.6.2.A.2  
   Tenant rights cases, § A.6.2.A.3  
   Unauthorized release of health information, § A.6.2.A.5  
   Withholding Medicaid personal allowance, § A.6.2.A.6  
 Types of cases, § A.6.2

**FELONIES**

Health care directives, criminal penalties, § A.3.3.B.11  
 Neglect, vulnerable adults, § A.5.7.A.3.b

**FELONY DEPRIVATION**

History of law, § A.5.7.A.3.b.i  
 Vulnerable Adults Act, 2012 amendments, § A.5.9.D

**FINANCES**

Disability and incapacity planning, financial management, § A.3.2

**FINANCIAL ADVISORS**

Planning notebook, financial records, § A.2.2.E

**FINANCIAL EXPLOITATION**

Defined, § A.5.2.C.3.a  
 Minnesota Adult Abuse Reporting Center (MAARC), § A.6.5.A  
 Statutory attorney fee awards, § A.6.2.A.1  
 Voluntary reporters, procedures, § A.5.3.B.2  
 Vulnerable adults  
   Access to financial institution records, § A.5.7.C.1  
   Civil remedies, § A.5.7.B.1  
   Criminal remedies, § A.5.7.A.4  
   Forfeiture for financial exploitation, § A.5.7.A.6.e  
   Hardship waivers, § A.5.7.C.3  
   Money transmitters, § A.5.7.C.4  
   Voluntary reporting of financial institutions, § A.5.7.C.2  
 Vulnerable Adults Act  
   2009 amendments, § A.5.9.A  
   2013 amendments, § A.5.9.E  
   2018 amendments, § A.5.9.J

2020 amendments, § A.5.9.L

**FINANCIAL INSTITUTIONS**

Financial management  
 Joint ownership, § A.3.2.B  
 Power of attorney accounts, § A.3.2.A  
 Voluntary reporters, financial exploitation procedures, § A.5.3.B.2  
 Vulnerable adults  
   Access to records, § A.5.7.C.1  
   Voluntary reporting of financial institutions, § A.5.7.C.2

**FINANCIAL MANAGEMENT**

Disability and incapacity planning, § A.3.2  
 Conservatorship, § A.3.2.E  
 Informal arrangements, § A.3.2.A  
 Joint ownership, § A.3.2.B  
 Power of attorney, § A.3.2.C  
 Trusts, § A.3.2.D  
 Power of attorney, § A.3.2.C.1.b  
   Actual notice of revocation, § A.3.2.C.8  
   Capacity to sign written power, § A.3.2.C.2  
   Common law, § A.3.2.C.1.b  
   Durable powers, § A.3.2.C.4  
   Liability, § A.3.2.C.6  
   Long-term care planning, § A.3.2.C.10  
   Powers and duties, § A.3.2.C.5  
   Recording and certification, § A.3.2.C.7  
   Statutory short form, § A.3.2.C.1.a  
   Termination, § A.3.2.C.9  
   Valid execution, § A.3.2.C.3

**FINES AND PENALTIES**

Asset transfers  
   *Pfoser v. Harpstead* case, Chapter C.4 Appendix A  
   Transfer penalty, § C.4.5.B  
 Health care directives, criminal penalties, § A.3.3.B.11

**529 PLANS**

Assets, § C.3.7.V

**FLEXIBLE SPENDING ACCOUNTS (FSAS)**

Assets  
 Medical assistance eligibility, § C.3.7.H

**FMV (FAIR MARKET VALUE). SEE FAIR MARKET VALUE (FMV)****FOREIGN STATES**

Medical assistance (MA), coordination with Minnesota, § C.1.2.A

**FORESEEABILITY TEST**

Physical and sexual abuse, nursing homes, § D.3.2.E

**FORFEITURE**

Vulnerable adults, forfeiture for financial exploitation, § A.5.7.A.6.e

**FORMS. SEE ALSO TABLES**

Chronically ill certification, Chapter A.4 Appendix C  
 Power of attorney  
   Minnesota Bankers Association Legal Compliance Bulletin LC-7-2006, Chapter A.3 Appendix B  
   Minnesota Statutory Short Form Power of Attorney, Chapter A.3 Appendix A  
 Recovery of medical assistance, MDHS health care programs estate recovery and liens FAQs, Chapter C.10 Appendix A  
 Reverse mortgages  
   Annual occupancy certificate, Chapter B.5 Appendix C  
   HUD Mortgagee Letter 2011-09, Chapter B.5 Appendix H

HUD Mortgagee Letter 2014-07, Chapter B.5 Appendix D  
 HUD Mortgagee Letter 2021-11, Chapter B.5 Appendix A  
 HUD Mortgagee Letter 2021-29, Chapter B.5 Appendix G  
 HUD Single Family Housing Policy Handbook 4000.1  
 (excerpts on use of powers of attorney), Chapter B.5  
 Appendix E  
 Sample HECM amortization schedules, Chapter B.5  
 Appendix B  
 Third-party authorization form, Chapter B.5 Appendix F  
 Taxes  
 Senior tax return for married couple, Chapter A.4 Appendix D  
 Senior tax return for widow, Chapter A.4 Appendix D

**FOSTER CARE**

Office of Ombudsman for Long-Term Care, function and contact information, § A.6.5.B

**401(K) PLANS. SEE ALSO QUALIFIED RETIREMENT ACCOUNTS**

Qualified retirement accounts, plans vs. investments, § A.4.5.A

**FRAUD**

Taxes, audit rules, § A.4.3.K

**FSAS (FLEXIBLE SPENDING ACCOUNTS)**

Assets, medical assistance eligibility, § C.3.7.H

**FUNERAL DIRECTIVES**

Health care directives, scope of provisions, § A.3.3.B.9

**FUNERAL EXPENSES**

EPM guidance, annuities used to pre-pay funeral expenses, § C.5.4.E  
 Life insurance funded burial contracts, § C.3.7.Q  
 Veterans benefits, § B.3.7

**FUNERAL SERVICES**

Reduction of assets, purchasing excluded assets, § C.4.2.B.4

**FUTURE PURCHASE OPTION**

Defined, Chapter B.2 Appendix A

**G****GAIN**

Defined  
 Sale of capital assets, § A.4.2.A.1

**GIFT TAXES**

Federal law, summary of rules, § A.4.4.B  
 Homestead, life estate, § A.4.2.E.2  
 Life insurance contracts, § A.4.4.G  
 Three year rule on estate tax, § A.4.4.G.3  
 Transfer to multiple beneficiaries on death, § A.4.4.G.2  
 Transfer to multiple new owners, § A.4.4.G.1  
 Returns  
 Failure-to-file penalty, § A.4.4.F.3  
 Federal and state requirements, § A.4.4.F  
 Filing deadline, § A.4.4.F.1  
 Tax rates, § A.4.4.F.2  
 State law, application of law, § A.4.4.C

**GIFTS. SEE ALSO CHARITABLE DONATIONS**

Adjusted basis, carry-over basis, § A.4.2.A.3.b  
 Reduction of excess assets, methods, § C.4.1

**GLOSSARY**

Long-term care insurance terminology, Chapter B.2 Appendix A  
 Medicare, abbreviations, Chapter B.1 Appendix C

**GOOD CAUSE**

Medical assistance appeals, failure to appear, § C.9.3.D

**GOODS AND SERVICES**

Purchase, reduction of excess assets, § C.4.1  
 Reduction of assets  
 Purchasing excluded assets, § C.4.2.B.3  
 Spending assets on, § C.4.2

**GOVERNMENT AGENCIES**

Minnesota Adult Abuse Reporting Center (MAARC), § A.6.5.A  
 Office of Ombudsman for Long-Term Care, § A.6.5.B  
 Office of the Attorney General, function and contact information, § A.6.5.C  
 Senior LinkAge Line, function and contact information, § A.6.5.D

**GROSS MISDEMEANORS**

Neglect, vulnerable adults, § A.5.7.A.3.a

**GUARANTEED RENEWABLE**

Defined, long-term care insurance, § B.2.2

**GUARDIAN**

Defined, § A.3.3.E  
 Vulnerable Adults Act, 2013 amendments, § A.5.9.E

**GUARDIANS AND GUARDIANSHIP**

Appointment of guardian  
 Eligibility, § A.3.3.E.5  
 Emergency vs. non-emergency, § A.3.3.E.1  
 Notice, § A.3.3.E.4  
 Petition, § A.3.3.E.3  
 Venue, § A.3.3.E.2  
 When apropos, § A.3.3.E  
 Dissolution of marriage, competency of parties, § C.7.2.A.5  
 Health care management, § A.3.3.E  
 Powers and duties, § A.3.3.E  
 Powers and duties, § A.3.3.E.6  
 Reports, § A.3.3.E.7  
 Termination of guardianship, § A.3.3.E.8  
 Vulnerable Adults Act  
 2013 amendments, § A.5.9.E  
 2020 amendments, § A.5.9.L

**H****HANDS ON ASSISTANCE**

Defined, § A.4.3.C.1

**HARDSHIP WAIVERS**

Asset transfer penalties, § C.4.6.A.2  
 Imminent threat evidence, § C.4.6.A  
 Imminent threat to community resident, § C.4.6.A.2  
 Imminent threat to resident of LTCF, § C.4.6.A.1  
 No alternative for LTC services payment, § C.4.6.B  
 When available, § C.4.6  
 Financial exploitation, vulnerable adults, § A.5.7.C.3  
 No alternative for LTC services payment  
 Another source of services for client, § C.4.6.B.5  
 Assets or income resolving imminent threat, § C.4.6.B.2  
 Reasonable attempt to recover, § C.4.6.B.1  
 Spouse able to obtain assets or income resolving imminent threat, § C.4.6.B.4  
 Spouse with assets or income resolving imminent threat, § C.4.6.B.3  
 Recovery of medical assistance  
 Cause of action for asset transfers, § C.10.1.C.7  
 Hardship waivers for non-spouse joint owners, § C.10.3.B.7

**HCBS (HOME AND COMMUNITY-BASED SERVICES).**  
**SEE HOME AND COMMUNITY-BASED SERVICES (HCBS)**

**HEALTH CARE**

Veterans benefits, eligibility, § B.3.4

**HEALTH CARE AGENT**

Appointment, § A.3.3.B.5  
 Personal liability, § A.3.3.B.7  
 Powers and duties, § A.3.3.B.6  
 Revocation of directive, methods of revocation, § A.3.3.B.8

**HEALTH CARE BILL OF RIGHTS**

Minnesota Nursing Home Discharge Law, § D.2.2.B.1  
 Nursing homes, transfer or discharge, § D.2.2.B.1

**HEALTH CARE DIRECTIVES**

Anatomical gifts, § A.3.3.B.9  
 Capacity to sign, § A.3.3.B.2  
 Criminal penalties, § A.3.3.B.11  
 Disability and incapacity planning, § A.3.3.B  
 Do not intubate (DNI) orders, § A.3.3.C  
 Do not resuscitate (DNR) orders, § A.3.3.C  
 Flexibility, scope of provisions, § A.3.3.B.9  
 Funeral directives, § A.3.3.B.9  
 Health care agent  
 Appointment, § A.3.3.B.5  
 Personal liability, § A.3.3.B.7  
 Powers and duties, § A.3.3.B.6  
 Revocation of directive, § A.3.3.B.8  
 HIPAA compliance, § A.3.3.B.4  
 History and background, § A.3.3.B.1  
 Mental health treatment, § A.3.3.B.9  
 Planning notebook, legal documents, § A.2.2.F  
 Prohibited provisions, § A.3.3.B.10  
 Revocation of directive, methods of revocation, § A.3.3.B.8  
 Validity requirements, § A.3.3.B.3

**HEALTH CARE MANAGEMENT**

Disability and incapacity planning, § A.3.3

**HEALTH CARE PROGRAMS**

Deeming, income vs. assets, § C.3.3.A

**HEALTH CARE PROGRAMS ELIGIBILITY POLICY MANUAL (EPM). SEE ELIGIBILITY POLICY MANUAL (EPM)**

**HEALTH CARE PROGRAMS MANUAL (HCPM). SEE ALSO ELIGIBILITY POLICY MANUAL (EPM)**

Assets, defined, § C.3.1  
*Health Care Programs Eligibility Policy Manual (EPM) vs. Health Care Programs Manual (HCPM)*, application of law, § C.3.1  
 Human Services Department (MDHS), trusts and medical assistance, § C.6.2.B

**HEALTH CARE PROVIDERS**

Personal liability, § A.3.3.B.7

**HEALTH DEPARTMENT (MDH)**

Investigations, maltreatment report processing, § A.5.5.C  
 Maltreatment report processing, lead investigative agency, § A.5.4.D  
 Vulnerable adults, 2020 guidelines amendments, § A.5.9.L  
 Vulnerable Adults Act, 2020 guidelines amendments, § A.5.9.L

**HEALTH INSURANCE**

Medical expense deductions, health and LTC insurance premiums, § A.4.3.C.4

**HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)**

Health care directives, HIPAA compliance, § A.3.3.B.4  
 Long-term care insurance, qualified policies, § B.2.2

**HEALTH SAVINGS ACCOUNTS (HSAS)**

Assets, medical assistance eligibility, § C.3.7.H

**HEARINGS. SEE ALSO APPEALS**

Assisted living facilities, termination of contract, § D.2.3.B.5  
 Dissolution of marriage, temporary hearing, § C.7.2.A.3  
 Medical assistance appeals  
 Hearing procedures, § C.9.3  
 Pre-hearing matters, § C.9.2  
 Minnesota Nursing Home Discharge Law  
 Administrative hearing decisions, § D.2.2.B.6  
 Governing statutes and rules, § D.2.2.B.5  
 Nursing homes, challenging transfer or discharge, § D.2.2.C.1

**HEIRS**

Reverse mortgages, Home Equity Conversion Mortgage (HECM), § B.5.9

**HOME**

Defined, home equity limit, § C.3.7.1.2

**HOME AND COMMUNITY-BASED SERVICES (HCBS). SEE ALSO WAIVER PROGRAMS**

Generally, §§ C.2.1 to C.2.11  
 Least restrictive option, § C.2.11  
 Medical assistance (MA)  
 Age requirements, § C.2.2.C  
 Applications for waivers, § C.2.7  
 Asset requirements, § C.2.3.A  
 Brain injury waivers, § C.2.5.A  
 Categorical basis of eligibility, § C.2.2  
 Citizenship requirements, § C.2.2.A  
 Community access for disability inclusion waivers, § C.2.5.C  
 Community alternative care waivers, § C.2.5.B  
 COVID-19 issues, § C.2.9  
 Developmental disabilities waivers, § C.2.5.D  
 Disability requirements, § C.2.2.D  
 Elderly waiver, § C.2.6.A  
 Employed persons with disabilities, § C.2.8  
 Financial eligibility, § C.2.3  
 Funding, § C.2.1.B  
 Income requirements, § C.2.3.B  
 Long-term care consultation, § C.2.4  
 MnCHOICES assessment, § C.2.4  
 Persons age 65 and over, § C.2.6  
 Rental or living expenses, § C.2.7.A  
 Residency requirements, § C.2.2.B  
 Resources, § C.2.10  
 Services for persons under age 65, § C.2.5  
 Spouses of under-65 waiver recipients, § C.2.7.B  
 Waiver programs, § C.2.1.A  
 Persons with disabilities, medical assistance for employed persons with disabilities (MA-EPD), § C.2.8  
 Resources, medical assistance, § C.2.10  
 Tables  
 Comparison of MnCHOICES, RSC and CAC, CADI, BI waivers for persons with disabilities, Chapter C.2 Appendix B

- Health Care Programs Eligibility Policy Manual* Appendix F: Standards and Guidelines, Chapter C.2 Appendix C  
MDHS insurance affordability programs income and asset guidelines, Chapter C.2 Appendix A  
Waiver programs, §§ C.2.1 to C.2.11  
Bases for eligibility, § C.2.2  
Funding, § C.2.1.B
- HOME-BASED SERVICES**  
Medical assistance for long-term care (MA-LTC), covered individuals, § C.1.3.A
- HOME EQUITY CONVERSION MORTGAGE (HECM)**  
Generally, §§ B.5.2 to B.5.11  
Application, procedures, § B.5.3  
Application procedures, § B.5.3  
Borrower eligibility, § B.5.4.A  
Certificate of occupancy, § B.5.8.E  
Counseling agencies, § B.5.3  
Death of homeowner procedures, § B.5.10  
Disclosure requirements, § B.5.4.C  
Federal Housing Administration (FHA), lender approval, § B.5.2  
Fees, § B.5.3  
Financing costs, § B.5.7  
Forms  
Annual occupancy certificate, Chapter B.5 Appendix C  
HUD Mortgagee Letter 2011-09, Chapter B.5 Appendix H  
HUD Mortgagee Letter 2014-07, Chapter B.5 Appendix D  
HUD Mortgagee Letter 2021-11, Chapter B.5 Appendix A  
HUD Mortgagee Letter 2021-29, Chapter B.5 Appendix G  
HUD Single Family Housing Policy Handbook 4000.1 (excerpts on use of powers of attorney), Chapter B.5 Appendix E  
Sample HECM amortization schedules, Chapter B.5 Appendix B  
Third-party authorization form, Chapter B.5 Appendix F  
Home equity loan distinguished, § B.5.9  
Maximum loan amount, § B.5.6  
Mortgage insurance premium, § B.5.8.A  
Myths about operation, § B.5.9  
Non-borrowing spouse, § B.5.8.E  
Origination fees, § B.5.8.C  
Payment plan options, § B.5.5  
Power of attorney limitations, § B.5.11  
Property requirements, § B.5.4.B  
Reverse mortgages, § B.5.2  
Sample amortization schedules, § B.5.8.E  
Servicing fees, § B.5.8.D  
Survivor choices, § B.5.10  
Third-party charges, § B.5.8.B
- HOME HEALTH CARE**  
Assessment, intermittent skilled nursing home care, § B.1.6.D  
Defined, Chapter B.2 Appendix A  
Home services distinguished, § B.1.6.A  
Homebound certification, § B.1.6.C  
Medicare, coverage, § B.1.6  
Outcome and Assessment Information Set (OASIS), § B.1.6.D  
Rehabilitative skilled care at home, § B.1.6.E
- HOMEBOUND SERVICES**  
Vulnerable Adults Act, 2013 amendments, § A.5.9.E
- HOMESTEAD**  
Abandonment, § C.3.7.I.1  
Asset transfers, tax planning, § A.4.2.D  
Asset verification, EPM guidance, § C.3.8
- Assets, § C.3.7.I.1  
Equity limit, § C.3.7.I.2  
Cooperatives, real property interests, § C.3.7.Y  
Custodial property, asset status, § C.3.7.W  
Defined, § C.3.7.I.1  
Forms, annual occupancy certificate, Chapter B.5 Appendix C  
Gift taxes, life estate, § A.4.2.E.2  
Home modifications, persons with disabilities, § C.2.5.D.2  
Life estate  
Estate recovery rules, § A.4.2.E.5  
Sale during lifetime, § A.4.2.E.7  
Life estate sale during lifetime  
Gift back to tenant, § A.4.2.E.7.a  
Sale and purchase of new home, § A.4.2.E.7.c  
Sale by parents and children, § A.4.2.E.7.b  
Sale without remainderpersons, § A.4.2.E.7.d  
Medical assistance  
Post-death basis homestead life estate, § A.4.2.F.3  
Prior asset rules, Chapter C.1 Appendix A  
Medical assistance application, asset and income verifications, § C.8.6.B.2  
Medical assistance (MA), transfer between spouses, § C.1.2.D.2.a  
Permissible transfers  
Homestead transfer to minor child, § C.4.3.D  
Homestead transfer to sibling co-owner, § C.4.3.F  
Homestead transfer two-year needed care rule, § C.4.3.E  
Reduction of assets, purchasing excluded assets, § C.4.2.B.1  
Tables, *Health Care Programs Eligibility Policy Manual* Appendix F: Standards and Guidelines, Chapter C.2 Appendix C  
Taxes  
Asset transfers, § A.4.2.D  
Life estate, § A.4.2.E  
Usual residence test, § C.3.7.I.1  
Veterans homes, property limitations, § B.3.2.B.5.b
- HOSPICE CARE**  
Medicare, coverage, § B.1.7
- HOSPITALS**  
Long-term care hospitals, what services are covered, Chapter B.1 Appendix B  
Medicare coverage  
Hospital stays, § B.1.4  
What services are covered, Chapter B.1 Appendix B  
Medicare Outpatient Observation Notice (MOON), Medicare coverage, § B.1.4.B  
Notice of Observation Treatment and Implication for Care Eligibility Act (NOTICE Act), Medicare coverage, § B.1.4.B  
Outpatient hospital services, what services are covered, Chapter B.1 Appendix B
- HOUSEHOLD GOODS**  
Asset verification, EPM guidance, § C.3.8  
Assets, § C.3.7.T  
Defined, § C.3.7.T  
Reduction of assets, purchasing excluded assets, § C.4.2.B.3
- HOUSING**  
Reverse mortgages, §§ B.5.1 to B.5.11
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT (HUD)**  
Forms, HUD Mortgagee Letter 2021-11, Chapter B.5 Appendix A  
Home Equity Conversion Mortgage (HECM), reverse mortgages, § B.5.1

**HOUSING WITH SERVICES (HWS)**

Assisted living facilities (ALFs), LTC coverage, § B.2.6  
Maltreatment, investigation limitations, § A.5.4.B

**HSAS (HEALTH SAVINGS ACCOUNTS)**

Assets, medical assistance eligibility, § C.3.7.H

**HUMAN SERVICES DEPARTMENT (MDHS)**

Administrative appeal judges, medical assistance appeals, § C.9.1  
Agency, defined, § C.8.1  
Appeals and Regulations Office, medical assistance appeals, § C.9.1

*Eligibility Policy Manual (EPM)*

Medical assistance (MA), § C.1.1.B  
Recovery of medical assistance, § C.10.1.A.1  
Trusts and medical assistance, § C.6.2.B

Essential community supports (ECS), nursing facility level of care (NFLOC) criteria, § B.4.4

