



Minnesota Health Care Programs

Eligibility Policy Manual

This document provides information about additions and revisions to the Minnesota Department of Human Service's Minnesota Health Care Programs Eligibility Policy Manual.

Manual Letter #21.5

November 1, 2021

Manual Letter #21.5

This manual letter lists new and revised policy for the Minnesota Health Care Programs (MHCP) Eligibility Policy Manual (EPM) as of November 1, 2021. The effective date of new or revised policy may not be the same date the information is added to the EPM. Refer to the Summary of Changes to identify when the Minnesota Department of Human Services (DHS) implemented the policy.

I. Summary of Changes

This section of the manual letter provides a summary of newly added sections and changes made to existing sections.

[**A. EPM Home Page**](#)

We incorporated the following bulletin into the EPM:

- Bulletin #21-21-10, DHS Announces a Change to Medical Assistance Eligibility for Citizens of the Freely Associated States

We also added a link to the manual letter.

[**B. Section 2.1.2.2.2 MA Immigration Status**](#)

The changes to this section incorporate DHS Bulletin #21-21-10, DHS Announces a Change to Medical Assistance Eligibility for Citizens of the Freely Associated States.

[**C. Section 2.2.3.2.1 MA-FCA Sponsor Deeming**](#)

We added that applicants, enrollees and sponsor must cooperate with obtaining and supplying the sponsor's information.

[**D. Section 2.3.3.2.2.1 MA-ABD Sponsor Asset Deeming**](#)

We added that applicants, enrollees and sponsor must cooperate with obtaining or supplying the sponsor's information. We also included a list of exceptions to sponsor deeming.

[**E. Section 2.3.3.2.3 MA-ABD Excluded Assets**](#)

We included liquid assets can be excluded for self-employment when they are identifiable.

[**F. Section 2.3.3.3.2.1 MA-ABD Countable Income**](#)

We clarified self-employment income losses are deductible from other household earned income.

G. Section 2.3.3.3.2.1.2 MA-ABD Sponsor Income Deeming

We added that applicants, enrollees and sponsor must cooperate with obtaining or supplying the sponsor's information.

H. Section 2.5.3 EMA

We added when a sponsor is not cooperating the sponsored noncitizen may qualify for EMA.

I. Appendix F Standards and Guidelines

We updated the amounts for the following allowances:

- Utility
- Electric
- Telephone

The updated amounts became effective October 1, 2021.

J. Appendix H Lawfully Present Noncitizens

The changes to this section incorporate DHS Bulletin #21-21-10, DHS Announces a Change to Medical Assistance Eligibility for Citizens of the Freely Associated States.

II. Documentation of Changes

This section of the manual letter documents all changes made to an existing section. Deleted text is displayed with strikethrough formatting and newly added text is displayed with underline formatting. Links to the revised and archived versions of the section are also provided.

- A. [EPM Home Page](#)
- B. [Section 2.1.2.2.2 MA Immigration Status](#)
- C. [Section 2.2.3.2.1 MA-FCA Sponsor Deeming](#)
- D. [Section 2.3.3.2.2.1 MA-ABD Sponsor Asset Deeming](#)
- E. [Section 2.3.3.2.3 MA-ABD Excluded Assets](#)
- F. [Section 2.3.3.3.2.1 MA-ABD Countable Income](#)
- G. [Section 2.3.3.3.2.1.2 MA-ABD Sponsor Income Deeming](#)
- H. [Section 2.5.3 EMA](#)
- I. [Appendix F Standards and Guidelines](#)
- J. [Appendix H Lawfully Present Noncitizens](#)

A. EPM Home Page

Minnesota Health Care Programs

Eligibility Policy Manual

Welcome to the Minnesota Department of Human Services (DHS) Minnesota Health Care Programs Eligibility Policy Manual (EPM). This manual contains the official DHS eligibility policies for the Minnesota Health Care Programs including Medical Assistance and MinnesotaCare. Minnesota Health Care Programs policies are based on the state and federal laws and regulations that govern the programs. See Legal Authority section for more information.

The EPM is for use by applicants, enrollees, health care eligibility workers and other interested parties. It provides accurate and timely information about policy only. The EPM does not provide procedural instructions or systems information that health care eligibility workers need to use.

Manual Letters

DHS issues periodic manual letters to announce changes in the EPM. These letters document updated sections and describe any policy changes.