*Estate Recovery Manual (ERM)*, recovery of medical assistance, § C.10.1

Forms, MDHS health care programs estate recovery and liens  
FAQs, Chapter C.10 Appendix A

Handbooks and manuals for programs, § C.3.1

*Health Care Programs Eligibility Policy Manual (EPM)* vs. *Health Care Programs Manual (HCPM)*, application of law, § C.3.1

*Health Care Programs Manual (HCPM)*, trusts and medical assistance, § C.6.2.B

Maltreatment report processing, lead investigative agency, § A.5.4.D

Medical assistance appeals, § C.9.1  
Availability of prior decisions, § C.9.2.I

*Medical Assistance Estate Recovery Manual*, reduction of assets, § C.4.2.B.4

Recovery of medical assistance  
Claims against marital property, § C.10.3.B.5  
MDHS right of intervention, § C.10.3.B.8  
State plan amendment, § C.10.3.D

Regulations, § C.8.1

Resources, handbooks and manuals for programs, § C.3.1

**I****IMMIGRATION**

Alternative care (AC), eligibility for program, § B.4.2  
Income deeming, medical assistance, § C.3.3.B  
Medical assistance (MA), immigration status verification, § C.1.2.B

**IN RE ESTATE OF BARG**

Amendments to statutory law in 2009, undoing *Barg*, § C.10.3.B.1  
Claims against estate, predeceased spouse as MA recipient, § C.10.1.D.2

**INCOME**

ABLE accounts, § C.3.7.Z  
Deeming, income vs. assets, § C.3.3  
Deeming of income, medical assistance, § C.3.3.B  
Defined, medical assistance, § C.3.2  
Dissolution of marriage, § C.7.2.C  
Retirement and pensions, § C.7.2.C.1  
Spousal maintenance, § C.7.2.C.2  
*Programs Operations Manual System (POMS manual)*, income vs. assets, § C.3.2  
Resources vs. income, § C.3.2

## Tables

*Health Care Programs Eligibility Policy Manual* Appendix F: Standards and Guidelines, Chapter C.2 Appendix C  
MDHS insurance affordability programs income and asset guidelines, Chapter C.2 Appendix A

## Taxes

Assignment of income stream, § A.4.3.A  
Audit rules, § A.4.3.K  
Discharge of indebtedness income, § A.4.3.N.4  
Veterans homes, valuation and availability, § B.3.2.B.6.a  
Waiver programs, financial eligibility, § C.2.3.B

**INCOME-PRODUCING ASSETS**

Asset exclusions, medical assistance, § C.3.5

**INCONCLUSIVE**

Defined, maltreatment report classification, § A.5.4.G

**INDEMNITY POLICY**

Defined, Chapter B.2 Appendix A

**INDEPENDENT HOUSING**

Defined, § D.1.2

**INDEPENDENT SENIOR LIVING**

Eviction from long-term care facilities, § D.2.4  
Termination of tenancy, § D.2.4.A

**INDIANS**

Listing of non-legal advocacy services, Chapter A.6 Appendix D

**INDIVIDUAL RETIREMENT ACCOUNTS (IRAS). SEE ALSO 401(K) PLANS; QUALIFIED RETIREMENT ACCOUNTS**

Assets, medical assistance eligibility, § C.3.7.G  
Qualified retirement accounts, plans vs. investments, § A.4.5.A  
Tables, IRA conversion options, § A.4.5.F

**INFORMED CONSENT**

Defined, § A.1.2.B.1

**INITIAL DISPOSITION**

Defined  
Maltreatment reports, § A.5.4.E.1

**INSTALLMENT OBLIGATIONS**

Taxes, § A.4.3.B

**INSTITUTIONAL SPOUSE**

Defined, prior asset rules, Chapter C.1 Appendix A

**INSTITUTIONALIZATION**

Defined  
Prior asset rules, Chapter C.1 Appendix A  
Recovery of medical assistance, § C.10.3.A.3

**INSTITUTIONALIZED SPOUSE**

Defined, § C.1.4

**INSTRUMENTAL/INDEPENDENT ACTIVITIES OF DAILY LIVING (IADLS)**

Defined, Chapter B.2 Appendix A

**INSURANCE**

Assets, life insurance, § C.3.7.P  
Burial insurance, defined, § C.3.7.P  
Glossary of long-term care insurance terminology, Chapter B.2 Appendix A  
Life insurance policy placed in trust, § C.3.7.Q  
Long-term care insurance  
Commerce Department duties, § B.2.4  
Partnership-approved insurers, § B.2.3.A

Nursing home litigation, liability insurance coverage, § D.3.7.E  
 Planning notebook, financial records, § A.2.2.E  
 Prepaid funeral funds, § C.3.7.Q  
 Private insurance providers, Medicare services, § B.1.2.C  
 Reduction of assets, prepaid expenses, § C.4.2.A.1  
 Senior LinkAge Line, function and contact information, § A.6.5.D  
 Tables, MDHS insurance affordability programs income and asset guidelines, Chapter C.2 Appendix A

**INTER VIVOS TRUSTS**

Third-party established and funded trusts, § C.3.7.O

**INTEREST**

Recovery of medical assistance, amount of claim, § C.10.1.B.5

**INTERESTED PERSON**

Defined, recovery of medical assistance, § C.10.1.C.5

**INTERMEDIATE CARE**

Defined, Chapter B.2 Appendix A

**INVENTORY**

Conservators and conservatorship, reports, § A.3.2.E.7

**INVESTMENTS**

Assets, personal property, § C.3.7.T

**IRREVOCABLE TRUSTS**

Drafting, application of law, § C.6.6  
 Medical assistance, trusts created after June 30, 2005, § C.6.6  
 Trusts created after August 10, 1993, irrevocable trust with retained interest treatment, § C.6.5.C

**J****JOINT ACCOUNTS**

Assets, bank accounts, § C.3.7.D  
 Disability and incapacity planning, financial management, § A.3.2.B  
 Recovery of medical assistance, hardship waivers for non-spouse joint owners, § C.10.3.B.7  
 Title to assets, convenience signer vs. joint owner, § A.3.5.A

**JOINT BUSINESS VENTURES**

Assets, § C.3.7.U

**JOINT REPRESENTATION**

Attorney-client relationship, § A.1.2.A.3

**JOINT TENANCY**

Adjusted basis, stepped-up basis of inheritance, § A.4.2.A.3.c  
 Life estates, drafting, § A.4.2.F.3  
 Medical assistance liens, continuation of interest in property, § C.10.2.B.4  
 Real property, assets, § C.3.7.I  
 Recovery of medical assistance  
   Hardship waivers for non-spouse joint owners, § C.10.3.B.7  
   Zombie life estates and joint tenancies, § C.10.5  
 Termination at death, medical assistance liens, § C.10.2.A.1  
 Unequal shares of ownership, § C.3.7.I

**JUDGES**

Appeals and Regulations Office, medical assistance appeals, § C.9.1

**JURIES**

Nursing home litigation, pecuniary loss determinations, § D.3.5.C

**JURISDICTION**

Medical assistance appeals, subject matter vs. personal jurisdiction, § C.9.1.D

**K****KIDNEYS**

Medicare coverage  
 End-stage renal disease (ESRD), § B.1.10.A  
 Permanent kidney failure, § B.1.10.B

**KNOWLEDGEABLE SOURCE**

Valuation, § C.3.7.I.5

**L****LANDLORD AND TENANT**

Application of law, senior housing options, § D.1.8  
 Eviction from long-term care facilities, §§ D.2.1 to D.2.7  
 Resources, *Residential Eviction Defense and Tenant Claims in Minnesota*, § D.2.2.C.9.a

**LANGUAGE**

Life estates, drafting, § A.4.2.F.3

**LAPSE**

Defined, Chapter B.2 Appendix A

**LAPSE PROTECTION**

Defined, Chapter B.2 Appendix A

**LAW ENFORCEMENT**

Maltreatment report processing, intake and referral, § A.5.4.B

**LEAD INVESTIGATIVE AGENCY**

Vulnerable Adults Act  
 2010 amendments, § A.5.9.B  
 2012 amendments, § A.5.9.D

**LEASEHOLDS**

Assets  
 Real property, § C.3.7.I.5  
 Real property interests, § C.3.7.Y

**LEGAL AID**

Generally, §§ A.6.1 to A.6.5  
 Availability, § A.6.1  
 Civil legal services, limitations, § A.6.1  
 Fee-generating cases  
   Defined, § A.6.1  
   Types, § A.6.2  
 Funding sources, § A.6.3  
   Legal Services Corporation (LSC), § A.6.3.A  
   Title III-B, § A.6.3.B  
 Government agencies also assisting older adults, § A.6.5  
 Legal Services Coalition programs listed by county, Chapter A.6 Appendix B  
 Listing of non-Legal Services Corporation civil legal service providers, Chapter A.6 Appendix C  
 Map of Minnesota Legal Services Coalition (MLSC) programs by region, Chapter A.6 Appendix A  
 Minnesota Legal Aid Help Line, § A.6.1  
 Nonprofits also assisting older adults, § A.6.4

**LEGAL ASSISTANCE**

Senior LinkAge Line, function and contact information, § A.6.5.D

**LEGAL SERVICES CORPORATION (LSC)**

History and function, § A.6.3.A  
 Legal Services Coalition programs listed by county, Chapter A.6 Appendix B  
 Listing of non-Legal Services Corporation civil legal service providers, Chapter A.6 Appendix C

Map of Minnesota Legal Services Coalition (MLSC) programs by region, Chapter A.6 Appendix A

### LGBTQ+ SERVICES

Listing of non-legal advocacy services, Chapter A.6 Appendix D

### LICENSED HEALTH CARE PRACTITIONER

Defined, § A.4.3.C.3

### LICENSES AND PERMITS

Assisted living facilities (ALFs), § D.1.3, § D.1.9

Long-term care insurance, Commerce Department, § B.2.4

Vulnerable Adults Act

2014 amendments, § A.5.9.F

2021 amendments, § A.5.9.M

### LIENS AND ENCUMBRANCES

AC vs. medical assistance, estate recovery, § B.4.9

Forms, MDHS health care programs estate recovery and liens

FAQs, Chapter C.10 Appendix A

Home Equity Conversion Mortgage (HECM), borrower eligibility, § B.5.4.A

Homestead equity, § C.3.7.I.2

Medical assistance liens, recovery of medical assistance, § C.10.2

Recovery of medical assistance

Pre-death liens, § C.10.1.A.1

Separate property rights of couples restrictions, § C.10.3.B.6

Reverse mortgages, Home Equity Conversion Mortgage (HECM), § B.5.9

### LIFE CARE COMMUNITIES

Entrance fees, as assets, § C.3.7.R

### LIFE ESTATES

Assets, real property, § C.3.7.I.3

Community spouse, asset transfers, § C.3.7.I.4

Defined, § C.3.7.I.4

Drafting, language examples, § A.4.2.F.3

Homestead, sale during lifetime, § A.4.2.E.7

Homestead life estate, taxes, § A.4.2.E

Medical assistance, post-death basis homestead life estate, § A.4.2.F.3

Medical assistance liens, continuation of interest in property, § C.10.2.B.4

Recovery of medical assistance, zombie life estates and joint tenancies, § C.10.5

Sale of capital assets, term interests in property, § A.4.2.A.4

Tables, mortality tables, Chapter A.4 Appendix A

Termination at death, medical assistance liens, § C.10.2.A.1

### LIFE INSURANCE

Asset verification, EPM guidance, § C.3.8

Defined, § C.3.7.P

Gift taxes, life insurance contracts, § A.4.4.G

Glossary of long-term care insurance terminology, Chapter B.2 Appendix A

Life insurance funded burial contracts, § C.3.7.Q

Life insurance policy placed in trust, § C.3.7.Q

Long-term care insurance

LTC partnership program, § B.2.2.L

Partnership-approved insurers, § B.2.3.A

LTC benefits, policy summary, § B.2.2.G

Planning notebook, financial records, § A.2.2.E

Policy summary, LTC benefits, § B.2.2.G

Prepaid funeral funds, § C.3.7.Q

Reduction of assets

Assignment of ownership, § C.4.2.B.4

Purchasing excluded assets, § C.4.2.B.4

Tax-free life insurance distributions for chronically/terminally ill persons, § A.4.3.I

Valuation, § C.3.7.P

### LIFE-SUSTAINING TREATMENT. *SEE ALSO DO NOT INTUBATE (DNI) ORDERS; DO NOT RESUSCITATE (DNR) ORDERS*

Assisted living facilities (ALFs), resident request and procedures, § D.1.3.D.6

### LIFE TENANCY

Homestead life estate, nonprobate transfer at death, § A.4.2.E.3

### LIMITED LIABILITY COMPANIES (LLCS)

Estate taxes, non-Minnesota property, § A.4.4.D.4

### LIMITED PAY OPTION

Defined, Chapter B.2 Appendix A

### LIQUID ASSETS

Assets, medical assistance eligibility, § C.3.7.E

Assumption of liquidity, § C.3.7.E

Contracts for deed, § C.3.7.I.6

Federal exclusion standards, § C.3.7.X.2

Personal property, as non-liquid, § C.3.7.F

### LITIGATION

Appeals (*See* APPEALS)

Nursing home litigation (*See* NURSING HOME LITIGATION)

### LIVING TRUSTS

Third-party established and funded trusts, § C.3.7.O

### LOANS

Forms

Annual occupancy certificate, Chapter B.5 Appendix C

HUD Mortgagee Letter 2011-09, Chapter B.5 Appendix H

HUD Mortgagee Letter 2014-07, Chapter B.5 Appendix D

HUD Mortgagee Letter 2021-11, Chapter B.5 Appendix A

HUD Mortgagee Letter 2021-29, Chapter B.5 Appendix G

HUD Single Family Housing Policy Handbook 4000.1

(excerpts on use of powers of attorney), Chapter B.5 Appendix E

Sample HECM amortization schedules, Chapter B.5 Appendix B

Third-party authorization form, Chapter B.5 Appendix F

Planning notebook, financial records, § A.2.2.E

Reverse mortgage, defined, § B.5.1

### LONG-TERM CARE

Counseling, housing options, § D.1.4

Eligibility, medical assistance for nursing home care (MA-LTC), § C.1.3.A

Homestead exemption, § C.3.7.I.1

Hospitals, what services are covered, Chapter B.1 Appendix B

Long-term care options counseling, § D.1.4

Medical assistance, prior asset rules, Chapter C.1 Appendix A

Medical assistance for long-term care (MA-LTC), nursing home residents, § C.1.1.B

Office of Ombudsman for Long-Term Care, function and contact information, § A.6.5.B

Options counseling, § D.1.4

Senior housing options, long-term care options counseling, § D.1.4

Tables, *Health Care Programs Eligibility Policy Manual*

Appendix F: Standards and Guidelines, Chapter C.2

Appendix C

Vulnerable adults, consultation, § A.5.7.D.1

Vulnerable Adults Act

2017 amendments, § A.5.9.I  
2022 amendments, § A.5.9.N

### **LONG-TERM CARE CONSULTATION (LTCC)**

Counseling, housing options, § D.1.4  
Tables, comparison of MnCHOICES, RSC and CAC, CADI, BI  
waivers for persons with disabilities, Chapter C.2 Appendix B

### **LONG-TERM CARE FACILITIES (LTCF)**

Defined, § C.3.7.1.1, § D.2.1  
Evictions, §§ D.2.1 to D.2.7  
Office of Ombudsman for Long-Term Care, function and contact  
information, § A.6.5.B  
Statutory attorney fee awards, withholding Medicaid personal  
allowance, § A.6.2.A.6  
Tables, survey of nursing home transfer/discharge decisions,  
Chapter D.2 Appendix A  
Vulnerable Adults Act  
2016 amendments, § A.5.9.H  
2019 amendments, § A.5.9.K

### **LONG-TERM CARE INSURANCE**

Generally, §§ B.2.1 to B.2.6  
Activities of daily living (ADLs), cognitive impairment claims,  
§ B.2.6  
Allowable features, § B.2.2  
Application, replacement coverage question, § B.2.2.L  
Assisted living facilities (ALFs), policy interpretation litigation,  
§ B.2.6  
Bad-faith statute, claim denial, § B.2.6  
Chronically ill person, defined, § B.2.2  
Claim disputes, application of law: state vs. federal, § B.2.6  
Commerce Department, § B.2.4  
Powers and duties, § B.2.4  
Consumer information, resources, § B.2.5  
Continuation or conversion of coverage, § B.2.2.I  
Contract requirements, § B.2.2  
Coverage outline, § B.2.2.E  
Conversion from employer to individual policy, impact, § B.2.6  
Coverage outline, requirements, § B.2.2.E  
Deficit Reduction Act of 2005, partnership long-term care  
insurance policies, § B.2.3  
Disclosure  
Premium or rate adjustments, § B.2.2.F  
Required disclosure in policy, § B.2.2.K  
Shoppers guide, § B.2.2.O  
Worksheet and “things you should know,” § B.2.2.N  
Employee Retirement Income Security Act of 1974 (ERISA),  
application of law, § B.2.6  
Enforcement, resources, § B.2.5  
Free look rights, § B.2.2.D  
Glossary of long-term care insurance terminology, Chapter B.2  
Appendix A  
Good-faith basis for claim denial, § B.2.6  
Guaranteed renewable, defined, § B.2.2  
Health Insurance Portability and Accountability Act of 1996  
(HIPAA), § B.2.2  
History, § B.2.1  
Incontestability, § B.2.2.H  
Institutional care, as requirement, § B.2.2.C  
Life insurance, LTC benefits, § B.2.2.G  
Litigation, § B.2.6  
Long-Term Care Insurance Model Act of 1987, § B.2.1  
Long-Term Care Insurance Personal Worksheet, § B.2.2.N  
LTC partnership program, § B.2.2.L

Medical expense deductions, health and LTC insurance  
premiums, § A.4.3.C.4  
Misrepresentation, rescission, § B.2.2.H  
Partnership-approved insurers, § B.2.3.A  
Partnership long-term care insurance policies  
Partnership-approved insurers, § B.2.3.A  
Tax benefits, § B.2.3  
Per diem limitations, § B.2.2  
Policy interpretation, litigation, § B.2.6  
Policy prohibitions, § B.2.2.A  
Policy summary, life insurance with LTC benefits, § B.2.2.G  
Preexisting conditions, defined, § B.2.2.B  
Premium adjustments  
Disclosure, § B.2.2.F  
Litigation, § B.2.6  
Right to reduce coverage and lower premiums, § B.2.2.M  
Prior hospitalization, as requirement, § B.2.2.C  
Qualified long-term care insurance policy  
Criteria, § B.2.2  
Partnership long-term care insurance policies, § B.2.3  
State criteria, § B.2.2  
Rate adjustments, disclosure, § B.2.2.F  
Replacement coverage, application requirements, § B.2.2.L  
Rescission, § B.2.2.H  
Resources  
Enforcement, § B.2.5  
Litigation, § B.2.6  
Return and refund rights, § B.2.2.D  
Right to reduce coverage and lower premiums, § B.2.2.M  
Senior LinkAge Line, function and contact information, § A.6.5.D  
Shoppers guide, § B.2.2.O  
Statistics, § B.2.1  
Suitability standards, § B.2.2.N  
Tables, tax deduction for premiums, § B.2.2  
Tax credit for premiums, § B.2.2  
Tax deduction for premiums, § B.2.2  
Things You Should Know Before You Buy Long-Term Care  
Insurance, § B.2.2.N  
Traditional coverage vs. model act coverage, § B.2.1  
Unintentional policy lapse, § B.2.2.J

### **LONG-TERM CARE INSURANCE MODEL ACT OF 1987**

History, § B.2.1

### **LONG-TERM CARE PARTNERSHIPS**

Asset limit protections, § C.10.1.C.6  
Claims against estate, recovery of medical assistance,  
§ C.10.1.C.6  
Partnership-approved insurers, § B.2.3.A  
Partnership long-term care insurance policies  
Partnership-approved insurers, § B.2.3.A  
Tax benefits, § B.2.3

### **LONG-TERM CARE PLANNING**

Power of attorney  
Digital assets, § A.3.2.C.10.g  
Disparate levels of authority, § A.3.2.C.10.h  
Effective date, § A.3.2.C.10.e  
Enforcement provisions, § A.3.2.C.10.b  
Familiarity of short form, § A.3.2.C.10.a  
Gifting process, § A.3.2.C.10.c  
Gifts to trust, § A.3.2.C.10.d  
Limitations, § A.3.2.C.10  
Out-of-state assets, § A.3.2.C.10.f  
Short form as all or nothing, § A.3.2.C.10.i

**LONG-TERM CARE SERVICES**

- Defined, § C.3.7.I.2
- Qualified long-term care services, defined, § A.4.3.C
- Reduction of assets, methods, § C.4.1

**LONG-TERM CARE SPENDDOWN**

- Defined, § C.1.3.D

**LSC (LEGAL SERVICES CORPORATION). SEE LEGAL SERVICES CORPORATION (LSC)****M****MAARC (MINNESOTA ADULT ABUSE REPORTING CENTER) SYSTEM. SEE MINNESOTA ADULT ABUSE REPORTING CENTER (MAARC) SYSTEM****MAINTENANCE OR PERSONAL CARE SERVICES**

- Defined, § A.4.3.C.3

**MALTTREATMENT. SEE ALSO ABUSE; VULNERABLE ADULTS**

- Abuse prevention plans, requirements, § A.5.5.B
- Appeals, final disposition of report, § A.5.4.H
- Defined, § A.5.2.C, § A.6.5.A
- Final disposition appeals, § A.5.4.H
  - Contested hearings, § A.5.4.H.2.a
  - Employee and facility rights, § A.5.4.H.2
  - Notice, § A.5.4.H.2.b
  - Notice of disposition change, § A.5.4.H.4
  - Request for reconsideration, § A.5.4.H.1
  - Review vs. appeal, § A.5.5.D
  - Vulnerable adult review rights, § A.5.4.H.3
- Housing with services (HWS) residents, investigation limitations, § A.5.4.B
- Investigation reports and disposition
  - Classifications, § A.5.4.G
  - MDH investigations, § A.5.5.C
- Investigations
  - Findings and consequences, § A.5.5.A
  - Working with investigators, § A.5.5.E
- Mandatory reporters, procedures, § A.5.3.B.1
- Minnesota Adult Abuse Reporting Center (MAARC) system, reporting suspected maltreatment, § A.5.3.G.1
- Report processing
  - Appeal of final disposition, § A.5.4.H
  - Assessment for emergency response, § A.5.4.C
  - Final disposition and investigative memorandum, § A.5.4.G
  - Intake and referral, § A.5.4.B
  - Investigation reports and disposition, § A.5.5.C
  - Investigations, § A.5.4.F
  - Lead investigative agency, § A.5.4.D
  - Recording data, § A.5.4.A
  - Response to report, § A.5.4.E
- Reporters
  - Good faith protections, § A.5.3.B.3
  - Identity protections, § A.5.3.B.4
  - Mandatory reporters, § A.5.3.B.1
  - Retaliation protections, § A.5.3.B.5
  - Voluntary reporters, § A.5.3.B.2
- Reporting suspected maltreatment, § A.5.3
  - Mandated reporters, § A.5.3.B.1
  - Reporters, § A.5.3.B
  - Reports, § A.5.3.A
- Reports
  - Failure to report, § A.5.3.E

- False reports, § A.5.3.F
- Procedures, § A.5.3.G
- When not required, § A.5.3.D
- When required, § A.5.3.C
- Response to report, initial disposition, § A.5.4.E.1
- Voluntary reporters, procedures, § A.5.3.B.2
- Vulnerable Adults Act
  - 2010 amendments, § A.5.9.B
  - 2011 amendments, § A.5.9.C
  - 2012 amendments, § A.5.9.D
  - 2014 amendments, § A.5.9.F
  - Abuse prevention plans, § A.5.5.B
  - Application of law, § A.5.5, § A.5.6.B
  - Consequences of findings, § A.5.5.A
  - Limitations of Act, § A.5.6
  - MDH investigations, § A.5.5.C
  - Review vs. appeal, § A.5.5.D
  - Scope of Act, § A.5.6.A
  - Working with investigators, § A.5.5.E

**MALTTREATMENT REVIEW PANEL**

- Vulnerable adults, composition and procedures, § A.5.5.D

**MANUFACTURED HOMES**

- Assets, personal property, § C.3.7.T

**MARITAL ISSUES**

- Generally, §§ C.7.1 to 7.2
- Antenuptial contracts, § C.7.1
- Dissolution of marriage, § C.7.2

**MARITAL PROPERTY**

- Amendments to statutory law in 2009, claims against marital property, § C.10.3.B.5
- Defined, § C.7.1.B
  - At death, § C.7.1.D
  - Recovery of medical assistance, § C.10.3.B.6

**MARRIAGE**

- Defense of Marriage Act (DOMA), same-sex marriage, § C.7.1.F

**MEDICAID**

- Generally, § C.1.1.A
- Administration, § C.1.1.A
- Affordable Care Act (ACA), Medicaid eligibility standards, § C.1.1.A
- Application of law
  - California decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix B
  - Maryland decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix C
- Deficit Reduction Act of 2005 (DRA '05), Medicaid eligibility standards, § C.1.1.A
- Eligibility standards, Omnibus Budget Reconciliation Act of 1993 (OBRA '93), § C.1.1.A
- Medicaid-compliant annuities, requirements, § C.5.2
- Medicare Catastrophic Coverage Act of 1988 (MCCA), Medicaid spousal impoverishment provisions, § C.1.1.A
- Nursing home litigation, reimbursement, § D.3.7.C
- Nursing homes
  - Federal Nursing Homes Transfer and Discharge Law, § D.2.2.A
    - Transfer or discharge, § D.2.2.A.2
- Purpose, § C.1.1.A
- Qualified independent contractors (QICs), functions, § B.1.2.D
- Special needs trusts, SSA interpretation of funds availability, § C.6.7.F

Statutory attorney fee awards, withholding Medicaid personal allowance, § A.6.2.A.6  
 Trusts created after August 10, 1993, Medicaid qualifying trust rules, § C.6.5  
 Trusts created before August 11, 1993  
   Availability of Medicaid qualifying trust, § C.6.3.B  
   Exceptions to Medicaid qualifying trust rules, § C.6.3.C  
   Medicaid qualifying trust rules, § C.6.3  
   Post-OBRA '93 Medicaid qualifying trust rules, § C.6.3.D

### MEDICAID QUALIFYING TRUST

Defined, § C.3.7.O  
 Pre-August 11, 1993 trusts, § C.6.3.A

### MEDICAL ASSISTANCE APPEALS

Generally, §§ C.9.1 to 9.7  
 Application of law, § C.9.1  
 Basics, § C.9.1  
 Considerations, § C.9.1.A  
 Court of appeals, § C.9.6  
   Fees, § C.9.6.B  
   Procedures, § C.9.6.A  
 Discovery options, § C.9.2.G  
 District court appeals, § C.9.5  
   Applicant vs. state agency appeals, § C.9.5.A  
   Fees, § C.9.5.C  
   Procedures, § C.9.5.A  
   Record on appeal, § C.9.5.B  
   Standard of review, § C.9.5.B  
 Emergency appeals, pre-hearing matters, § C.9.2.C  
 Exhaustion of administrative remedies, requirements, § C.9.7  
 Failure to appear, good cause, § C.9.3.D  
 Fair hearing judges, § C.9.1  
 Hearing decision, § C.9.4  
   Effect, § C.9.4.B  
   Recommendation to Commissioner, § C.9.4.A  
   Reconsideration by Commissioner, § C.9.4.C  
   Timing for issuance, § C.9.4.A  
 Hearing procedures, § C.9.3  
   Adjournment, § C.9.3.C  
   Burden of proof, § C.9.3.I  
   Closing the record, § C.9.3.K  
   Commencing hearing, § C.9.3.E  
   Conduct and scope of hearing, § C.9.3.F  
   Continuance or rescheduling, § C.9.3.C  
   Evidentiary standards, § C.9.3.J  
   Failure to appear, § C.9.3.D  
   Hearing notice, § C.9.3.B  
   Hearsay, § C.9.3.G  
   Judge's duties, § C.9.3.F  
   Location, § C.9.3.B  
   Pre-hearing conference, § C.9.3.A  
   Pre-hearing matters, § C.9.2  
   Record of proceedings, § C.9.3.G  
   Sequence of hearing events, § C.9.3.H  
   Sequestering witnesses, § C.9.3.F  
 Issues appealable, § C.9.1.C  
 Jurisdiction, § C.9.1.D  
 Legal authority, § C.9.1.B  
 Person, defined, § C.9.2.B  
 Pre-hearing matters, § C.9.2  
   Appeal summary, § C.9.2.F  
   Availability of prior decisions, § C.9.2.I  
   Continuation of benefits, § C.9.2.E  
   County's summary of reasons, § C.9.2.F

Discovery options, § C.9.2.G  
 Emergency appeals, § C.9.2.C  
 Ex parte communications, § C.9.2.H  
 Fees and costs, § C.9.2.D  
 Filing appeal, § C.9.2.B  
 MDHS comment requests, § C.9.2.H  
 Standing to appeal, § C.9.2.B  
 Stipulations, § C.9.2.J  
 Time limit for appeal, § C.9.2.A  
 Withdrawing appeal, § C.9.2.B  
 Remedy analysis, § C.9.1.A

### MEDICAL ASSISTANCE APPLICATION

Generally, §§ C.8.1 to C.8.11  
 Agency, defined, § C.8.1  
 Application forms, § C.8.5  
   Asset assessment, § C.8.5.C  
   Medical assistance for long-term care services, § C.8.5.B  
   Renewals, § C.8.9.B  
   Request for benefits, § C.8.5.A  
   Resources, § C.8.5  
 Approval  
   County approval time, § C.8.4.E  
   Notice of action, § C.8.8.C  
 Asset assessment, § C.8.5.C  
 Asset transfer reports, § C.8.7  
 Authorized representative  
   Age limit, § C.8.2.C.2  
   Appointment of, § C.8.2.C.3  
   Attorney-in-fact as, § C.8.2.C.4  
   Defined, § C.8.2.C  
   Powers and duties, § C.8.2.C.1  
   Transfer of duties, § C.8.2.C.4  
 Community spouse, § C.8.2.B  
 County agencies, notice of action, § C.8.8  
 County of financial responsibility, defined, § C.8.3.B  
 COVID-19, temporary changes in procedures, § C.8.11  
 Eligibility, § C.8.2  
*Eligibility Policy Manual (EPM)*, procedures, § C.8.1  
 Excess assets reduction  
   Asset evaluation, § C.8.4.C.1  
   When to apply, § C.8.4.C  
 Excluded-time facility residence, county of financial responsibility impact, § C.8.3.B  
 Long-term care income calculation, month of application, § C.8.4.B.1  
 Month of application, long-term care income calculation, § C.8.4.B.1  
 Notice of action  
   Approval of eligibility, § C.8.8.C  
   County agencies, § C.8.8  
   Denial of eligibility, § C.8.8.B  
   Notice of case delay, § C.8.8.A  
 Procedures, § C.8.1  
   Applicant responsibilities and rights, § C.8.10  
   Asset transfer reports, § C.8.7  
   County agency action notice, § C.8.8  
   COVID-19 modifications, § C.8.11  
   Form to use, § C.8.5  
   Renewals, § C.8.9  
   Verifications, § C.8.6  
   When to apply, § C.8.4  
   Where to apply, § C.8.3  
   Who can apply, § C.8.2

Release of information, non-applicant persons, § C.8.2.D  
 Renewals, § C.8.9  
   Forms, § C.8.9.B  
   Timing of application, § C.8.9.A  
   Timing of renewal, § C.8.9.A  
   Verifications, § C.8.9.C  
 Reporting asset transfers, § C.8.7  
   Verifications, § C.8.7.A  
 Retroactive coverage, when to apply, § C.8.4.D  
 Rights and responsibilities, applicants, § C.8.10  
 Servicing county, defined, § C.8.3.C  
 Signature, § C.8.2.A  
 Spouse, § C.8.2.B  
 Timing of application, § C.8.4  
   County approval, § C.8.4.E  
   Renewals, § C.8.9.A  
 Verifications, § C.8.6  
   Account validation services (AVS), § C.8.6.B.2  
   Asset and income verifications, § C.8.6.B.2  
   Biographical verifications, § C.8.6.B.1  
   Defined, § C.8.6.A  
   Disability certification from SMRT, § C.8.6.B.1  
   Mandatory verifications, § C.8.6.A  
   Renewals, § C.8.9.C  
 When to apply, § C.8.4  
   County approval time, § C.8.4.E  
   Date of application, § C.8.4.A  
   Excess assets reduction, § C.8.4.C  
   Month of application, § C.8.4.B  
   Retroactive coverage, § C.8.4.D  
   Withdrawal of application, § C.8.4.F  
 Where to apply, § C.8.3  
   County of financial responsibility, § C.8.3.B  
   County of residence, § C.8.3.A  
   Servicing county, § C.8.3.C  
 Who can apply, § C.8.2  
   Authorized representative, § C.8.2.C  
   Recipient, § C.8.2.A  
   Release of information form, § C.8.2.D  
   Spouse, § C.8.2.B  
 Withdrawal of application, § C.8.4.F

#### **MEDICAL ASSISTANCE ESTATE RECOVERY MANUAL**

Reduction of assets, purchasing excluded assets, § C.4.2.B.4

#### **MEDICAL ASSISTANCE FOR FAMILIES WITH CHILDREN AND ADULTS (MA-FCA)**

Asset limits, § C.3.4

#### **MEDICAL ASSISTANCE FOR LONG-TERM CARE (MA-LTC)**

Allocation between community spouse and LTC spouse  
   Community spouse income availability, § C.1.4.B.1  
   Increased community spouse monthly income allowance, § C.1.4.B.3  
   Insufficient community spouse income, § C.1.4.B.2  
   Minimum/maximum income allowance, § C.1.4.B.2  
   Utility bills, § C.1.4.B.2  
 Asset limits, § C.1.3.C  
 Assignment of rights by LTC spouse, § C.1.4.A.4  
 Calculation  
   Increased community spouse asset allowance, § C.1.4.B.4  
   Increased community spouse monthly income allowance, § C.1.4.B.3  
   Long-term care income vs. community income, § C.1.3.D

Rules for annuities, § C.1.4.A.2  
 Community spouse, defined, § C.1.4  
 Community spouse asset allowance (CSAA)  
   Adjustment by court order, § C.1.4.A.3  
   Availability after MA approval, § C.1.4.A.5  
   “Just say no” strategy, § C.1.4.A.4  
   MA-LTC application after May 2016, § C.1.4.A.1  
 Covered individuals, § C.1.3.A  
   Criteria and program eligibility, § C.1.3.A  
 Eligibility, § C.1.3  
 Homestead exclusion, § C.3.7.1.1  
 Income, increased community spouse monthly income allowance, § C.1.4.B.3  
 Income eligibility  
   Allocation between community spouse and LTC spouse, § C.1.4.B  
   Long-term care spenddown, § C.1.3.D  
 Income-producing asset retention, community spouse, § C.1.4.B.4  
 Increased community spouse asset allowance, income first calculation method, § C.1.4.B.4  
 Institutional vs. community spouse, spousal impoverishment rules, § C.1.4  
 Institutionalized spouse, defined, § C.1.4  
 Long-term care community spouse allocation, § C.1.4.B.2  
 Long-term care income, calculation purpose, § C.1.3.D  
 Long-term care spenddown, § C.1.3.D  
   Defined, § C.1.3.D  
 No penalty spousal asset transfers, § C.1.4.B.4  
 Nursing home residents, § C.1.1.B  
 Preadmission screening, § C.1.3.A  
   Requirements, § C.1.3.B  
 Prior asset rules, Chapter C.1 Appendix A  
 Resources, defined, § C.1.4.A.1  
 Spousal impoverishment rules, § C.1.4  
*State Medicaid Manual*, CMS interpretations for states, § C.1.4.A.1

#### **MEDICAL ASSISTANCE LIENS**

Recovery of medical assistance, § C.10.2  
   Administrative appeals, § C.10.2.B.7  
   Attachment at death, § C.10.2.A.1  
   Continuation of interest in property, § C.10.2.B.4  
   Enforcement restrictions, § C.10.2.B.6  
   Liens against real property, § C.10.2.A.1  
   Notice of potential claim, § C.10.2.B.5  
   Release of lien, § C.10.2.B.2  
   Removal of lien to sell property, § C.10.2.B.3  
   Standard practices, § C.10.2.B  
   Tax Equity and Fiscal Responsibility Act of 2008 (TEFRA), § C.10.2.A.2  
   Time limits, § C.10.2.B.1

#### **MEDICAL ASSISTANCE (MA)**

Generally, §§ C.1.1 to C.1.4, §§ C.2.1 to C.2.11  
 AC vs. medical assistance, estate recovery, § B.4.9  
 Administration, § C.1.1.B  
 Affordable Care Act (ACA), Medicaid eligibility standards, § C.1.1.A  
 Aged, blind, and disabled persons (MA-ABD), income eligibility, § C.1.2.D.2.a  
 Alternative care (AC), overlap with medical assistance or MinnesotaCare, § B.4.5  
 Annuities, §§ C.5.1 to C.5.4  
   DRA '05 purchase rules, § C.5.3.D  
   EPM guidance, § C.5.4

- EPM rules, § C.5.3.A
- Federal case law, § C.5.3.C
- Federal statutory law, § C.5.3.B
- Immediate annuities for reduction of assets, § C.5.1.D
- Income stream as not available resource, § C.5.3.C.2
- As not available resource, § C.5.3.C.1
- As not uncompensated transfer, § C.5.3.C.3
- Role in planning, § C.5.1.B
- Single premium immediate annuities, § C.5.1.C
- Antenuptial contracts, eligibility for MA, § C.7.1.C
- Appeals (*See* MEDICAL ASSISTANCE APPEALS)
- Application, §§ C.8.1 to C.8.11
- Application of law
  - California decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix B
  - Maryland decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix C
- Asset deeming, § C.3.3.C
- Asset limitations, § C.3.4
- Asset transfers, homestead transfer to child, § C.1.2.D.2.a
- Assets, §§ C.3.1 to C.3.9
  - Availability of assets, § C.3.7
  - Defined, § C.3.1
  - Excess assets, § C.3.7.C
  - Jointly owned assets, § C.3.7.D
  - Life care community entrance fees, § C.3.7.R
  - Liquid assets, § C.3.7.E
  - Non-liquid personal property, § C.3.7.F
  - Retirement and pensions, § C.3.7.G
  - Unknown assets, § C.3.7.B
- Availability of assets, unavailable *vs.* available, § C.3.7.A
- Calculation, countable income determination, § C.1.2.D.2.a
- Citizenship, § C.1.2
  - Defined, § C.1.2.B
- Claims, recovery, §§ C.10.1 to C.10.6
- Community spouse asset allowance (CSAA), MA-LTC application after May 2016, § C.1.4.A.1
- Countable assets, § C.3.6
- Countable income determination, § C.1.2.D.2.a
- Covered services, § C.1.1.B
- Deeming, income *vs.* assets, § C.3.3
- Deficit Reduction Act of 2005 (DRA '05), Medicaid eligibility standards, § C.1.1.A
- Defined, amendments to recovery, § C.10.3.B.2
- Dissolution of marriage, planning, § C.7.2
- Eligibility
  - Age, § C.1.2.C
  - Citizenship or immigration status, § C.1.2.B
  - Criteria, § C.1.2
  - Financial status, § C.1.2.D
  - Irrevocable trusts created after June 30, 2005, § C.6.6
  - Medical assistance for nursing home care (MA-LTC), § C.1.3.A
  - Reduction of excess assets, § C.3.7.C
  - Residency, § C.1.2.A
- Eligibility Policy Manual* (EPS), administration, § C.1.1.B
- Essential community supports (ECS), ineligibility for AC funding, § B.4.4
- Estate recovery rules, homestead life estate, § A.4.2.E.5
- Estimated tax payments, § A.4.3.H
- Excludable assets, § C.3.5
- Families with children and adults (MA-FCA), income eligibility, § C.1.2.D.2.a
- Family, homestead transfer to child, § C.1.2.D.2.a
- Financial eligibility
  - Assets, § C.1.2.D.1
  - Establishing income eligibility, § C.1.2.D.2.a
  - Income, § C.1.2.D.2
- Foreign states, coordination with Minnesota, § C.1.2.A
- Forms, MDHS health care programs estate recovery and liens FAQs, Chapter C.10 Appendix A
- Hardship waivers, cause of action for asset transfers, § C.10.1.C.7
- Home and community-based services (HCBS), §§ C.2.1 to C.2.11
  - Age requirements, § C.2.2.C
  - Applications for waivers, § C.2.7
  - Asset requirements, § C.2.3.A
  - Brain injury waivers, § C.2.5.A
  - Categorical basis of eligibility, § C.2.2
  - Citizenship requirements, § C.2.2.A
  - Community access for disability inclusion waivers, § C.2.5.C
  - Community alternative care waivers, § C.2.5.B
  - COVID-19 issues, § C.2.9
  - Developmental disabilities waivers, § C.2.5.D
  - Disability requirements, § C.2.2.D
  - Elderly waiver, § C.2.6.A
  - Employed persons with disabilities, § C.2.8
  - Financial eligibility, § C.2.3
  - Funding, § C.2.1.B
  - Income requirements, § C.2.3.B
  - Least restrictive option, § C.2.11
  - Long-term care consultation, § C.2.4
  - MnCHOICES assessment, § C.2.4
  - Persons age 65 and over, § C.2.6
  - Rental or living expenses, § C.2.7.A
  - Residency requirements, § C.2.2.B
  - Resources, § C.2.10
  - Services for persons under age 65, § C.2.5
  - Spouses of under-65 waiver recipients, § C.2.7.B
  - Waiver programs, § C.2.1.A
- Homestead, transfer between spouses, § C.1.2.D.2.a
- Immigration status, verification, § C.1.2.B
- Income, defined, § C.3.2
- Income deeming, § C.3.3.B
- Income eligibility, countable income determination, § C.1.2.D.2.a
- Irrevocable trusts, trusts created after June 30, 2005, § C.6.6
- Liens and encumbrances (*See* MEDICAL ASSISTANCE LIENS)
- Life estates
  - Drafting, § A.4.2.F.3
  - Post-death basis homestead life estate, § A.4.2.F.3
- Long-term care (*See* MEDICAL ASSISTANCE FOR LONG-TERM CARE (MA-LTC))
- Long-term care insurance, partnership long-term care insurance policies, § B.2.3
- Marital issues
  - Antenuptial contracts, § C.7.1
  - Dissolution of marriage, § C.7.2
- Marital property, defined at death, § C.7.1.D
- Medicaid-compliant annuities, requirements, § C.5.2
- Medical assistance for long-term care (MA-LTC), nursing home residents, § C.1.1.B
- Medicare Catastrophic Coverage Act of 1988 (MCCA), Medicaid spousal impoverishment provisions, § C.1.1.A
- Nursing home litigation, settlement implications for eligibility, § D.3.7.B
- Persons with disabilities
  - Medical assistance for employed persons with disabilities (MA-EPD), § C.2.8
  - Trusts, §§ C.6.1 to C.6.7

Pooled trusts, § C.6.7.D  
 Payback provisions, § C.6.7.D.4  
 Prior asset rules, Chapter C.1 Appendix A  
 Processing period, reduction of assets, § C.4.1  
 Public policy, trusts, § C.6.1  
 Qualified retirement accounts  
 Community spouse considerations, § A.4.5.G.4  
 Community spouse conversions, § A.4.5.G.3  
 Planning for potential, § A.4.5.G  
 Transfers to special needs trust, § A.4.5.G.2  
 Type of plan, § A.4.5.A.3  
 Reduction of assets, methods, § C.4.1  
 Reduction of excess assets, § C.3.7.C  
 Residency, § C.1.2  
 Factors considered, § C.1.2.A  
 Resources  
 Defined, § C.3.1  
 Home and community-based services (HCBS), § C.2.10  
 Resources vs. income, § C.3.2  
 Special needs trusts, payback provisions, § C.6.7.C.4  
 State Medicaid program, § C.1.1.B  
 State plan  
 Amendment, § C.10.3.D  
 Recovery of benefits update, § C.10.6  
 Tables  
 Comparison of MnCHOICES, RSC and CAC, CADI,  
 BI waivers for persons with disabilities, Chapter C.2  
 Appendix B  
 Comparison of supplemental, special, and pooled trusts,  
 Chapter C.6 Appendix A  
*Health Care Programs Eligibility Policy Manual* Appendix F:  
 Standards and Guidelines, Chapter C.2 Appendix C  
 MDHS insurance affordability programs income and asset  
 guidelines, Chapter C.2 Appendix A  
 Mortality tables, Chapter A.4 Appendix A  
 Trusts, §§ C.6.1 to C.6.7  
 Application of law: federal and state, § C.6.2  
 Eligibility and impact, § C.6.1  
 Federal law, § C.6.2.A  
 Irrevocable trusts, § C.6.6  
 Public policy, § C.6.1  
 State law, § C.6.2.B  
 Supplemental and special needs trusts, § C.6.7  
 Supplemental and special needs trusts treatment, § C.6.7.A.1  
 Third-party funded trusts, § C.6.4  
 Trusts created after August 10, 1993, § C.6.5  
 Trusts created before August 11, 1993, § C.6.3  
 Types of trusts, § C.6.1  
 Uncompensated transfers, impact, § C.4.5

## MEDICAL CARE AND TREATMENT

Health care agent  
 Personal liability, § A.3.3.B.7  
 Powers and duties, § A.3.3.B.6  
 Health care management, disability and incapacity planning,  
 § A.3.3  
 Health care providers, personal liability, § A.3.3.B.7  
 Planning notebook, medical providers and medical history,  
 § A.2.2.D  
 Taxes, medical expense deductions, § A.4.3.C  
 Unauthorized release of health information, statutory attorney fee  
 awards, § A.6.2.A.5  
 Veterans benefits, eligibility, § B.3.4

## MEDICAL INSTITUTION

Defined, prior asset rules, Chapter C.1 Appendix A

## MEDICAL RECORD

Documentation, Federal Nursing Homes Transfer and Discharge  
 Law, § D.2.2.A.4

## MEDICARE

Generally, §§ B.1.1 to B.1.10  
 Ambulance service, § B.1.8  
 Appeals  
 Benefits Improvement and Protection Act of 2000 (BIPA),  
 § B.1.2.D  
 Class actions on observation status, § B.1.4.C  
 Individuals on observation status, § B.1.4.C.1  
 Observation care status, § B.1.4.C  
 Changes to program, § B.1.1.D  
 High income premiums, § B.1.1.D.3  
 Home care benefits, § B.1.1.D.2  
 Options for newly eligible recipients, § B.1.1.D.1  
 CMS manual, beneficiary and family centered care quality  
 improvement organizations (BFCC-QIOs), § B.1.2.E  
 Comparison of plans, resources, § B.1.3  
 Costs  
 Beneficiaries, § B.1.3  
 Late enrollment fee, § B.1.3  
 Coverage  
 Hospital stays, § B.1.4  
 Permanent kidney failure, § B.1.10.B  
 Services not covered, Chapter B.1 Appendix B  
 What services are covered, Chapter B.1 Appendix B  
 COVID-19, coverage changes, § B.1.9  
 Custodial care vs. skilled nursing care, § B.1.5  
 Durable medical equipment (DME), coverage, § B.1.6.A  
 Eligibility  
 Beneficiaries, § B.1.3  
 Home health care, § B.1.6.B  
 End-stage renal disease (ESRD), § B.1.10.A  
 Enrollment  
 Late enrollment fee, § B.1.3  
 Procedures and assistance, § B.1.1.E  
 Glossary, abbreviations, Chapter B.1 Appendix C  
 History, § B.1.1.A  
 Home health care  
 Coverage, § B.1.6  
 Eligibility, § B.1.6.B  
 Home services distinguished, § B.1.6.A  
 Homebound certification, § B.1.6.C  
 Intermittent skilled nursing home care, § B.1.6.D  
 Medicare and Home Health Care handbook, § B.1.6.F  
 Rehabilitative skilled care at home, § B.1.6.E  
 What services are covered, Chapter B.1 Appendix B  
 Home health care vs. home services, coverage, § B.1.6.A  
 Hospice care, § B.1.7  
 Hospital stays  
 Appeals of observation care status, § B.1.4.C  
 Coverage, § B.1.4  
 Inpatient care, § B.1.4.A  
 Observation care, § B.1.4.B  
 What services are covered, Chapter B.1 Appendix B  
*Jimmo* webpage, skilled nursing care, § B.1.5  
 Late enrollment fee, § B.1.3  
 Managed services, administration, § B.1.1.B  
 Medicare Advantage  
 Changes to program, § B.1.1.D

- Operation, § B.1.1.C
- Medicare supplemental insurance
  - Changes to program, § B.1.1.D
  - Function, § B.1.1.C
- Medigap plans
  - Changes to program, § B.1.1.D
  - Function, § B.1.1.C
  - Minnesota plans, § B.1.1.D.1
- Mental health services, what services are covered, Chapter B.1 Appendix B
- Minnesota State Health Insurance Assistance Program (SHIP), enrollment assistance, § B.1.1.E
- Nursing home litigation
  - Collateral source rule, § D.3.7.D
  - Reimbursement, § D.3.7.C
- Observation care, appeals, § B.1.4.C
- Office of Ombudsman for Long-Term Care, function and contact information, § A.6.5.B
- Organizations involved, § B.1.2
  - Beneficiary and family centered care quality improvement organizations (BFCC-QIOs), § B.1.2.E
  - Centers for Medicare and Medicaid Services (CMS), § B.1.2.A
  - Private insurance providers, § B.1.2.C
  - Qualified independent contractors (QICs), § B.1.2.D
  - Service providers, § B.1.2.F
  - Social Security Administration (SSA), § B.1.2.B
- Outpatient hospital services, what services are covered, Chapter B.1 Appendix B
  - Part A
    - Cost to beneficiaries, § B.1.3
    - Coverage and administration, § B.1.1.B
    - Home health care, § B.1.6.B
    - Medicare monthly premiums, Chapter B.1 Appendix A
    - What services are covered, Chapter B.1 Appendix B
  - Part B
    - Cost to beneficiaries, § B.1.3
    - Coverage and administration, § B.1.1.B
    - Home health care, § B.1.6.B
    - Medicare monthly premiums, Chapter B.1 Appendix A
    - What services are covered, Chapter B.1 Appendix B
  - Part C
    - Coverage and administration, § B.1.1.B
    - Medicare monthly premiums, Chapter B.1 Appendix A
  - Part D
    - Coverage and administration, § B.1.1.B
    - Medicare monthly premiums, Chapter B.1 Appendix A
- Premiums
  - Changes to program, § B.1.1.D.3
  - Medicare monthly premiums, Chapter B.1 Appendix A
- Resources
  - Home health care, § B.1.6.E
  - Medicare and Home Health Care handbook, § B.1.6.F
- Senior LinkAge Line, function and contact information, § A.6.5.D
- Services covered, home health care vs. home services, § B.1.6.B
- Skilled nursing facilities (SNF), procedures for coverage, § B.1.5
- Supplemental insurance
  - Changes to program, § B.1.1.D
  - Function, § B.1.1.C
- Tables
  - Medicare monthly premiums, Chapter B.1 Appendix A
  - What services are covered, Chapter B.1 Appendix B
- Taxes, 3.8 percent net investment income tax (NIIT), § A.4.2.B.4.g

**MEDICARE ADVANTAGE**

- Operation, § B.1.1.C

**MEDICARE CATASTROPHIC COVERAGE ACT OF 1988 (MCCA)**

- Medicaid spousal impoverishment provisions, § C.1.1.A

**MEDICARE OUTPATIENT OBSERVATION NOTICE (MOON)**

- Appeals, Medicare coverage, § B.1.4.B
- Requirements, hospitals, § B.1.4.B

**MEDICARE SUPPLEMENTAL INSURANCE**

- Function, § B.1.1.C

**MEDIGAP INSURANCE**

- Defined, Chapter B.2 Appendix A

**MEDIGAP PLANS**

- Function, § B.1.1.C

**MEMORY CARE**

- Adult day care, evictions, § D.2.5.C
- Assisted living facilities (ALFs)
  - Evictions, § D.2.5.B
  - Long-term care insurance, § B.2.6
- Elderly waiver (EW), MA-LTC vs. EW, § C.2.6.A.3
- Eviction from long-term care facilities, § D.2.5
  - Adult day care, § D.2.5.C
  - Assisted living facilities (ALFs), § D.2.5.B
  - Nursing homes, § D.2.5.A
- Nursing homes, dementia and abuse, § D.3.3.D.6
- Tables, survey of nursing home transfer/discharge decisions, Chapter D.2 Appendix A

**MENTAL HEALTH**

- Assisted living facilities (ALFs), long-term care insurance, § B.2.6

**MENTAL HEALTH SERVICES**

- Medicare, what services are covered, Chapter B.1 Appendix B

**MENTAL HEALTH TREATMENT**

- Health care directives, scope of provisions, § A.3.3.B.9
- Listing of non-legal advocacy services, Chapter A.6 Appendix D
- Vulnerable Adults Act, 2021 amendments, § A.5.9.M

**MERCY KILLING**

- Health care directives, prohibited provisions, § A.3.3.B.10

**MILITARY MEMBERS**

- Power of attorney, financial management, § A.3.2.C.1.a

**MINERAL RIGHTS**

- Assets
  - Real property, § C.3.7.I.5
  - Real property interests, § C.3.7.Y

**MINNESOTA ADULT ABUSE REPORTING CENTER (MAARC) SYSTEM. SEE ALSO MALTREATMENT; VULNERABLE ADULTS**

- Maltreatment reports, § A.5.3
- Reporting procedures, § A.5.G.1
- Vulnerable adult, defined, § A.6.5.A
- Vulnerable Adults Act
  - 2012 amendments, § A.5.9.D
  - 2013 amendments, § A.5.9.E
  - 2014 amendments, § A.5.9.F
  - 2022 amendments, § A.5.9.N

**MINNESOTA BOARD ON AGING**

Senior LinkAge Line, function and contact information, § A.6.5.D

**MINNESOTA ELDER JUSTICE CENTER (MEJC)**

Assistance to elder persons, function and contact information, § A.6.4.A

**MINNESOTA HOUSING SUPPORT PROGRAM**

Senior housing options, § D.1.7

**MINNESOTA STATE HEALTH INSURANCE ASSISTANCE PROGRAM (SHIP)**

Medicare enrollment assistance, § B.1.1.E

**MINNESOTA SUPPLEMENTAL NEEDS TRUST**

Application of law, § C.6.7.B.1

Beneficiary requirements, § C.6.7.B.4

Age, § C.6.7.B.4.b

Persons with disabilities, § C.6.7.B.4.a

Distribution procedures, § C.6.7.B.6

Establishment and funding source, § C.6.7.B.5

Purpose, § C.6.7.B.3

Trustees, § C.6.7.B.7

**MINNESOTACARE**

Alternative care (AC), overlap with medical assistance or MinnesotaCare, § B.4.5

Deeming, income vs. assets, § C.3.3.A

**MINORITIES**

Listing of non-legal advocacy services, Chapter A.6 Appendix D

**MISDEMEANORS**

Health care directives, criminal penalties, § A.3.3.B.11

**MISREPRESENTATION**

Long-term care insurance, rescission, § B.2.2.H

**MNCHOICES**

Assessment, home and community-based services (HCBS), § C.2.4

Tables, comparison of MnCHOICES, RSC and CAC, CADI, BI waivers for persons with disabilities, Chapter C.2 Appendix B

**MONEY TRANSMITTERS**

Financial exploitation, vulnerable adults, § A.5.7.C.4

**MONTHLY BENEFIT**

Defined, Chapter B.2 Appendix A

**MORTGAGES. SEE ALSO REVERSE MORTGAGES**

Tax relief, discharge of home mortgage debt, § A.4.3.N

Taxes

Qualified principal residence indebtedness, § A.4.3.N.2

Qualified principle residence exclusion, § A.4.3.N.1

**MOTIONS**

Motion for attorney fees, preparation, § A.6.2.B

**MOTOR VEHICLES**

Asset verification, EPM guidance, § C.3.8

Assets, § C.3.7.M

Non-cash charitable donations, used vehicles, § A.4.3.D.1

Recovery of medical assistance, transfer on death for motor vehicles and watercraft, § C.10.3.F

Reduction of assets, purchasing excluded assets, § C.4.2.B.2

**MULTIPARTY REPRESENTATION**

Attorney-client relationship, joint representation, § A.1.2.A.3

**MUTUAL FUNDS**

Taxes, sale of capital assets, § A.4.2.G.1

**MYTHS**

Reverse mortgages, Home Equity Conversion Mortgage (HECM), § B.5.9

**N****NAMED FIDUCIARY**

Defined, § D.3.7.C.1

**NATIVE AMERICANS. SEE TRIBAL ASSETS**

Listing of non-legal advocacy services, Chapter A.6 Appendix D

**NATURALIZED CITIZEN**

Defined, § C.1.2.B

**NEGLECT. SEE ALSO MALTREATMENT**

Caregiver neglect, defined, § A.5.2.C.2.a

Defined, § A.5.2.C.2.a

Dehydration and malnutrition, evidence, § D.3.2.B

Self neglect, defined, § A.5.2.C.2.a

Vulnerable adults

Criminal remedies, § A.5.7.A.3

Felony deprivation, § A.5.7.A.3.b

Gross misdemeanors, § A.5.7.A.3.a

Vulnerable Adults Act, 2022 amendments, § A.5.9.N

**NEGLIGENCE**

Nursing homes

Ordinary negligence, § D.3.3.B

Professional negligence, § D.3.3.A

**NET INVESTMENT INCOME TAX (NIIT)**

Medicare surcharge, § A.4.2.B.4.g

3.8 percent net investment income tax (NIIT), § A.4.2.B.4.g

Qualified retirement accounts, tax planning, § A.4.5.D

**NET SALE PRICE**

Defined, § A.4.2.A.2

**NO DETERMINATION**

Defined

Maltreatment report classification, § A.5.4.G

**NON-BORROWING SPOUSE**

Defined

Home Equity Conversion Mortgage (HECM), § B.5.8.E

**NONFORFEITURE**

Defined, Chapter B.2 Appendix A

**NONMARITAL PROPERTY**

Defined, § C.7.1.B

**NONPROFIT ORGANIZATIONS**

Listing of non-legal advocacy services, Chapter A.6 Appendix D

Listing of non-Legal Services Corporation civil legal service providers, Chapter A.6 Appendix C

Minnesota Elder Justice Center, § A.6.4.A

Volunteers of America Estate and Elder Law Services (EELS), § A.6.4.B

**NONQUALIFIED PLANS**

Defined, retirement and pensions, § A.4.5.A

**NOTICE OF OBSERVATION TREATMENT AND IMPLICATION FOR CARE ELIGIBILITY ACT (NOTICE ACT)**

Medicare coverage, § B.1.4.B

**NURSING FACILITY**

Defined, prior asset rules, Chapter C.1 Appendix A

**NURSING HOME LITIGATION**

- Generally, §§ D.3.1 to D.3.10
- Apparent authority, defined, § D.3.9
- Arbitration clauses, § D.3.9
- Common injuries, § D.3.2
  - Elopement and wandering, § D.3.2.F
  - Falls, § D.3.2.C
  - Infections, § D.3.2.G
  - Medication errors, § D.3.2.D
  - Physical and sexual abuse, § D.3.2.E
  - Pressure sores, § D.3.2.A
- Damages, § D.3.5.C
  - Punitive damages, § D.3.6
- Director of nursing (DON), powers and duties, § D.3.6
- Disclosures
  - Financial disclosures, § D.3.3.D.3
  - Ownership and financial relationships, § D.3.3.D.1
- Employee indemnity, liability insurance, § D.3.7.E
- Ethical considerations, § D.3.8
  - Attorney competence, § D.3.8.C
  - Contingency fee contracts, § D.3.8.B
  - Who is the client?, § D.3.8.A
- Liability
  - Affordable Care Act (ACA), § D.3.3.D
  - Direct corporate liability, § D.3.3.C
  - Ordinary negligence, § D.3.3.B
  - Ownership and financial relationships, § D.3.3.D.1
  - Professional negligence, § D.3.3.A
  - Quality of care ACA requirements, § D.3.3.D
  - Types of liability, § D.3.3
- Medicare and Medicaid reimbursement, ERISA policy, § D.3.7.C.1
- Nursing Home Reform Act of 1987 (OBRA '87), § D.3.1
- Personal injury, § D.3.4
  - Competency of resident, § D.3.4.B
  - Settlement approval, § D.3.4.C
  - Statute of limitations, § D.3.4.A
  - Survival of claim, § D.3.4.D
- Punitive damages, § D.3.6
- Quality of care ACA requirements
  - Accuracy of information on staff, § D.3.3.D.2
  - Complaint forms, § D.3.3.D.4
  - Compliance and improvement programs, § D.3.3.D.5
  - Dementia and abuse, § D.3.3.D.6
  - Disclosures, § D.3.3.D.1
  - Documents, § D.3.3.D.4
  - Employee background checks, § D.3.3.D.7
  - Ethics, § D.3.3.D.5
  - Financial disclosures, § D.3.3.D.3
  - Reporting criminal activity, § D.3.3.D.8
  - Resolution process, § D.3.3.D.4
- Settlement, § D.3.7
  - Collateral sources, § D.3.7.D
  - Confidentiality and tax implications, § D.3.7.A
  - Liability insurance coverage, § D.3.7.E
  - Medical assistance eligibility, § D.3.7.B
  - Medicare and Medicaid reimbursement, § D.3.7.C
  - Subrogation, § D.3.7.C
- Staffing, liability for inadequate coverage, § D.3.6
- Statistics, § D.3.1
- Wrongful death, § D.3.5
  - Appointment of trustee, § D.3.5.B
  - Damages, § D.3.5.C
  - Settlement distribution approval, § D.3.5.D

Statute of limitations, § D.3.5.A

**NURSING HOME REFORM ACT OF 1987 (OBRA '87)**

Nursing home litigation, § D.3.1

**NURSING HOMES**

- Agents, apparent authority, § D.3.9
- Background checks, employees, § D.3.3.D.7
- Challenging transfer or discharge, § D.2.2.C
  - Adequacy of discharge planning or documentation, § D.2.2.C.5
  - Adequacy of notice, § D.2.2.C.4
  - Americans with Disabilities Act (ADA), § D.2.2.C.9.b
  - Appeal process, § D.2.2.C.1
  - Appealing adverse administrative decisions, § D.2.2.C.2
  - Civil rights violations, § D.2.2.C.8
  - Fair Housing Act (FHA), § D.2.2.C.9.b
  - Grounds for transfer/discharge, § D.2.2.C.3
  - Hospital emergency room or psychiatric ward transfers, § D.2.2.C.6
  - Landlord-tenant laws, § D.2.2.C.9.a
  - Resources, § D.2.2.C.10
  - Section 1983 violations, § D.2.2.C.8
  - Tort law, § D.2.2.C.9.c
  - “Voluntary” transfer or discharge, § D.2.2.C.7
- Common injuries, § D.3.2
  - Elopement and wandering, § D.3.2.F
  - Falls, § D.3.2.C
  - Infections, § D.3.2.G
  - Medication errors, § D.3.2.D
  - Physical and sexual abuse, § D.3.2.E
  - Pressure sores, § D.3.2.A
- Community spouse asset allowance (CSAA), MA-LTC application after May 2016, § C.1.4.A.1
- Complaints, forms, documents, and resolution process, § D.3.3.D.4
- Dehydration, duties, § D.3.2.B
- Dementia and abuse, § D.3.3.D.6
- Eligibility, medical assistance for nursing home care (MA-LTC), § C.1.3.A
- Elopement and wandering, duties, § D.3.2.F
- Essential community supports (ECS), nursing facility level of care (NFLOC) criteria, § B.4.4
- Evictions
  - Generally, § D.2.2
  - Pre-transfer or discharge notice, § D.2.2.A.3
  - Terminology, § D.2.2
- Falls, assessment and planning, § D.3.2.C
- Federal Nursing Homes Transfer and Discharge Law
  - Bed-hold and readmission rights, § D.2.2.A.6.b
  - Facility withdrawal from Medicaid/Medicare, § D.2.2.A.7
  - Grounds for transfer or discharge, § D.2.2.A.2
  - Leave days, § D.2.2.A.6.a
  - Legislative history, § D.2.2.A.1
  - Medical record documentation, § D.2.2.A.4
  - Orientation requirement, § D.2.2.A.5
  - Pre-transfer or discharge notice, § D.2.2.A.3
  - State-required processes, § D.2.2.A.8
  - Transfer to another room in facility, § D.2.2.A.3
- Glossary of long-term care insurance terminology, Chapter B.2 Appendix A
- Immunity measures, § D.3.2.G
- Infections, prevention, § D.3.2.G
- Liability insurance coverage, requirements, § D.3.7.E
- Litigation (*See* NURSING HOME LITIGATION)

Malnutrition, duties, § D.3.2.B  
 Medical assistance, §§ C.1.1 to C.1.4  
 Medical assistance for long-term care (MA-LTC), § C.1.1.B  
 Medication errors, records and reviews, § D.3.2.D  
 Memory care, evictions, § D.2.5.A  
 Minnesota Nursing Home Discharge Law, § D.2.2.B  
   Administrative hearing decisions, § D.2.2.B.6  
   Appeal process, § D.2.2.B.3  
   Case interpretation, § D.2.2.B.4  
   Health Care Bill of Rights, § D.2.2.B.1  
   Hearings and governing rules, § D.2.2.B.5  
   Transfers and discharges, § D.2.2.B.2  
 Notice, pre-transfer or discharge notice, § D.2.2.A.3  
 Office of Ombudsman for Long-Term Care, function and contact information, § A.6.5.B  
 Orientation, requirements, § D.2.2.A.5  
 Physical and sexual abuse, liability, § D.3.2.E  
 Pressure sores, prevention, § D.3.2.A  
 Quality assurance and program improvement (QAPI) standards, § D.3.3.D.5  
 Quality of care ACA requirements, liability, § D.3.3  
 Spousal impoverishment rules, institutional vs. community spouse, § C.1.4  
 Statistics, Minnesota-licensed facilities, § D.2.2.B.1  
 Statutory attorney fee awards, withholding Medicaid personal allowance, § A.6.2.A.6  
 Tables  
   *Health Care Programs Eligibility Policy Manual* Appendix F: Standards and Guidelines, Chapter C.2 Appendix C  
   Survey of nursing home transfer/discharge decisions, Chapter D.2 Appendix A  
 Transfer to another room in facility, Federal Nursing Homes Transfer and Discharge Law, § D.2.2.A.3  
 Vicarious liability, physical and sexual abuse, § D.3.2.E

**O****OBRA '93 TRUSTS**

Defined, § C.3.7.O

**OBSERVATION CARE**

Defined, § B.1.4.B

**OLDER AMERICANS ACT OF 1965**

Title III-B, legal aid funding sources, § A.6.3.B

**OMBUDSMAN FOR LONG-TERM CARE**

Function and contact information, § A.6.5.B  
 Vulnerable Adults Act, 2016 amendments, § A.5.9.H

**OMNIBUS BUDGET RECONCILIATION ACT OF 1993 (OBRA '93)**

Medicaid eligibility standards, § C.1.1.A

**OMNIBUS RECONCILIATION ACT OF 1993 (OBRA '93)**

Trusts and medical assistance, § C.6.2.A

**ORAL AGREEMENTS**

Attorney-client relationship, § A.1.2

**ORDERS**

Recovery of medical assistance, clearance certificates, § C.10.1.C.5

**ORGAN DONATIONS**

Health care directives, scope of provisions, § A.3.3.B.9

**ORGANIZING INFORMATION. SEE ALSO PLANNING NOTEBOOK**

Generally, §§ A.2.1 to A.2.2

**OTHER ARRANGEMENT**

Defined, amendments to recovery, § C.10.3.B.4

**OUTCOME AND ASSESSMENT INFORMATION SET (OASIS)**

Home health care, eligibility, § B.1.6.D

**OUTLINE OF COVERAGE**

Defined, Chapter B.2 Appendix A

**P****PARENTS**

Income deeming, medical assistance, § C.3.3.B

**PARTNERSHIPS**

Assets, § C.3.7.U

**PASSWORD MANAGERS**

Planning notebook, usernames and passwords, § A.2.2.H

**PAYMENT ON DEATH (POD) ACCOUNTS**

Assets, medical assistance eligibility, § C.3.7.D  
 Disability and incapacity planning, financial management, § A.3.2.B

**PENSIONS. SEE RETIREMENT AND PENSIONS****PER DIEM POLICY**

Defined, Chapter B.2 Appendix A

**PERSON**

Defined  
 Medical assistance appeals, § C.9.2.B

**PERSONAL CARE SERVICES**

Alternative care (AC), coverage, § B.4.5  
 Taxes, paying family members for personal services, § A.4.3.G

**PERSONAL EFFECTS**

Asset verification, EPM guidance, § C.3.8  
 Defined, § C.3.7.T

**PERSONAL INJURY**

Nursing home litigation, § D.3.4  
 Competency of resident, § D.3.4.B  
 Court approval of settlement, § D.3.4.C  
 Settlement approval, § D.3.4.C  
 Statute of limitations, § D.3.4.A  
 Survival of claim, § D.3.4.D

**PERSONAL PROPERTY**

Assets, § C.3.7.T  
 Reduction of assets, purchasing excluded assets, § C.4.2.B.3  
 Taxes, sale of capital assets, § A.4.2.G.2  
 Veterans homes, property limitations, § B.3.2.B.5.c

**PERSONAL REPRESENTATIVES**

Recovery of medical assistance, single MA recipients, § C.10.1.C.4

**PERSONS WITH DISABILITIES. SEE ALSO CAPACITY; DIMINISHED CAPACITY CLIENTS**

Achieving a Better Life Experience (ABLE) Act, pooled and special needs trusts, § C.6.7.E  
 Assets, ABLE accounts, § C.3.7.Z  
 Brain injury (BI) waiver, § C.2.5.A  
 Covered services, § C.2.5.A.2

- Eligibility criteria, § C.2.5.A.1
- Certificates and certification, waiver programs, § C.2.2.D
- Community access for disability inclusion (CADI) waiver, § C.2.5.C
  - Covered services, § C.2.5.C.2
  - Eligibility criteria, § C.2.5.C.1
- Developmental disabilities (DD) waiver, § C.2.5.D
  - Covered services, § C.2.5.D.2
  - Eligibility criteria, § C.2.5.D.1
- Disability and incapacity planning, §§ A.3.1 to A.3.5
- Forms, chronically ill certification, Chapter A.4 Appendix C
- Listing of non-legal advocacy services, Chapter A.6 Appendix D
- Medical assistance application, disability certification from SMRT, § C.8.6.B.1
- Medical assistance for employed persons with disabilities (MA-EPD), § C.2.8
  - Asset eligibility, § C.2.8.B
  - Benefits, § C.2.8.D
  - Employment requirements, § C.2.8.A
  - Premium payments, § C.2.8.C
- Medical expense deductions, high level of disability, § A.4.3.C.3
- Minnesota supplemental needs trust, beneficiary requirements, § C.6.7.B.4.a
- Nursing home litigation, contingency fee contracts, § D.3.8.B
- Pooled trusts, § C.6.7.D
  - Beneficiary requirements, § C.6.7.D.7.b
- Reduction of assets, permissible transfers, § C.4.3.B, § C.4.3.C
- Severe cognitive impairment, defined, § A.4.3.C.2
- Special needs trusts, beneficiary requirements, § C.6.7.C.5.b
- Tables
  - Comparison of MnCHOICES, RSC and CAC, CADI, BI waivers for persons with disabilities, Chapter C.2 Appendix B
  - Disability compensation rates, § B.3.5
- Trusts
  - MA eligibility and impact, § C.6.1
  - Medical assistance (MA), §§ C.6.1 to C.6.7
  - When to use, § C.6.1
- Veterans benefits, service-connected disabilities, § B.3.5
- Waiver programs, home modifications, § C.2.5.D.2

## PETITIONS

- Appointment of conservator, resources, § A.3.2.E.3
- Appointment of guardian, resources, § A.3.3.E.3
- Dissolution of marriage, summons and petition, § C.7.2.A.1

## PFOSER V. HARPSTEAD CASE

- Asset transfer penalties, Chapter C.4 Appendix A

## PHYSICIAN ASSISTANTS

- Assisted living facilities, legislation of 2022 amendments, § D.1.9.E

## PLAN OF CARE

- Defined, Chapter B.2 Appendix A

## PLANNING FOR DEATH

- Generally, § A.3.5
- Advance funeral directives, § A.3.5.C
- Probate assets, defined, § A.3.5.B
- Title to assets
  - Convenience signer vs. joint owner, § A.3.5.A
  - Methods of transfer, § A.3.5.A
- Trusts, § A.3.5.B
- Wills, § A.3.5.B

## PLANNING NOTEBOOK

- Generally, §§ A.2.1 to A.2.2
- Contacts, medical providers contacts, § A.2.2.D
- Contents, § A.2.1, § A.2.2
  - Contacts, § A.2.2.C
  - Document safekeeping, § A.2.2.I
  - Financial records, § A.2.2.E
  - Important records and documents, § A.2.2.G
  - Legal documents, § A.2.2.F
  - Medical history, § A.2.2.D
  - Personal data, § A.2.2.B
  - Table of contents, § A.2.2.A
  - Usernames and passwords, § A.2.2.H

## POOLED TRUSTS

- Generally, § C.6.7.D
- Application of law, § C.6.7.D.1
  - California decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix B
  - Maryland decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix C
- Asset transfers
  - Beneficiaries age 65 or older, § C.6.7.D.8
  - Fair market value analysis, § C.6.7.D.8
- Beneficiary requirements, § C.6.7.D.7
  - Age, § C.6.7.D.7.c
  - Sole benefit of subaccount, § C.6.7.D.7.a
- Defined, § C.6.7.D.2
- Distributions, § C.6.7.E
- Medical assistance, payback provisions, § C.6.7.D.4
- Purpose, § C.6.7.D.3
- Reduction of assets, permissible transfers, § C.4.3.G
- Reporting requirements, § C.6.7.D.9
- Requirements, § C.3.7.O
- Subaccount
  - Establishment, § C.6.7.D.5
  - Funding source, § C.6.7.D.6
- Tables, comparison of supplemental, special, and pooled trusts, Chapter C.6 Appendix A

## POPULAR NAME LAWS

- Achieving a Better Life Experience (ABLE) Act, pooled and special needs trusts, § C.6.7.E
- Achieving a Better Life Experience (ABLE) Act of 2014, assets, § C.3.7.Z
- Affordable Care Act (ACA)
  - Marketplace calculations of veterans benefits, § B.3.6.C
  - Medicaid eligibility standards, § C.1.1.A
  - Nursing home litigation, § D.3.3.D
- Alaska Native Claims Settlement Act (ANCSA), assets, § C.3.7.S
- Americans with Disabilities Act (ADA), challenging nursing home transfer or discharge, § D.2.2.C.9.b
- Assisted Living Bill of Rights, evictions, § D.2.3.B
- Benefits Improvement and Protection Act of 2000 (BIPA), Medicare appeals, § B.1.2.D
- Blue Water Navy Vietnam Veterans Act of 2019, veterans benefits, § B.3.8.D
- CARES Act of 2020, qualified retirement accounts, § A.4.5
- Comprehensive Omnibus Reconciliation Act of 1985 (COBRA), trusts and medical assistance, § C.6.2.A
- Defense of Marriage Act (DOMA), antenuptial contracts, § C.7.1.F
- Deficit Reduction Act of 2005 (DRA '05)
  - Medicaid eligibility standards, § C.1.1.A
  - Partnership long-term care insurance policies, § B.2.3

Elder Care and Vulnerable Adult Protection Act, assisted living facilities, § D.2.3.B

Elder Justice Act (EJA), § A.5.8.A

Employee Retirement Income Security Act of 1974 (ERISA), long-term care insurance, § B.2.6

Fair Housing Act (FHA), challenging nursing home transfer or discharge, § D.2.2.C.9.b

Federal Nursing Homes Transfer and Discharge Law, § D.2.2.A

Health Care Bill of Rights
 

- Assisted living facilities, § D.2.3.B
- Nursing homes, § D.2.2.B.1

Health Insurance Portability and Accountability Act of 1996 (HIPAA)
 

- Health care directives, § A.3.3.B.4
- Qualified long-term care insurance policies, § B.2.2

Long-Term Care Insurance Model Act of 1987, § B.2.1

Medicare Catastrophic Coverage Act of 1988 (MCCA), Medicaid spousal impoverishment provisions, § C.1.1.A

Notice of Observation Treatment and Implication for Care Eligibility Act (NOTICE Act), Medicare coverage, § B.1.4.B

Nursing Home Reform Act of 1987 (OBRA '87), nursing home litigation, § D.3.1

Older Americans Act of 1965, Title III-B, § A.6.3.B

Omnibus Budget Reconciliation Act of 1993 (OBRA '93), Medicaid eligibility standards, § C.1.1.A

Omnibus Reconciliation Act of 1993 (OBRA '93), trusts and medical assistance, § C.6.2.A

SECURE Act of 2019, application of law, § A.4.5

Tax Cuts and Jobs Act, application of law, § A.4.1

Tax Equity and Fiscal Responsibility Act of 2008 (TEFRA), medical assistance liens, § C.10.2.A.2

Uniform Gifts to Minors (UGMA) Act, medical assistance eligibility, § C.3.7.D

Uniform Transfers to Minors (UTMA) Act, medical assistance eligibility, § C.3.7.D

Vulnerable Adults Act, § A.5.2

**POPULATION**

Elder Americans, statistics, § A.5.1

**POWER OF ATTORNEY**

Actual notice of revocation, defined, § A.3.2.C.8

Common law, financial management, § A.3.2.C.1.b

Disability and incapacity planning, financial management, § A.3.2.C

Failure to account, statutory attorney fee awards, § A.6.2.A.4

Financial management, § A.3.2.C.1.b
 

- Actual notice of revocation, § A.3.2.C.8
- Capacity to sign written power, § A.3.2.C.2
- Common law, § A.3.2.C.1.b
- Durable powers, § A.3.2.C.4
- Liability, § A.3.2.C.6
- Long-term care planning, § A.3.2.C.10
- Powers and duties, § A.3.2.C.5
- Recording and certification, § A.3.2.C.7
- Statutory short form, § A.3.2.C.1.a
- Termination, § A.3.2.C.9
- Valid execution, § A.3.2.C.3

Forms
 

- HUD Single Family Housing Policy Handbook 4000.1 (excerpts on use of powers of attorney), Chapter B.5 Appendix E
- Minnesota Bankers Association Legal Compliance Bulletin LC-7-2006, Chapter A.3 Appendix B

Minnesota Statutory Short Form Power of Attorney, Chapter A.3 Appendix A

Long-term care planning
 

- Digital assets, § A.3.2.C.10.g
- Disparate levels of authority, § A.3.2.C.10.h
- Effective date, § A.3.2.C.10.e
- Enforcement provisions, § A.3.2.C.10.b
- Familiarity of short form, § A.3.2.C.10.a
- Gifting process, § A.3.2.C.10.c
- Gifts to trust, § A.3.2.C.10.d
- Limitations, § A.3.2.C.10
- Out-of-state assets, § A.3.2.C.10.f
- Short form as all or nothing, § A.3.2.C.10.i

Planning notebook, legal documents, § A.2.2.F

Power of attorney accounts, financial management, § A.3.2.A

Representative payee for Social Security, financial management, § A.3.2.C.1.b

Reverse mortgages, power of attorney limitations, § B.5.11

Statutory short form, § A.3.2.C.1.a

Vulnerable Adults Act, 2013 amendments, § A.5.9.E

**PREEXISTING CONDITIONS**

Defined, Chapter B.2 Appendix A

Long-term care insurance, § B.2.2.B

**PREMIUMS**

Defined, Chapter B.2 Appendix A

**PRESSURE SORE**

Defined, § D.3.2.A

**PRINCIPAL RESIDENCE**

Defined, § A.4.3.N.3

**PROBATE ASSETS**

Defined, § A.3.5.B

**PROFESSIONAL CONDUCT**

Attorney-client relationship
 

- Concurrent clients, § A.1.2.B
- Ethical considerations, §§ A.1.1 to A.1.3
- Informed consent for conflict, § A.1.2.B.1
- Waivable conflicts, § A.1.2.B

Competence, nursing home litigation, § D.3.8.C

Nursing home litigation, § D.3.8
 

- Attorney competence, § D.3.8.C
- Contingency fee contracts, § D.3.8.B
- Who is the client?, § D.3.8.A

**PROFESSIONAL FEES**

Reduction of assets, prepaid expenses, § C.4.2.A.1

**PROGRAMS OPERATIONS MANUAL SYSTEM (POMS MANUAL)**

Income vs. assets, § C.3.2

Resources, defined, § C.3.1

Social Security Administration (SSA), asset definition, § C.3.1

Trusts and medical assistance, § C.6.2.A

**PROPERTY AGREEMENT**

Defined, § C.3.7.I.6

**PROPERTY INTERESTS**

Zombie life estate or joint tenancy, § C.10.5

**PROVIDER ORDERS FOR LIFE-SUSTAINING TREATMENT (POLST)**

Disability and incapacity planning, health care management, § A.3.3.D

**PUBLIC ASSISTANCE**

Senior housing options, § D.1.7

**PUBLIC POLICY**

Trusts, § C.6.1

Vulnerable Adults Act, § A.5.2.A

**PUNITIVE DAMAGES**

Nursing home litigation, § D.3.6

Standard of proof, § D.3.6

**Q****QUALIFIED**

Defined, long-term care insurance, § B.2.2

**QUALIFIED CHARITABLE DISTRIBUTIONS (QCD)**

Qualified retirement accounts, charitable distributions, § A.4.5.E

Taxes, § A.4.3.F.1

**QUALIFIED DOMESTIC RELATIONS ORDER (QDRO)**

Tables, tax rules and deadlines summary, Chapter A.4 Appendix E

**QUALIFIED INDEPENDENT CONTRACTORS (QICS)**

Medicare, Medicaid, and SCHIP, functions, § B.1.2.D

**QUALIFIED LONG-TERM CARE SERVICES**

Defined, § A.4.3.C

**QUALIFIED PLAN**

Defined, § A.4.5.A

**QUALIFIED RETIREMENT ACCOUNTS**

Generally, § A.4.5

Beneficiaries

Designation, § A.4.5.C

Distributions to, § A.4.5.B.3.e

CARES Act of 2020, § A.4.5

Coronavirus related distributions (CRD), § A.4.5

Charitable distributions, § A.4.5.E

Defined, § A.4.5.A

Defined benefit plans vs. defined contribution plans, limitations and rules, § A.4.5.A.4

Disability of participant, planning distributions, § A.4.5.F

Guidelines

Required minimum distributions (RMDs), § A.4.5.B.3

Tax rates, § A.4.5.B.2

Taxable vs. nontaxable accounts, § A.4.5.B.1

Medical assistance planning, § A.4.5.G

Community spouse allowance, § A.4.5.G.6

Community spouse considerations, § A.4.5.G.4

Community spouse conversions, § A.4.5.G.3

Tax considerations, § A.4.5.G.5

Transfers to special needs trust, § A.4.5.G.2

Treatment by MA, § A.4.5.G.1

Plans vs. investments, § A.4.5.A

Qualified plan, defined, § A.4.5.A

Recent legislative history, § A.4.5.D

Required minimum distributions (RMDs)

Beneficiary distribution, § A.4.5.B.3.d

Determination date, § A.4.5.B.3.e

Distribution after participant death, § A.4.5.B.3.c

Participant RMDs, § A.4.5.B.3.a

Penalties, § A.4.5.B.3.b

Rollover of accounts, disability of participant, § A.4.5.F

School tuition, as tax-free qualifying expense, § A.4.5.A

SECURE Act of 2019, application of law, § A.4.5

Tables, IRA conversion options, § A.4.5.F

Tax implications, § A.4.5.D

Recent legislative history, § A.4.5.D

Tax planning

Client goals, § A.4.5.A.2

Client situation, § A.4.5.A.1

Guidelines, § A.4.5.B

Limitations and rules, § A.4.5.A.4

Recent legislation, § A.4.5.D

Type of plan, § A.4.5.A.3

Tax returns, § A.4.5.H

Examples, § A.4.5.H

Married elderly couple example, § A.4.5.H.2

Widow example, § A.4.5.H.1

**QUALIFIED TERMINABLE INTEREST PROPERTY (QTIP)**

Estate taxes, Minnesota QTIP election, § A.4.4.D.2

**R****REAL PROPERTY**

Antenuptial contracts, requirements, § C.7.1.A

Asset transfers

Date of transfer, § C.4.5.A

To minors, § C.3.7.W

Assets

Homestead, § C.3.7.I.1

Homestead equity limit, § C.3.7.I.2

Life estates, § C.3.7.I.4

Medical assistance eligibility, § C.3.7.I

Miscellaneous interests, § C.3.7.Y

Non-homestead realty, § C.3.7.I.3

Remainder interests, § C.3.7.I.4

Discharge of home mortgage debt, reporting, § A.4.3.N.4

Joint tenancy, unequal shares of ownership, § C.3.7.I

Long-term care partnerships, asset limit protections, § C.10.1.C.6

Prepaying taxes, reduction of assets, § C.4.2.A.1

Recovery of medical assistance

Clearance certificates, § C.10.1.C.5

Medical assistance liens, § C.10.2.A.1

Sale of capital assets, life estates, § A.4.2.A.4

Tax relief, discharge of home mortgage debt, § A.4.3.N

Taxes

Qualified principal residence indebtedness, § A.4.3.N.2

Qualified principle residence exclusion, § A.4.3.N.1

Record retention, § A.4.3.L

Term interests, sales and taxes, § A.4.2.A.4

Veterans homes, property limitations, § B.3.2.B.5

**RECORDS**

Taxes, record retention, § A.4.3.L

**RECOVERY OF MEDICAL ASSISTANCE**

Generally, §§ C.10.1 to C.10.6

Amendments to statutory law, § C.10.3

Amendments to statutory law in 2008, § C.10.3.A

Actions for uncompensated transfers, § C.10.3.A.4

Claims for care by family members, § C.10.3.A.3

Probate code, § C.10.3.A.1

Recovery from annuities, § C.10.3.A.5

Transfer on death deeds, § C.10.3.A.2

Amendments to statutory law in 2009

Claims against estates, § C.10.3.B

Claims against marital property, § C.10.3.B.5

Estate inclusions, § C.10.3.B.3

Hardship waivers for non-spouse joint owners, § C.10.3.B.7

- Liability of spouses for necessary medical services, § C.10.3.C
- Life insurance treatment, § C.10.3.B.3
- MDHS right of intervention, § C.10.3.B.8
- Medical assistance narrowed, § C.10.3.B.2
- Other arrangements, § C.10.3.B.3
- Section 256B.15 changes, § C.10.3.B
- Separate property rights of couples restrictions, § C.10.3.B.6
- State plan amendment, § C.10.3.D
- Undoing *Barg*, § C.10.3.B.1
- Amendments to statutory law in 2016, claims against estates, § C.10.3.E
- Amendments to statutory law in 2017, transfer on death for motor vehicles and watercraft, § C.10.3.F
- Claims against estate
  - Amendments to statutory law in 2009, § C.10.3.B
  - Amendments to statutory law in 2016, § C.10.3.E
  - Amount of claim, § C.10.1.B.5
  - Cause of action for asset transfers, § C.10.1.C.7
  - Claim priority, § C.10.1.B.4
  - Cost sharing benefits, § C.10.1.B.3
  - Decrees of descent, § C.10.1.C.5
  - Delaying payment, § C.10.1.C.2
  - Elective share, § C.10.1.C.3
  - Estates subject to claims, § C.10.1.B.3
  - Federal law, § C.10.1.B.1
  - Long-term care partnership effect, § C.10.1.C.6
  - Notice procedures, § C.10.1.C.1
  - Post-death eligibility challenges, § C.10.1.B.3
  - Predeceased spouse as MA recipient, § C.10.1.D
  - Single MA recipients, § C.10.1.C.4
  - Special needs trusts, § C.10.4
  - State law, § C.10.1.B.2
  - Stop Unfair Medicaid Recoveries Act of 2022, § C.10.1.B.1
  - Undoing *Barg*, § C.10.3.B.1
- Cost sharing benefits, defined, § C.10.1.B.3
- Elective share
  - Augmented estate calculation, § C.10.1.C.3.b
  - Claiming elective share, § C.10.1.C.3.a
  - Estate planning issues, § C.10.1.C.3.d
  - Lookback period, § C.10.1.C.3.a
  - Timing of election, § C.10.1.C.3.c
- Eligibility Policy Manual* (EPM), § C.10.1.A.1
- Estate, defined, § C.10.1.B.2
- Estate recovery, § C.10.1.A.2
  - Allocation, § C.10.1.A.2
  - Claims against estate, § C.10.1.A.2
- Estate Recovery Manual* (ERM), contents, § C.10.1
- Forms, MDHS health care programs estate recovery and liens
  - FAQs, Chapter C.10 Appendix A
- Hardship waivers, cause of action for asset transfers, § C.10.1.C.7
- Interest, amount of claim, § C.10.1.B.5
- Interested person, defined, § C.10.1.C.5
- Liens and encumbrances, pre-death liens, § C.10.1.A.1
- Medical assistance claims, § C.10.1
- Medical assistance liens, § C.10.2
  - Administrative appeals, § C.10.2.B.7
  - Attachment at death, § C.10.2.A.1
  - Continuation of interest in property, § C.10.2.B.4
  - Enforcement restrictions, § C.10.2.B.6
  - Liens against real property, § C.10.2.A.1
  - Notice of potential claim, § C.10.2.B.5
  - Release of lien, § C.10.2.B.2
  - Removal of lien to sell property, § C.10.2.B.3
  - Standard practices, § C.10.2.B
  - Tax Equity and Fiscal Responsibility Act of 2008 (TEFRA), § C.10.2.A.2
  - Time limits, § C.10.2.B.1
- Pre-death liens, § C.10.1.A.1
- Predeceased spouse as MA recipient
  - Application of 2009 amendments to 519.05, § C.10.1.D.5
  - Case interpretation, § C.10.1.D
  - Collateral estoppel or res judicata effect of *Barg*, § C.10.1.D.4
  - Joint tenancy transfer to spouse as ending interest, § C.10.1.D.2
  - Joint tenancy transfer to spouse as “other arrangement,” § C.10.1.D.1
  - Joint tenancy transfer vs. termination at death, § C.10.1.D.3
  - Pre- and post-amendment of 519.05 events application, § C.10.1.D.7
  - In re Estate of Barg*, § C.10.1.D.2
  - Transfer to spouse as “other arrangement”: § C.10.1.D.1
  - Veteran’s benefits in VA-paid housing, § C.10.1.D.6
- Priorities and preferences, claims against estate, § C.10.1.B.4
- Resources
  - Estate Recovery Manual* (ERM), § C.10.1
  - Examples and instructions, § C.10.1.A.1
  - State plan, update in 2016, § C.10.6
  - Stop Unfair Medicaid Recoveries Act of 2022, bill status, § C.10.1.B.1
  - Undue hardship, defined, § C.10.1.C.1
- REDUCED PAID-UP BENEFITS**
  - Defined, Chapter B.2 Appendix A
- REDUCTION OF ASSETS**
  - Generally, §§ C.4.1 to C.4.6
  - Annuities, medical assistance planning, § C.5.1.D
  - Asset transfer penalties, *Pfoser v. Harpstead* case, Chapter C.4 Appendix A
  - EPM guidance
    - Annuity conversion into income stream as uncompensated transfer, § C.5.4.C
    - Annuity transfer analysis, § C.5.4.C
  - Goods and services
    - Paying expenses, § C.4.2.A
    - Spending assets on, § C.4.2
  - Immediate annuities, medical assistance planning, § C.5.1.D
  - Income-producing assets, § C.4.4
    - Increased spousal share allowance, § C.4.4
  - Medical assistance (MA)
    - Annuities role in planning, § C.5.1.B
    - Immediate annuities for reduction of assets, § C.5.1.D
  - Methods, § C.4.1
  - Paying expenses
    - Costs of pre-MA care, § C.4.2.A.3
    - Debts, § C.4.2.A.2
    - Prepaid expenses, § C.4.2.A.1
  - Permissible transfers
    - To community spouse, § C.4.3.A
    - Exceptions to transfer rules, § C.4.3
    - Fair market value, § C.4.3.H
    - Homestead transfer to minor child, § C.4.3.D
    - Homestead transfer to sibling co-owner, § C.4.3.F
    - Homestead transfer two-year needed care rule, § C.4.3.E
    - Persons with disabilities, § C.4.3.C
    - Pooled trust, § C.4.3.G
    - Purpose of transfer, § C.4.3.I
    - Special needs trust, § C.4.3.G

- Valuation and consideration, § C.4.3.G, § C.4.3.H
- Purchasing excluded assets, § C.4.2.B, § C.4.2.B.4
  - Assignment of ownership, § C.4.2.B.4
  - Homestead, § C.4.2.B.1
  - Household goods, § C.4.2.B.3
  - Immediate annuities, § C.4.2.B.5
  - Medical Assistance Estate Recovery Manual*, § C.4.2.B.4
  - Miscellaneous allowable purchases, § C.4.2.B.6
  - Motor vehicles, § C.4.2.B.2
  - Personal property, § C.4.2.B.3
  - Prepaid funeral planning, § C.4.2.B.4
- Purpose of transfer, convincing evidence, § C.4.3.I
- Spending assets, § C.4.2
- Transfer penalty, *Pfoser v. Harpstead* case, Chapter C.4 Appendix A
- Two-year transfer exemption, purchasing excluded assets, § C.4.2.B.1
- Uncompensated transfers, other valuable consideration exception, § C.4.5

**REHABILITATION**

- Home health care, rehabilitative skilled care at home, § B.1.6.E

**REIMBURSEMENT POLICY**

- Defined, Chapter B.2 Appendix A

**RELATIVE**

- Defined
  - Homestead exclusion, § C.3.7.I.1

**RELOCATION SERVICE COORDINATION (RSC)**

- Tables, comparison of MnCHOICES, RSC and CAC, CADI, BI waivers for persons with disabilities, Chapter C.2 Appendix B

**REMAINDER INTERESTS**

- Assets, real property, § C.3.7.I.3
- Tables, mortality tables, Chapter A.4 Appendix A
- Taxes, term interests in property, § A.4.2.A.4
- Valuation, § C.3.7.I.4

**REMEDIES. SEE ALSO CRIMINAL REMEDIES**

- Elder maltreatment, vulnerable adults, § A.5.1

**REPORTS**

- Conservators and conservatorship, § A.3.2.E.7
- Guardians and guardianship, well-being reports, § A.3.3.E.7
- Minnesota Adult Abuse Reporting Center (MAARC), § A.6.5.A
- Pooled trusts, § C.6.7.D.9
- Vulnerable Adults Act
  - 2013 amendments, § A.5.9.E
  - Reporting maltreatment, § A.5.3.A

**REPRESENTATIVE PAYEE**

- Social Security, financial management, § A.3.2.C.1.b

**REQUIRED MINIMUM DISTRIBUTIONS (RMDs)**

- CARES Act of 2020, qualified retirement accounts, § A.4.5
- Qualified retirement accounts
  - Beneficiary distribution, § A.4.5.B.3.d
  - Determination date, § A.4.5.B.3.e
  - Distribution after participant death, § A.4.5.B.3.c
  - Participant RMDs, § A.4.5.B.3.a
  - Penalties, § A.4.5.B.3.b
- SECURE Act of 2019, application of law, § A.4.5
- Tables, rules and deadlines summary, Chapter A.4 Appendix E

**RESIDENTIAL COOPERATIVES**

- Assets, real property, § C.3.7.I.5

**RESOURCES**

- Actuarial tables, Medicaid-compliant annuities, § C.5.2
- Annuities
  - Medicaid-compliant annuities, § C.5.2
  - As not available resource, § C.5.3.C.1
- Assets vs. resources, § C.3.7.I.4
- Assisted living facilities, terminations, § D.2.3.B.8
- Beneficiary and family centered care quality improvement organizations (BFCC-QIOs), CMS manual, § B.1.2.E
- Conservators and conservatorships, forms for petition, § A.3.2.E.3
- Consumer information, long-term care insurance, § B.2.5
- Defined, § C.3.1
  - MA-LTC calculation, § C.1.4.A.1
  - Programs Operations Manual System* (POMS manual), § C.3.1
- Enforcement, long-term care insurance, § B.2.5
- Guardians and guardianship, well-being reports, § A.3.3.E.7
- Home health care, Outcome and Assessment Information Set (OASIS), § B.1.6.D
- Human Services Department (MDHS), handbooks and manuals for programs, § C.3.1
- Landlord and tenant, *Residential Eviction Defense and Tenant Claims in Minnesota*, § D.2.2.C.9.a
- Legal aid, §§ A.6.1 to A.6.5
- Long-term care insurance
  - Enforcement, § B.2.5
  - Litigation, § B.2.6
- Medical assistance
  - Application forms, § C.8.5
  - Home and community-based services (HCBS), § C.2.10
- Medicare
  - Appeals process, § B.1.4.C.1
  - Comparison of plans, § B.1.3
  - Home health care, § B.1.6.E, § B.1.6.F
  - Medicare and Home Health Care handbook, § B.1.6.F
  - Minnesota Legal Aid Help Line, § A.6.1
  - Nursing homes, challenging transfer or discharge, § D.2.2.C.10
  - Petition, appointment of guardian, § A.3.3.E.3
  - Recovery of medical assistance
    - Eligibility Policy Manual* (EPM), § C.10.1.A.1
    - Estate Recovery Manual* (ERM), § C.10.1
    - Examples and instructions, § C.10.1.A.1
  - Senior housing options, long term care options counseling, § D.1.4
  - Skilled nursing care, *Jimmo* webpage, § B.1.5
  - Supported decision making (SDM), § A.3.4.D
  - Veterans benefits
    - Dependency and indemnity compensation (DC), § B.3.8.A
    - Federal Benefits for Veterans, Dependents, and Survivors* manual, § B.3.4
  - Vulnerable adults, history and demographics, § A.5.1
- RESPITE CARE**
  - Defined, Chapter B.2 Appendix A
- RESTRICTED ACCESS**
  - Defined
    - Third-party funded trusts, § C.6.4.B
- RESTRICTED ACCESS TRUSTS**
  - Defined, § C.3.7.O
- RETIREMENT AND PENSIONS. SEE ALSO QUALIFIED RETIREMENT ACCOUNTS**
  - Assets, medical assistance eligibility, § C.3.7.G
  - Income, dissolution of marriage, § C.7.2.C.1

Nursing home litigation, settlement proceed claims, § D.3.7.C.1  
 Planning notebook, financial records, § A.2.2.E  
 Qualified plan, defined, § A.4.5.A  
 SECURE Act of 2019, application of law, § A.4.5  
 Veterans benefits  
   Correcting a gift, § B.3.6.B.5  
   Eligibility criteria, § B.3.6.A.1  
   Exceptions to covered asset transfer penalty, § B.3.6.B.4  
   Look-back and penalty period, § B.3.6.B.3  
   Net worth limits, § B.3.6.B.2  
   Pensions, § B.3.6  
   Re-determining penalties, § B.3.6.B.5  
   Survivor benefit plan annuities payment to special needs trust, § B.3.6.C  
   Survivors pension, § B.3.6.B

### REVERSE MORTGAGES

Generally, §§ B.5.1 to B.5.11  
 Beneficiaries, impact, § B.5.9  
 Borrower eligibility, § B.5.4.A  
 Certificate of occupancy, § B.5.8.E  
 Counseling agencies, § B.5.3  
 Death of homeowner procedures, § B.5.10  
 Defined, § B.5.1  
 Directories, counseling agencies, § B.5.3  
 Disclosure requirements, § B.5.4.C  
 Federal Housing Administration (FHA), lender approval, § B.5.2  
 Fees, § B.5.3  
 Financial interview tool (FIT), § B.5.3  
 Financing costs, § B.5.7  
 Forms  
   Annual occupancy certificate, Chapter B.5 Appendix C  
   HUD Mortgagee Letter 2011-09, Chapter B.5 Appendix H  
   HUD Mortgagee Letter 2014-07, Chapter B.5 Appendix D  
   HUD Mortgagee Letter 2021-11, Chapter B.5 Appendix A  
   HUD Mortgagee Letter 2021-29, Chapter B.5 Appendix G  
   HUD Single Family Housing Policy Handbook 4000.1 (excerpts on use of powers of attorney), Chapter B.5 Appendix E  
   Sample HECM amortization schedules, Chapter B.5 Appendix B  
   Third-party authorization form, Chapter B.5 Appendix F  
 Heirs, impact, § B.5.9  
 Home Equity Conversion Mortgage (HECM)  
   Application procedures, § B.5.3  
   Borrower eligibility, § B.5.4.A  
   Certificate of occupancy, § B.5.8.E  
   Counseling agencies, § B.5.3  
   Death of homeowner procedures, § B.5.10  
   Disclosure requirements, § B.5.4.C  
   Fees, § B.5.3  
   Financing costs, § B.5.7  
   Home equity loan distinguished, § B.5.9  
   Maximum loan amount, § B.5.6  
   Mortgage insurance premium, § B.5.8.A  
   Myths about operation, § B.5.9  
   Non-borrowing spouse, § B.5.8.E  
   Origination fees, § B.5.8.C  
   Payment plan options, § B.5.5  
   Power of attorney limitations, § B.5.11  
   Property requirements, § B.5.4.B  
   Sample amortization schedules, § B.5.8.E  
   Servicing fees, § B.5.8.D  
   Survivor choices, § B.5.10

Third-party charges, § B.5.8.B  
 Home equity loan distinguished, § B.5.9  
 Maximum loan amount, § B.5.6  
 Mortgage insurance premium, § B.5.8.A  
 Myths about operation, § B.5.9  
 Non-borrowing spouse, § B.5.8.E  
 Origination fees, § B.5.8.C  
 Payment plan options, § B.5.5  
 Power of attorney limitations, § B.5.11  
 Property requirements, § B.5.4.B  
 Sample amortization schedules, § B.5.8.E  
 Servicing fees, § B.5.8.D  
 Survivor choices, § B.5.10  
 Tax deduction issues, § A.4.3.M  
 Third-party charges, § B.5.8.B

### REVOCABLE TRUSTS

Defined, trusts created after August 10, 1993, § C.6.5.B  
 Trusts created after August 10, 1993, medical assistance treatment, § C.6.5.B

### RIDER

Defined, Chapter B.2 Appendix A

### RSC (RELOCATION SERVICE COORDINATION)

Tables, comparison of MnCHOICES, RSC and CAC, CADI, BI waivers for persons with disabilities, Chapter C.2 Appendix B

## S

### SALE OF CAPITAL ASSETS

Adjusted basis, § A.4.2.A.3  
   Carry-over basis of gift, § A.4.2.A.3.b  
   Cost basis of purchase, § A.4.2.A.3.a  
   Determination, § A.4.2.A.3  
   Stepped-up basis of inheritance, § A.4.2.A.3.c  
 Appreciated asset transfers  
   Sale by parents and gift to children, § A.4.2.C.3  
   Transfer in kind, § A.4.2.C.1  
   Transfer in kind and sale by children, § A.4.2.C.2  
 Capital gains tax rates, § A.4.2.B  
   Holding period and netting rules, § A.4.2.B.1  
   Net long-term gain, § A.4.2.B.4  
   Net losses, § A.4.2.B.2  
   Net short-term gain, § A.4.2.B.3  
 Gain, defined, § A.4.2.A.1  
 Holding period, stepped-up basis of inheritance, § A.4.2.A.3.c  
 Homestead  
   Life estate, § A.4.2.E  
   Sale or transfer, § A.4.2.D  
 Net sale price  
   Defined, § A.4.2.A.2  
   Net losses, § A.4.2.B.2  
 Taxable income, defined, § A.4.2.B.4.a  
 Taxes  
   Collectibles, § A.4.2.G.2  
   Decrease in value, § A.4.2.G.3  
   Mutual funds, § A.4.2.G.1  
   Sale to related persons, § A.4.2.G.3

### SALES

Capital assets, taxes, § A.4.2

### SAME-SEX MARRIAGE

Antenuptial contracts, § C.7.1.F

**SAVINGS BONDS**

Taxes, § A.4.3.J

**SCHIP (STATE CHILDREN'S HEALTH INSURANCE PROGRAM)**

Qualified independent contractors (QICs), functions, § B.1.2.D

**SCHOOL TUITION**

As tax-free qualifying expense, qualified retirement accounts, § A.4.5.A

**SECURE ACT OF 2019**

Qualified retirement accounts, § A.4.5

Tables, rules and deadlines summary, Chapter A.4 Appendix E

**SECURITIES. SEE STOCKS AND BONDS****SELF-EMPLOYMENT**

Asset exclusions, medical assistance, § C.3.5

**SELF NEGLECT**

Defined, § A.5.2.C.2.a

**SELF SUPPORT**

Asset exclusions, medical assistance, § C.3.5

Self-support assets, § C.3.7.X

**SENIOR HOUSING OPTIONS**

Generally, §§ D.1.1 to D.1.9

Adult foster care facilities (AFCs), § D.1.6

Application of law, landlord and tenant, § D.1.8

Assisted living facilities (ALFs), § D.1.3

Assisted living title protection, § D.1.3.B

History of licensing, § D.1.9

Housing with services, § D.1.3.A

Licensing law history, § D.1.9

Licensure, § D.1.3.D

Memory care options, § D.1.3.C

Assisted living title protection, § D.1.3.B

Board and lodging facilities, § D.1.6

Consumer information, § D.1.5

Demographics, § D.1.1

Elder waiver programs, § D.1.7

Housing settings options, § D.1.6

Housing with services, § D.1.3.A

"I'm okay" checks, § D.1.2

Independent housing, defined, § D.1.2

Independent senior housing, § D.1.2

Landlord-tenant issues, § D.1.8

Level of care options, § D.1.1

Licensure, § D.1.3.D

Long-term care options counseling, § D.1.4

Memory care options, § D.1.3.C

Minnesota Housing Support Program, § D.1.7

Public assistance, § D.1.7

Quality assurance, non-nursing home services, § D.1.5

Resources, long term care options counseling, § D.1.4

Standards, professional care delivery, § D.1.5

Statistics, § D.1.1

Types of housing settings, § D.1.6

**SENIOR LINKAGE LINE**

Function and contact information, § A.6.5.D

**SERVICE OF PROCESS**

Dissolution of marriage, summons and petition, § C.7.2.A.1

**SERVICE PROVIDERS**

Medicare, organizations involved, § B.1.2.F

**SERVICES**

Senior LinkAge Line, function and contact information, § A.6.5.D

**SERVICING COUNTY**

Defined, medical assistance application, § C.8.3.C

**SETTING EVERY COMMUNITY UP FOR RETIREMENT ENHANCEMENT (SECURE) ACT OF 2019**

Qualified retirement accounts, § A.4.5

Tables, rules and deadlines summary, Chapter A.4 Appendix E

**SETTLEMENT**

Nursing home litigation, § D.3.7

Collateral sources, § D.3.7.D

Confidentiality and tax implications, § D.3.7.A

Court approval, § D.3.4.C

Liability insurance coverage, § D.3.7.E

Medical assistance eligibility, § D.3.7.B

Medicare and Medicaid reimbursement, § D.3.7.C

Subrogation, § D.3.7.C

**SEVERE COGNITIVE IMPAIRMENT**

Defined, § A.4.3.C.2

Forms, chronically ill certification, Chapter A.4 Appendix C

**SEVERE COGNITIVE IMPAIRMENT TEST**

Taxes, medical expense deductions, § A.4.3.C.2

**SEX OFFENDER REGISTRATION**

Criminal remedies, vulnerable adults, § A.5.7.A.6.d

Vulnerable Adults Act, 2011 amendments, § A.5.9.C

**SEX OFFENSES**

Listing of non-legal advocacy services, Chapter A.6 Appendix D

**SEXUAL ABUSE**

Minnesota Adult Abuse Reporting Center (MAARC), § A.6.5.A

**SHORT FORM POWER OF ATTORNEY. SEE ALSO POWER OF ATTORNEY**

Forms, Minnesota Statutory Short Form Power of Attorney, Chapter A.3 Appendix A

**SIBLINGS**

Permissible transfers, homestead transfer to sibling co-owner, § C.4.3.F

**SINGLE-PAY OPTION**

Defined, Chapter B.2 Appendix A

**SKILLED NURSING CARE**

Defined, § B.1.5, Chapter B.2 Appendix A

Eligibility, medical assistance for nursing home care (MA-LTC), § C.1.3.A

*Jimmo* webpage, § B.1.5

**SKILLED NURSING FACILITIES (SNF)**

Custodial care vs. skilled nursing care, § B.1.5

Eligibility, medical assistance for nursing home care (MA-LTC), § C.1.3.A

Medical assistance for long-term care (MA-LTC), covered individuals, § C.1.3.A

Medicare

Coverage, § B.1.5

What services are covered, Chapter B.1 Appendix B

Observation services, Medicare coverage, § B.1.4.C

**SMALL BUSINESSES**

Estate taxes, small business/family farm deductions, § A.4.4.D.5

**SOCIAL MEDIA**

Planning notebook, usernames and passwords, § A.2.2.H

**SOCIAL SECURITY**

Representative payee, financial management, § A.3.2.C.1.b  
Taxes, Social Security benefits, § A.4.3.E

**SOCIAL SECURITY ADMINISTRATION (SSA)**

Application of law  
California decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix B  
Maryland decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix C  
Medicare functions, § B.1.2.B  
*Programs Operations Manual System* (POMS manual)  
Asset definition, § C.3.1  
Trusts and medical assistance, § C.6.2.A  
Special needs trusts, interpretation of funds availability, § C.6.7.F

**SPECIAL NEEDS TRUSTS**

Generally, § C.6.7.C  
Application of law, § C.6.7.C.1  
Assets of the individual, defined, § C.6.7.C.6  
Beneficiary requirements, § C.6.7.C.5, § C.6.7.C.5.c  
Age, § C.6.7.C.5.c  
Persons with disabilities, § C.6.7.C.5.b  
Sole benefit of trust, § C.6.7.C.5.a  
Defined, § C.3.7.O, § C.6.7.C.2  
Distributions, § C.6.7.E  
Funding source, § C.6.7.C.6  
Medical assistance  
Payback provisions, § C.6.7.C.4  
Supplemental and special needs trusts treatment, § C.6.7.A.1  
Purpose, § C.6.7.A.2, § C.6.7.C.3  
Qualified retirement accounts, transfers to special needs trust, § A.4.5.G.2  
Recovery of medical assistance, claims against estate, § C.10.4  
Reduction of assets, permissible transfers, § C.4.3.G  
Requirements, § C.3.7.O  
SSI recipients, SSA interpretation of funds availability, § C.6.7.F  
Supplemental vs. special needs trusts, § C.6.7.A.1  
Tables, comparison of supplemental, special, and pooled trusts, Chapter C.6 Appendix A  
Trustees  
Powers and duties, § C.6.7.C.7  
Reporting requirements, § C.6.7.C.8  
Trusts created after August 10, 1993, exceptions to availability and transfer rules, § C.6.5.E  
Veterans benefits, survivor benefit plan annuities payment to special needs trust, § B.3.6.C

**SPEEDY TRIAL RIGHTS**

Vulnerable adults, criminal remedies, § A.5.7.A.6.a

**SPONSORS**

Income deeming, medical assistance, § C.3.3.B

**SPOUSAL IMPOVERISHMENT**

Medical assistance application, asset assessment, § C.8.5.C  
Medicare Catastrophic Coverage Act of 1988 (MCCA), Medicaid spousal impoverishment provisions, § C.1.1.A

**SPOUSAL IMPOVERISHMENT RULES**

Medical assistance for long-term care (MA-LTC), § C.1.4

**SPOUSAL MAINTENANCE**

Income, dissolution of marriage, § C.7.2.C.2

**SPOUSES**

Adjusted basis, stepped-up basis of inheritance, § A.4.2.A.3.c  
Asset deeming, medical assistance, § C.3.3.C

Beneficiary designation, qualified retirement accounts, § A.4.5.C  
Community spouse, asset transfers, § C.3.7.I.4  
Community spouse asset allowance (CSAA), MA-LTC application after May 2016, § C.1.4.A.1  
Defense of Marriage Act (DOMA), same-sex marriage, § C.7.1.F  
Elective share  
Augmented estate calculation, § C.10.1.C.3.b  
Claiming share, § C.10.1.C.3.a  
Estate planning issues, § C.10.1.C.3.d  
Timing of election, § C.10.1.C.3.c  
Forms  
Senior tax return for married couple, Chapter A.4 Appendix D  
Senior tax return for widow, Chapter A.4 Appendix D  
Home and community-based services (HCBS), spouses of waiver recipients under age 65, § C.2.7.B  
Income deeming, medical assistance, § C.3.3.B  
Income-producing assets, increased spousal share allowance, § C.4.4  
Medical assistance for long-term care (MA-LTC)  
Assignment of rights by LTC spouse, § C.1.4.A.4  
Income-producing asset retention, § C.1.4.B.4  
Long-term care community spouse allocation, § C.1.4.B.2  
No penalty spousal asset transfers, § C.1.4.B.4  
Spousal impoverishment rules, § C.1.4  
Medical assistance (MA)  
Application, § C.8.2.B  
Homestead transfer between spouses, § C.1.2.D.2.a  
Prior asset rules, Chapter C.1 Appendix A  
Medicare Catastrophic Coverage Act of 1988 (MCCA), Medicaid spousal impoverishment provisions, § C.1.1.A  
Non-borrowing spouse, Home Equity Conversion Mortgage (HECM), § B.5.8.E  
Recovery of medical assistance, liability of spouses for necessary medical services, § C.10.3.C  
Reduction of assets, purchasing homestead, § C.4.2.B.1

**STANDBY ASSISTANCE**

Defined, § A.4.3.C.1, Chapter B.2 Appendix A

**STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP)**

Qualified independent contractors (QICs), functions, § B.1.2.D

**STATUTE OF LIMITATIONS**

Criminal remedies, vulnerable adults, § A.5.7.A.6.c  
Nursing home litigation, wrongful death, § D.3.5.A  
Personal injury, nursing home litigation, § D.3.4.A

**STATUTORY ATTORNEY FEE AWARDS**

Attorney failure to account, § A.6.2.A.4  
Deceptive trade practices, § A.6.2.A.2  
Financial exploitation, § A.6.2.A.1  
Motion for attorney fees, preparation, § A.6.2.B  
Tenant rights cases, § A.6.2.A.3  
Unauthorized release of health information, § A.6.2.A.5  
Withholding Medicaid personal allowance, § A.6.2.A.6

**STATUTORY SHORT FORM POWER OF ATTORNEY. SEE ALSO POWER OF ATTORNEY**

Forms, Minnesota Statutory Short Form Power of Attorney, Chapter A.3 Appendix A  
Vulnerable Adults Act, 2013 amendments, § A.5.9.E

**STEP-DOWN**

Defined, Chapter B.2 Appendix A

**STIPULATIONS**

Medical assistance appeals, pre-hearing matters, § C.9.2.J

**STOCKS AND BONDS**

- Assets, § C.3.7.J
- Planning notebook, financial records, § A.2.2.E
- Taxes, record retention, § A.4.3.L

**SUBROGATION**

- Nursing home litigation, reimbursement, § D.3.7.C

**SUBSCRIPTIONS**

- Planning notebook, financial records, § A.2.2.E

**SUBSTANTIAL ASSISTANCE**

- Defined, § A.4.3.C.1

**SUBSTANTIAL SUPERVISION**

- Defined, § A.4.3.C.2

**SUBSTANTIATED**

- Defined
- Maltreatment report classification, § A.5.4.G

**SUBSTITUTE DECISION MAKER**

- Defined, § A.3.1

**SUPPLEMENTAL NEEDS TRUSTS**

- Generally, § C.6.7.B
- Defined, § C.6.7.B.2
- Medical assistance, supplemental and special needs trusts treatment, § C.6.7.A.1
- Minnesota supplemental needs trust
  - Application of law, § C.6.7.B.1
  - Beneficiary requirements, § C.6.7.B.4
  - Distribution procedures, § C.6.7.B.6
  - Establishment and funding source, § C.6.7.B.5
  - Purpose, § C.6.7.B.3
  - Trustees, § C.6.7.B.7
- Purpose, § C.6.7.A.2
- Supplemental vs. special needs trusts, § C.6.7.A.1
- Tables, comparison of supplemental, special, and pooled trusts, Chapter C.6 Appendix A
- Third-party established and funded trusts, § C.3.7.O

**SUPPLEMENTAL SECURITY INCOME (SSI)**

- Application of law, California decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix B
- Asset, defined, § C.3.1
- Background, § C.3.1
- Purpose, § C.3.1
- Resource vs. asset, § C.3.1
- Resources, defined, § C.3.1
- Special needs trusts, SSA interpretation of funds availability, § C.6.7.F

**SUPPORT TRUST**

- Defined, § C.3.7.O

**SUPPORTED DECISION MAKER**

- Defined, § A.3.1

**SUPPORTED DECISION MAKING (SDM)**

- ABA Practical Tool for SDM, § A.3.4.D
- Defined, § A.3.4.B
- Disability and incapacity planning, § A.3.4
- Purpose and function, § A.3.4.A
- Resources, § A.3.4.D
- Support system application, § A.3.4.C

**SUPPORTIVE SERVICES**

- Defined, § D.1.3.D.1

**SURROGATE DECISION MAKER**

- Defined, § A.3.1

**SURVIVING SPOUSES**

- Defined, § B.3.1.B
- Elective share
  - Augmented estate calculation, § C.10.1.C.3.b
  - Claiming share, § C.10.1.C.3.a
  - Estate planning issues, § C.10.1.C.3.d
  - Timing of election, § C.10.1.C.3.c
- Recovery of medical assistance, liability of spouses for necessary medical services, § C.10.3.C
- Veterans benefits, survivors pension, § B.3.8.B

**SURVIVORS**

- Reverse mortgages, Home Equity Conversion Mortgage (HECM), § B.5.10
- Tables, tax rules and deadlines summary, Chapter A.4 Appendix E

**SURVIVORS PENSION**

- Veterans benefits, § B.3.6.B

**SUSPICIOUS DEATHS**

- Maltreatment report processing, intake and referral, § A.5.4.B

**T****TABLES**

- Alternative care (AC), fee schedule, § B.4.8
- Long-term care facilities, survey of nursing home transfer/discharge decisions, Chapter D.2 Appendix A
- Long-term care insurance, tax deduction for premiums, § B.2.2
- Medical assistance
  - Comparison of MnCHOICES, RSC and CAC, CADI, BI waivers for persons with disabilities, Chapter C.2 Appendix B
  - Health Care Programs Eligibility Policy Manual* Appendix F: Standards and Guidelines, Chapter C.2 Appendix C
  - MDHS insurance affordability programs income and asset guidelines, Chapter C.2 Appendix A
- Medicare
  - Medicare monthly premiums, Chapter B.1 Appendix A
  - What services are covered, Chapter B.1 Appendix B
- Qualified retirement accounts, IRA conversion options, § A.4.5.F
- Taxes
  - 2022 tax brackets for capital gains, § A.4.2.B.4.a
  - Actuarial tables, Chapter A.4 Appendix B
  - Homestead life estate sale during lifetime, § A.4.2.E.7.b
  - IRA conversion options, § A.4.5.F
  - Mortality tables, Chapter A.4 Appendix A
  - Rules and deadlines summary, Chapter A.4 Appendix E
  - Summary of federal estate tax rules, § A.4.4.A
  - Summary of state estate tax rules 2017 to present, § A.4.4.D.1
- Trusts, comparison of supplemental, special, and pooled trusts, Chapter C.6 Appendix A
- Veterans benefits, disability compensation rates, § B.3.5

**TAX CUTS AND JOBS ACT**

- Application of law, § A.4.1
- Qualified retirement accounts, tax implications, § A.4.5.D

**TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 2008 (TEFRA)**

- Recovery of medical assistance, medical assistance liens, § C.10.2.A.2

**TAX RETURNS**

- Assets, federal exclusion standards, § C.3.7.X.2

**TAXABLE INCOME**

Defined, § A.4.2.B.4.a

**TAXES. SEE ALSO ESTATE TAXES; GIFT TAXES**

Generally, §§ A.4.1 to A.4.5

**Adjusted basis**

Carry-over basis of gift, § A.4.2.A.3.b

Cost basis of purchase, § A.4.2.A.3.a

Determination, § A.4.2.A.3

Stepped-up basis of inheritance, § A.4.2.A.3.c

Affordable Care Act (ACA), marketplace calculations of veterans benefits, § B.3.6.C

Alternative minimum tax (AMT), qualified retirement accounts, § A.4.5.D

**Appreciated asset transfers**

Sale by parents and gift to children, § A.4.2.C.3

Transfer in kind, § A.4.2.C.1

Transfer in kind and sale by children, § A.4.2.C.2

Asset transfers, homestead, § A.4.2.D

Assignment of income stream, § A.4.3.A

Audit rules, § A.4.3.K

**Basis**

Adjusted basis, § A.4.2.A.3

Discharge of home mortgage debt, § A.4.3.N.5

Joint homestead ownership -- death of first spouse, § A.4.2.F.1

Joint homestead ownership -- death of second spouse, § A.4.2.F.2

Post-death basis homestead life estate, § A.4.2.F

Term interests in property, § A.4.2.A.4

**Capital gains tax rates, § A.4.2.B**

2022 tax brackets, § A.4.2.B.4.a

Adjusted gross income calculation, § A.4.2.B.5

Application of law, § A.4.2.B.6

Holding period, § A.4.2.B.1

Net long-term gain, § A.4.2.B.4

Net losses, § A.4.2.B.2

Net short-term gain, § A.4.2.B.3

Netting rules, § A.4.2.B.1

State income tax, § A.4.2.B.4.h

CARES Act of 2020, application of law, § A.4.5

**Charitable contributions**

Bunching contributions to one tax year, § A.4.3.F.2

Options, § A.4.3.F

Qualified charitable distributions (QCD), § A.4.3.F.1

**Discharge of home mortgage debt**

Qualified principal residence indebtedness, § A.4.3.N.2

Recognition of income rule, § A.4.3.N.1

Reporting, § A.4.3.N.4

Sunset of law, § A.4.3.N.6

Discharge of indebtedness income, § A.4.3.N.4

**Estate taxes**

Federal law, § A.4.4.A

State law, § A.4.4.D

Estimated tax payments, § A.4.3.H

**Forms**

Senior tax return for married couple, Chapter A.4 Appendix D

Senior tax return for widow, Chapter A.4 Appendix D

Fraud, audit rules, § A.4.3.K

**Gift taxes**

Federal law, § A.4.4.B

State law, § A.4.4.C

Holding period, stepped-up basis of inheritance, § A.4.2.A.3.c

Homestead life estate, § A.4.2.E

Estate recovery rules, § A.4.2.E.5

Gift taxes, § A.4.2.E.2

Home not available for medical assistance, § A.4.2.E.1

Implied life estate, § A.4.2.E.4

Nonprobate transfer at death, § A.4.2.E.3

Post-death basis, § A.4.2.F

Sale during lifetime, § A.4.2.E.7

Vacancy problems, § A.4.2.E.6

**Homestead sale or transfer**

Exclusion on principal residence, § A.4.2.D.1

Transfer in kind, § A.4.2.D.2

Installment obligations, § A.4.3.B

Life insurance, LTC partnership program, § B.2.2.L

**Long-term care insurance**

Federal tax deduction for premiums, § B.2.2

Partnership long-term care insurance policies, § B.2.3

State tax credit for premiums, § B.2.2

**Medical expense deductions, § A.4.3.C**

Health and LTC insurance premiums, § A.4.3.C.4

High level of disability, § A.4.3.C.3

Schedule A limitations, § A.4.3.C.5

Severe cognitive impairment test, § A.4.3.C.2

Medicare surcharge, 3.8 percent net investment income tax (NIIT), § A.4.2.B.4.g

Net investment income tax (NIIT), qualified retirement accounts, § A.4.5.D

**Net long-term gain**

15 percent bracket, § A.4.2.B.4.b

20 percent bracket, § A.4.2.B.4.c

25 percent bracket, § A.4.2.B.4.d

28 percent bracket, § A.4.2.B.4.e

3.8 percent net investment income tax (NIIT), § A.4.2.B.4.g

Qualified dividends, § A.4.2.B.4.f

State income tax, § A.4.2.B.4.h

Zero-percent bracket, § A.4.2.B.4.a

Net sale price, net losses, § A.4.2.B.2

Non-cash charitable donations, § A.4.3.D

Appraisals for \$5000 or more, § A.4.3.D.2

Used vehicles, § A.4.3.D.1

Nursing home litigation, settlement confidentiality and tax implications, § D.3.7.A

Paying family members for personal services, § A.4.3.G

Planning notebook, financial records, § A.2.2.E

**Post-death basis homestead life estate**

Joint ownership -- death of first spouse, § A.4.2.F.1

Joint ownership -- death of second spouse, § A.4.2.F.2

Medical assistance, § A.4.2.F.3

Principal residence, defined, § A.4.3.N.3

Qualified principal residence exclusion, § A.4.3.N.1

Qualified principal residence indebtedness, § A.4.3.N.2

**Qualified retirement accounts**

Married elderly couple tax return example, § A.4.5.H.2

Medical assistance planning, § A.4.5.G.5

Plans vs. investments, § A.4.5.A

Tax planning, § A.4.5

Tax return examples, § A.4.5.H

Widow tax return example, § A.4.5.H.1

Record retention, § A.4.3.L

Reduction of assets, prepaid expenses, § C.4.2.A.1

**Reverse mortgages**

Home Equity Conversion Mortgage (HECM), § B.5.9

Tax deduction issues, § A.4.3.M

Sale of capital assets, § A.4.2

Adjusted basis, § A.4.2.A.3

Capital gains tax rates, § A.4.2.B

- Collectibles, § A.4.2.G.2
  - Decrease in value, § A.4.2.G.3
  - Gain, defined, § A.4.2.A.1
  - Life estates, § A.4.2.A.4
  - Mutual funds, § A.4.2.G.1
  - Net sale price, § A.4.2.A.2
  - Planning transfers, § A.4.2.C
  - Sale to related persons, § A.4.2.G.3
  - Savings bonds, § A.4.3.J
  - School tuition, as tax-free qualifying expense, § A.4.5.A
  - SECURE Act of 2019, application of law, § A.4.5
  - Social Security benefits, § A.4.3.E
  - Tables
    - 2022 tax brackets for capital gains, § A.4.2.B.4.a
    - Actuarial tables, Chapter A.4 Appendix B
    - Health Care Programs Eligibility Policy Manual* Appendix F: Standards and Guidelines, Chapter C.2 Appendix C
    - Homestead life estate sale during lifetime, § A.4.2.E.7.b
    - IRA conversion options, § A.4.5.F
    - Mortality tables, Chapter A.4 Appendix A
    - Rules and deadlines summary, Chapter A.4 Appendix E
    - Summary of federal estate tax rules, § A.4.4.A
    - Summary of state estate tax rules 2017 to present, § A.4.4.D.1
    - Tax rates, Chapter A.4 Appendix B
  - Tax Cuts and Jobs Act, application of law, § A.4.1
  - Tax-free life insurance distributions for chronically/terminally ill persons, § A.4.3.I
  - Tax relief, discharge of home mortgage debt, § A.4.3.N
  - Tax returns, qualified retirement accounts, § A.4.5.H
  - Taxable income, defined, § A.4.2.B.4.a
  - Term interests in property, § A.4.2.A.4
- TENANCY-IN-COMMON**
- Real property, assets, § C.3.7.I
- TENANT RIGHTS CASES**
- Statutory attorney fee awards, § A.6.2.A.3
- TERMINAL CONDITION**
- Defined, § A.3.3.B.1
  - Tax-free life insurance distributions for chronically/terminally ill persons, § A.4.3.I
- TERMINATION**
- Defined, assisted living contract, § D.1.3.D.8
- THE STATE MEDICAID MANUAL**
- Centers for Medicare and Medicaid Services (CMS), trusts and medical assistance, § C.6.2.A
- THEFT BY SWINDLE**
- Vulnerable adults, criminal remedies, § A.5.7.A.5
- THIRD PARTIES**
- Forms, third-party authorization form, Chapter B.5 Appendix F
  - Medical assistance (MA), third-party funded trusts, § C.6.4
  - Trusts and medical assistance, third-party funded trusts, § C.6.4
- TIMBER RIGHTS**
- Assets
    - Real property, § C.3.7.I.5
    - Real property interests, § C.3.7.Y
- TITLE III-B**
- Older Americans Act of 1965, funding source for legal aid, § A.6.3.B
- TITLE TO ASSETS**
- Convenience signer vs. joint owner, § A.3.5.A
  - Planning for death, § A.3.5.A
  - Reverse mortgages, Home Equity Conversion Mortgage (HECM), § B.5.9
- TRADE OR BUSINESS**
- Assets, federal exclusion standards, § C.3.7.X.2
- TRANSFER ON DEATH DEEDS (TODDS)**
- Amendments to statutory law in 2008, recovery of medical assistance, § C.10.3.A.2
  - Homestead life estate, nonprobate transfer at death, § A.4.2.E.3
  - Recovery of medical assistance, transfer on death for motor vehicles and watercraft, § C.10.3.F
- TRIBAL ASSETS**
- Asset exclusions, medical assistance, § C.3.5
  - Assets
    - Tribal gaming revenues, § C.3.7.S
    - Tribal payments and interests, § C.3.7.S
- TRUSTEES**
- Defined, qualified retirement accounts, § A.4.5.A
  - Nursing home litigation, wrongful death, § D.3.5.B
- TRUSTS**
- Achieving a Better Life Experience (ABLE) Act, pooled and special needs trusts, § C.6.7.E
  - Application of law
    - California decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix B
    - Drafting irrevocable trusts, § C.6.6
    - Maryland decision regarding transfers of assets into pooled trust subaccount, Chapter C.6 Appendix C
  - Asset transfers, date of transfer, § C.4.5.A
  - Assets, § C.3.7.O
    - Tribal payments and interests, § C.3.7.S
  - Comprehensive Omnibus Reconciliation Act of 1985 (COBRA), medical assistance, § C.6.2.A
  - Defined, veterans benefits, § B.3.6.B.6
  - Disability and incapacity planning, financial management, § A.3.2.D
  - Distributions, pooled and special needs trusts, § C.6.7.E
  - Drafting irrevocable trusts, application of law, § C.6.6
  - Irrevocable trust with no retained interest
    - Availability of assets, § C.6.5.D.1
    - Payments as income, § C.6.5.D.2
    - Transfer rules, § C.6.5.D.3
  - Irrevocable trust with retained interest
    - Asset availability, § C.6.5.C.1
    - May vs. shall, § C.6.5.C.1
    - Support vs. discretionary trusts, § C.6.5.C.1
    - Transfer as payment to non-grantor, § C.6.5.C.2.b
    - Transfer rules, § C.6.5.C.2
    - Transfer without penalty, § C.6.5.C.2.a
  - Life insurance policy placed in trust, § C.3.7.Q
  - Medicaid qualifying trust, defined, § C.3.7.O, § C.6.3.A
  - Medical assistance (MA), §§ C.6.1 to C.6.7
    - Application of law: federal and state, § C.6.2
    - Eligibility and impact, § C.6.1
    - Federal law, § C.6.2.A
    - Health Care Programs Manual* (HCPM), § C.6.2.B
    - Irrevocable trusts, § C.6.6
    - Omnibus Reconciliation Act of 1993 (OBRA '93), § C.6.2.A
    - Pooled trusts, § C.6.7.D
    - Programs Operations Manual System* (POMS manual), § C.6.2.A
    - State law, § C.6.2.B

- Supplemental and special needs trusts, § C.6.7
- Supplemental and special needs trusts treatment, § C.6.7.A.1
- Third-party funded trusts, § C.6.4
- Trusts created after August 10, 1993, § C.6.5
- Trusts created after June 30, 2005, § C.6.6
- Trusts created before August 11, 1993, § C.6.3
- Types of trusts, § C.6.1
- OBRA '93 trusts, defined, § C.3.7.O
- Persons with disabilities
  - Medical assistance (MA), §§ C.6.1 to C.6.7
  - When to use, § C.6.1
- Planning for death, § A.3.5.B
- Planning notebook, legal documents, § A.2.2.F
- Pooled trusts, § C.6.7.D
  - Requirements, § C.3.7.O
- Public policy, § C.6.1
- Restricted access, defined, § C.6.4.B
- Role in medical assistance planning, § C.5.1.B
- Special needs trusts, § C.3.7.O
- The State Medicaid Manual*, medical assistance, § C.6.2.A
- Supplemental vs. special needs trusts, § C.6.7.A.1
- Support trust, defined, § C.3.7.O
- Tables
  - Comparison of supplemental, special, and pooled trusts, Chapter C.6 Appendix A
  - Tax rules and deadlines summary, Chapter A.4 Appendix E
- Third-party established and funded trusts, § C.3.7.O
- Third-party funded trusts
  - Payments or distributions treatment, § C.6.4.C
  - Principal and income treatment, § C.6.4.A
  - Restricted access, § C.6.4.B
- Trusts created after August 10, 1993
  - Application of law: OBRA '93, § C.6.5.A.3
  - Establishment of trust, § C.6.5.A.1
  - Exceptions to availability and transfer rules, § C.6.5.E
  - Individual's assets as only part of trust corpus, § C.6.5.A.2
  - Irrevocable trust with no retained interest treatment, § C.6.5.D
  - Irrevocable trust with retained interest treatment, § C.6.5.C
  - Revocable trust treatment, § C.6.5.B
- Trusts created after June 30, 2005, availability for medical assistance eligibility, § C.6.6
- Trusts created before August 11, 1993, Medicaid qualifying trust rules, § C.6.3

## TWO ACTIVITIES OF DAILY LIVING TEST

- Forms, chronically ill certification, Chapter A.4 Appendix C
- Taxes, medical expense deductions, § A.4.3.C.1

## TWO-YEAR TRANSFER EXEMPTION

- Reduction of assets, purchasing excluded assets, § C.4.2.B.1

## U

### UNCOMPENSATED TRANSFERS

- Defined, § C.4.5

### UNDERWRITING

- Defined, Chapter B.2 Appendix A

### UNDUE HARDSHIP

- Defined
  - Recovery of medical assistance, § C.10.1.C.1

### UNIFORM GIFTS TO MINORS (UGMA) ACT

- Assets, medical assistance eligibility, § C.3.7.D
- Custodial property, § C.3.7.W

### UNIFORM TRANSFERS TO MINORS (UTMA) ACT

- Assets, medical assistance eligibility, § C.3.7.D
- Custodial property, § C.3.7.W

### UNITED STATES CITIZEN

- Defined, § C.1.2.B

### UNSUBSTANTIATED

- Defined
  - Maltreatment report classification, § A.5.4.G

### U.S. SAVINGS BONDS

- Assets, § C.3.7.K

## V

### VALUATION

- Asset verification, EPM guidance, § C.3.8
- Assets
  - ABLE accounts, § C.3.7.Z
  - Joint business ventures, § C.3.7.U
  - Non-homestead real property, § C.3.7.I.3
- Community spouses, asset assessments, § C.3.9
- Estimated market value (EMV), § C.3.7.I.2
- Fair market value (FMV), § C.3.7.I.2
- Knowledgeable source, § C.3.7.I.5
- Life estates, § C.3.7.I.4
- Life insurance, § C.3.7.P
- Liquid assets, § C.3.7.E
- Long-term care partnerships, asset limit protections, § C.10.1.C.6
- Medicaid-compliant annuities, § C.5.2
- Medical assistance application, excess assets reduction, § C.8.4.C.1
- Mineral rights, real property interests, § C.3.7.Y
- Property interests, zombie life estate or joint tenancy, § C.10.5
- Reduction of assets, permissible transfers, § C.4.3.G, § C.4.3.H
- Remainder interests, § C.3.7.I.4

### VENUE

- Appointment of conservator, § A.3.2.E.2
- Appointment of guardian, § A.3.3.E.2

### VERIFICATION

- Defined, medical assistance application, § C.8.6.A

### VETERAN

- Defined, § B.3.1.A

### VETERANS AFFAIRS DEPARTMENT

- Generally, § B.3.3
- Benefits and services, § B.3.3.A
  - Federal Benefits for Veterans, Dependents, and Survivors* manual
    - Burial and memorial benefits, § B.3.7
    - Dependency and indemnity compensation (DIC), § B.3.8.A
    - Health care benefits, § B.3.4
    - Service-connected disabilities, § B.3.5
- Purpose, § B.3.3.A
- Representing veterans benefit claimants, § B.3.3.A.1
- Resources, *Federal Benefits for Veterans, Dependents, and Survivors* manual, § B.3.4

### VETERANS BENEFITS

- Affordable Care Act (ACA), marketplace calculations of MAGI, § B.3.6.C
- Agent Orange
  - Blue Water Navy Veterans, § B.3.8.D
  - Presumptive conditions coverage expansion, § B.3.8.E
- Annuity, defined, § B.3.6.B.6

- Assets, defined, § B.3.6.B.2
  - Blue Water Navy Veterans, § B.3.8.D
  - Burial and memorial benefits, § B.3.7
    - Eligibility and coverage, § B.3.7
    - Resources, § B.3.7
  - Burial flags, § B.3.7
  - Covered assets, defined, § B.3.6.B.3
  - Dependency and indemnity compensation (DIC)
    - Blue Water Navy Veterans, § B.3.8.D
    - Federal Benefits for Veterans, Dependents, and Survivors* manual, § B.3.8.A
  - Dependent and survivor benefits
    - Agent orange exposure, § B.3.8.E
    - Annuity payments to special needs trust, § B.3.8.C
    - Blue water navy veterans, § B.3.8.D
    - Dependency compensation, § B.3.8.A
    - Indemnity compensation, § B.3.8.A
    - Survivor pensions, § B.3.8.B
  - Disability compensation, § B.3.5
  - Eligibility for health care benefits, § B.3.4
  - Eligibility for pension
    - Annuities and trusts, § B.3.6.B.6
    - Eligibility criteria, § B.3.6.A.1
    - Exceptions to covered asset transfer penalty, § B.3.6.B.4
    - Financial eligibility, § B.3.6.B
    - Income for VA purposes (IVAP), § B.3.6.A.1
    - Income test, § B.3.6.B.1
    - Look-back and penalty period, § B.3.6.B.3
    - Net worth limits, § B.3.6.B.2
    - Re-determining penalties, § B.3.6.B.5
    - Spend down example, § B.3.6.B.6
  - Enrollment, health care benefits, § B.3.4
  - Federal benefits, § B.3.3
    - Veterans Affairs Department, § B.3.3.A
  - Form DD 214 discharge record, burial and memorial benefits, § B.3.7
  - Health care benefits
    - Eligibility, § B.3.4
    - Veterans Affairs, § B.3.4
  - Non-service connected pension, survivors pension rules, § B.3.6.B
  - Pensions, § B.3.6, § B.3.6.A
    - ACA treatment of benefits, § B.3.6.C
  - Priorities and preferences, health care benefits, § B.3.4
  - Purpose, § B.3.1
  - Representing claimants
    - Veterans Benefits Administration, § B.3.3.A.1.a
    - Veterans Health Administration, § B.3.3.A.1.b
  - Resources
    - Dependency and indemnity compensation (DIC), § B.3.8.A
    - Federal Benefits for Veterans, Dependents, and Survivors* manual, § B.3.4
  - Service-connected disabilities, § B.3.5
  - State benefits, § B.3.2
    - Cost of care and benefits, § B.3.2.B
    - Veterans homes, § B.3.2.A
  - Surviving spouse, defined, § B.3.1.B
  - Survivors pension, § B.3.8.B
  - Survivors pension vs. pension, § B.3.6.A
  - Tables, disability compensation rates, § B.3.5
  - Trusts, defined, § B.3.6.B.6
  - VA pensions, § B.3.6.A
  - Veteran, defined, § B.3.1.A
  - Veterans homes, § B.3.2
    - Vietnam era service, Blue Water Navy Veterans, § B.3.8.D
- VETERANS HOMES**
- Generally, § B.3.2
  - Admission, § B.3.2.A
    - Eligibility criteria, § B.3.2.A.1
    - Procedures, § B.3.2.A.2
  - Admissions process, § B.3.2.A.2
    - Admissions application, § B.3.2.A.2.c
    - Application, § B.3.2.A.2.a
    - Information submissions, § B.3.2.A.2.c
    - Initial financial status review, § B.3.2.A.2.g
    - Level of care priority, § B.3.2.A.2.e
    - Limitations on refusals, § B.3.2.A.2.f
    - Pre-admission screening, § B.3.2.A.2.b
    - Waiting lists, § B.3.2.A.2.d
  - Cost of care, § B.3.2.B
    - Annual calculation of maintenance, § B.3.2.B.1
    - Average daily per resident cost, § B.3.2.B.2
    - Bed hold effect on charges, § B.3.2.B.3
    - Deduction for voluntary family support, § B.3.2.B.7
    - Income limitations, § B.3.2.B.6
    - Maintenance calculation, § B.3.2.B.1
    - Property limitations, § B.3.2.B.5
    - Resident finances, § B.3.2.B
    - Services paid by resident, § B.3.2.B.4
  - Deduction for voluntary family support
    - Basic needs support, § B.3.2.B.7.a
    - Eligibility of spouse, § B.3.2.B.7.b
    - Review and revision of need, § B.3.2.B.7.c
  - Eviction from long-term care facilities, § D.2.6
    - Federal law, § D.2.6.A
    - State law, § D.2.6.B
  - Maintenance charges
    - Income limitations, § B.3.2.B.6
    - Property limitations, § B.3.2.B.5
  - Personal property, property limitations, § B.3.2.B.5.c
  - Property limitations
    - Asset transfers, § B.3.2.B.5.3, § B.3.2.B.5.a
    - Excluded funds accounts, § B.3.2.B.5.d
    - Personal property, § B.3.2.B.5.c
    - Real property, § B.3.2.B.5.b
  - Tables, survey of nursing home transfer/discharge decisions, Chapter D.2 Appendix A
- VICTIMS OF CRIME**
- Listing of non-legal advocacy services, Chapter A.6 Appendix D
- VIETNAM ERA SERVICE**
- Veterans benefits, Blue Water Navy Veterans, § B.3.8.D
- VOLUNTEERS OF AMERICA**
- Estate and Elder Law Services (EELS), function and contact information, § A.6.4.B
- VULNERABLE ADULTS. SEE ALSO ABUSE; MALTREATMENT; VULNERABLE ADULTS ACT**
- Generally, §§ A.5.1 to A.5.9
  - Abuse, exceptions to abuse, § A.5.2.C.1.b
  - Administration for Community Living (ACL), § A.5.8.B
  - Caregiver, defined, § A.5.2.C.4.a
  - Caregiver neglect, § A.5.2.C.2.a
  - Civil remedies, financial exploitation, § A.5.7.B.1
  - Criminal remedies, § A.5.7.A
    - Abuse, § A.5.7.A.1
    - Assault, § A.5.7.A.2
    - Criminal alert network, § A.5.7.A.6.b

- Financial exploitation, § A.5.7.A.4
  - Forfeiture for financial exploitation, § A.5.7.A.6.e
  - Neglect, § A.5.7.A.3
  - Sex offender registration, § A.5.7.A.6.d
  - Statute of limitations, § A.5.7.A.6.c
  - Theft by swindle, § A.5.7.A.5
  - Defined, § A.5.2.B
  - Dementia, increase in frequency, § A.5.1
  - Elder maltreatment, remedies available, § A.5.1
  - Elderly waiver, case management, § A.5.7.D.2
  - Federal legislation, § A.5.8
    - Appropriations, § A.5.8.B
    - Elder abuse provisions, § A.5.8.B
    - Elder Justice Act, § A.5.8.A
  - Financial exploitation, § A.5.2.C.3
    - Access to financial records, § A.5.7.C.1
    - Hardship waivers, § A.5.7.C.3
    - Money transmitters, § A.5.7.C.4
    - Voluntary reporters, § A.5.3.B.2
    - Voluntary reporting of financial institutions, § A.5.7.C.2
  - Housing with services (HWS) residents, maltreatment investigations, § A.5.4.B
  - Legislative protection, history and background, § A.5.1
  - Long-term care consultation, requirements, § A.5.7.D.1
  - Maltreatment
    - Defined, § A.5.2.C
    - Mandated reporters, § A.5.3.B.1
    - Minnesota Adult Abuse Reporting Center (MAARC), § A.6.5.A
      - Voluntary reporters, § A.5.3.B.2
  - Maltreatment report processing
    - Intake and referral, § A.5.4.B
    - Recording data, § A.5.4.A
  - Maltreatment review panel, composition and procedures, § A.5.5.D
  - Minnesota Adult Abuse Reporting Center (MAARC), § A.6.5.A
  - Neglect, exceptions to neglect, § A.5.2.C.2.b
  - Resources, § A.5.1
  - Self neglect, § A.5.2.C.2.a
  - Statistics, § A.5.1
  - Vulnerable Adults Act, § A.5.2
- VULNERABLE ADULTS ACT**
- Generally, § A.5.2
  - Abuse, defined, § A.5.2.C.1.a
  - Abuse prevention plans, requirements, § A.5.5.B
  - Application of law, § A.5.5
    - Limitations of Act, § A.5.6
  - Caregiver, defined, § A.5.2.C.4.a
  - Facility/employee vs. vulnerable adult rights, final disposition appeals vs. review, § A.5.5.D
  - Final disposition appeals, § A.5.4.H
    - Contested hearings, § A.5.4.H.2.a
    - Employee and facility rights, § A.5.4.H.2
    - Notice, § A.5.4.H.2.b
    - Request for reconsideration, § A.5.4.H.1
    - Review vs. appeal, § A.5.5.D
    - Vulnerable adult review rights, § A.5.4.H.3
  - Financial exploitation, defined, § A.5.2.C.3.a
  - Findings, classifications and consequences, § A.5.5.A
  - Investigation reports and disposition
    - Classifications, § A.5.4.G, § A.5.5.A
    - MDH investigations, § A.5.5.C
    - Review vs. appeal, § A.5.5.D
  - Legislative amendments
    - 2009 amendments, § A.5.9.A
    - 2010 amendments, § A.5.9.B
    - 2011 amendments, § A.5.9.C
    - 2012 amendments, § A.5.9.D
    - 2013 amendments, § A.5.9.E
    - 2014 amendments, § A.5.9.F
    - 2015 amendments, § A.5.9.G
    - 2016 amendments, § A.5.9.H
    - 2017 amendments, § A.5.9.I
    - 2018 amendments, § A.5.9.J
    - 2019 amendments, § A.5.9.K
    - 2020 amendments, § A.5.9.L
    - 2021 amendments, § A.5.9.M
    - 2022 amendments, § A.5.9.N
  - Limitations of Act, § A.5.6
    - Reporting and investigation data, § A.5.6.B
    - Scope, § A.5.6.A
  - MAARC system, reporting maltreatment, § A.5.B.2
  - Maltreatment, defined, § A.5.2.C
  - Maltreatment investigations
    - Findings, § A.5.5.A
    - Working with investigators, § A.5.5.E
  - Maltreatment reporters, § A.5.3.B
    - Mandated reporters, § A.5.3.B.1
  - Maltreatment review panel, composition and procedures, § A.5.5.D
  - Mandated reporters
    - Failure to report, § A.5.E
    - Falsified reports, § A.5.F
    - Procedures, § A.5.3.B.1
    - Reports not required, § A.5.D
    - Required reports, § A.5.C
  - MDH investigations, § A.5.5.C
  - Minnesota Adult Abuse Reporting Center (MAARC), § A.6.5.A
    - Reporting maltreatment, § A.5.B.2
  - Neglect, defined, § A.5.2.C.2.a
  - Parens patriae, § A.5.2.A
  - Public policy, § A.5.2.A
  - Report processing
    - Assessment for emergency response, § A.5.4.C
    - Final disposition and investigative memorandum, § A.5.4.G
    - Intake and referral, § A.5.4.B
    - Investigation, § A.5.4.F
    - Lead investigative agency, § A.5.4.D
    - Recording data, § A.5.4.A
    - Response to report, § A.5.4.E
  - Reporters
    - Good-faith reports, § A.5.B.3
    - Identity protection, § A.5.B.4
    - Retaliation prohibitions, § A.5.B.4
  - Reporting and investigation, data limitations, § A.5.6.B
  - Reporting maltreatment, § A.5.3
  - Reporting procedures, § A.5.G
    - Alternative reporting agencies, § A.5.G.2
    - Minnesota Adult Abuse Reporting Center (MAARC), § A.5.G.1
  - Response to report
    - Final disposition, § A.5.4.G
    - Initial disposition, § A.5.4.E.1
  - Scope of act, investigating reports vs. prevention, § A.5.6.A
  - Voluntary reporters
    - Maltreatment or financial exploitation, § A.5.3.B.2
    - Procedures, § A.5.3.B.2

Vulnerable adult, defined, § A.5.2.B

## W

### WAITING PERIOD

Defined, Chapter B.2 Appendix A

### WAIVER OF PREMIUM

Defined, Chapter B.2 Appendix A

### WAIVER PROGRAMS. *SEE ALSO HOME AND COMMUNITY-BASED SERVICES (HCBS)*

- Application, process timing, § C.2.4
- Assessments, MnCHOICES assessment, § C.2.4
- Brain injury (BI) waiver, § C.2.5.A
  - Covered services, § C.2.5.A.2
  - Eligibility criteria, § C.2.5.A.1
- Certification, disability, § C.2.2.D
- Community access for disability inclusion (CADI) waiver, § C.2.5.C
  - Covered services, § C.2.5.C.2
  - Eligibility criteria, § C.2.5.C.1
- Community alternative care (CAC) waiver, § C.2.5.B
  - Covered services, § C.2.5.B.2
  - Eligibility criteria, § C.2.5.B.1
- Developmental disabilities (DD) waiver, § C.2.5.D
  - Covered services, § C.2.5.D.2
  - Eligibility criteria, § C.2.5.D.1
- Elderly waiver (EW)
  - Covered services, § C.2.6.A.3
  - Eligibility criteria, § C.2.6.A.2
  - Income less than standard, § C.2.6.A.1.b
  - Income limits, § C.2.6.A.1
  - Income over standard, § C.2.6.A.1.a
- Eligibility bases
  - Age, § C.2.2.C
  - Blindness, § C.2.2.D
  - Citizenship, § C.2.2.A
  - Disability, § C.2.2.D
  - Financial eligibility, § C.2.3
  - Residency, § C.2.2.B
- Financial eligibility, § C.2.3
  - Assets, § C.2.3.A
  - Income, § C.2.3.B
- Home and community-based services (HCBS)
  - Generally, §§ C.2.1 to C.2.11
  - Age 65 and over, § C.2.6
    - Alternatives to institutional care, § C.2.1.A
    - Least restrictive option, § C.2.11
    - Rental or living expenses, § C.2.7.A
    - Spouses of recipients under age 65, § C.2.7.B
- MnCHOICES assessment, requirements, § C.2.4
- Persons age 65 and over, § C.2.6
  - Elderly waiver (EW), § C.2.6.A
- Persons with disabilities, § C.2.2.D
  - Medical assistance for employed persons with disabilities (MA-EPD), § C.2.8
- Resources, medical assistance, § C.2.10
- Tables
  - Comparison of MnCHOICES, RSC and CAC, CADI, BI waivers for persons with disabilities, Chapter C.2 Appendix B
  - Health Care Programs Eligibility Policy Manual* Appendix F: Standards and Guidelines, Chapter C.2 Appendix C

MDHS insurance affordability programs income and asset guidelines, Chapter C.2 Appendix A

Types of waivers, § C.2.1.A

### WANDERING

Defined, § D.3.2.F

### WATER RIGHTS

Assets, real property, § C.3.7.I.5

### WATERCRAFT

Recovery of medical assistance, transfer on death for motor vehicles and watercraft, § C.10.3.F

### WEBSITES

Planning notebook, usernames and passwords, § A.2.2.H

### WILLS

Planning for death, § A.3.5.B  
 Planning notebook, legal documents, § A.2.2.F  
 Vulnerable Adults Act, 2020 amendments, § A.5.9.L

### WITNESSES

Maltreatment review panel, composition and procedures, § A.5.5.D

### WRITING

Antenuptial contracts, requirements, § C.7.1.A  
 Defined, § A.1.2.B.1

### WRITTEN AGREEMENTS

Attorney-client relationship, § A.1.2  
 Informed consent for conflict, § A.1.2.B.1  
 Planning notebook, document safekeeping, § A.2.2.I

### WRONGFUL DEATH

Nursing home litigation, § D.3.5  
 Appointment of trustee, § D.3.5.B  
 Damages, § D.3.5.C  
 Settlement distribution approval, § D.3.5.D  
 Statute of limitations, § D.3.5.A

## X, Y

## Z

### ZOMBIE LIFE ESTATE OR JOINT TENANCY

Defined, § C.10.5