MHCP EPM Manual Letter #21.1, January 1, 2021

MHCP EPM Manual Letter #21.2, March 1, 2021

MHCP EPM Manual Letter #21.3, June 1, 2021

MHCP EPM Manual Letter #21.4, October 1, 2021

MHCP EPM Manual Letter #21.5, November 1, 2021

2020 Manual Letter

MHCP EPM Manual Letter #20.1, March 1, 2020

MHCP EPM Manual Letter #20.2, June 1, 2020

MHCP EPM Manual Letter #20.3, September 1, 2020

MHCP EPM Manual Letter #20.4, December 1, 2020

2019 Manual Letter

MHCP EPM Manual Letter #19.1, January 1, 2019

MHCP EPM Manual Letter #19.2, April 1, 2019

MHCP EPM Manual Letter #19.3 June 1, 2019

MHCP EPM Manual Letter #19.4, August 7, 2019

MHCP EPM Manual Letter #19.5, September 1, 2019

MHCP EPM Manual Letter #19.6, November 1, 2019

MHCP EPM Manual Letter #19.7, December 1, 2019

2018 Manual Letters

MHCP EPM Manual Letter #18.1, January 1, 2018

MHCP EPM Manual Letter #18.2, April 1, 2018

MHCP EPM Manual Letter #18.3, June 1, 2018

MHCP EPM Manual Letter #18.4, September 1, 2018

MHCP EPM Manual Letter #18.5, December 1, 2018

2017 Manual Letters

MHCP EPM Manual Letter #17.1, April 1, 2017

MHCP EPM Manual Letter #17.2, June 1, 2017

MHCP EPM Manual Letter #17.3, August 1, 2017

MHCP EPM Manual Letter #17.4, September 1, 2017

MHCP EPM Manual Letter #17.5, December 1, 2017

2016 Manual Letters

MHCP EPM Manual Letter #16.1, June 1, 2016

MHCP EPM Manual Letter #16.2, August 1, 2016

MHCP EPM Manual Letter #16.3, September 1, 2016

MHCP EPM Manual Letter #16.4, December 1, 2016

Bulletins

DHS bulletins provide information and direction to county and tribal health and human services agencies and other DHS business partners. According to DHS policy, bulletins more than two years old are obsolete. Anyone can subscribe to the Bulletins mailing list.

A DHS Bulletin supersedes information in this manual until incorporated into this manual. The following bulletins have not yet been incorporated into the EPM:

- Bulletin #19-21-01, Pre-eligibility Verification for Medical Assistance for Families with Children and Adults
- Bulletin #20-21-11, DHS Clarifies Medical Assistance Policies for Accepting Self-Attestation of Certain Eligibility Factors
- Bulletin #20-21-12, DHS Clarifies Treatment of Non-Homestead Life Estate in Medical Assistance for Long-Term Care (LTC)
- Bulletin #21-21-01, DHS Announces Automatic Medical Assistance Eligibility for Children in Foster Care or Receiving Northstar Kinship Assistance
- Bulletin #21-21-09, DHS Explains Changes to the Evaluation of Transfers to Pooled Trusts for MA-LTC and AC

COVID-19 Emergency Bulletins: These bulletins announce temporary policy modifications, which supercede policies in this manual, during the COVID-19 emergency. Because these bulletins provide temporary guidance, they will not be incorporated into this manual.

- Bulletin #20-21-02, DHS Announces Temporary Policy Changes to Minnesota Health Care Programs During the COVID-19 Peacetime Emergency
- Bulletin #20-21-03, DHS Announces Medical Assistance for COVID-19 Testing of Uninsured Individuals x Bulletin #20-21-04, DHS Explains Treatment of Federal Coronavirus Aid, Relief, and Economic Security Act Payments for Minnesota Health Care Programs
- Bulletin #20-21-05, DHS Explains Treatment of Federal Pandemic Unemployment Compensation Payments for Minnesota Health Care Programs
- Bulletin #20-21-06, DHS Explains Treatment of State, Local and Tribal COVID-19 Relief Payments for Minnesota Health Care Programs
- Bulletin #20-21-10, DHS Announces Updates to Temporary Policies for Minnesota Health Care Programs during the COVID-19 Public Health Emergency
- Bulletin #20-21-13, DHS Announces a Change to Processing PARIS Interstate Matches for MHCP Enrollees During the COVID-19 Public Health Emergency
- Bulletin #20-21-14, DHS Explains Treatment of Coronavirus Response Payments under the Consolidated Appropriations Act, 2021, for Minnesota Health Care Programs
- Bulletin #21-21-02, DHS Explains Treatment of Coronavirus Response Payments under the American Rescue Plan Act of 2021, for MHCP
- Bulletin #21-21-03, DHS Explains Treatment of PUA and PEUC for Minnesota Health Care Programs

- Bulletin #21-21-04, DHS Explains Redetermination and Closure of MHCP for Enrollees Not Validly Enrolled due to Fraud or Agency Error
- Bulletin #21-21-05, DHS Announces a Change to the MAGI Methodology for Medical Assistance and MinnesotaCare
- Bulletin #21-21-06 DHS Announces MinnesotaCare Premium Reductions for 2021 and 2022
- Bulletin #21-21-07 DHS Explains Redetermination and Closure of MHCP for Enrollees Not Validly Enrolled due to Abuse
- Bulletin #21-21-08 DHS Explains Treatment of RentHelpMN Assistance and Child Tax Credit Payments for Minnesota Health Care Programs

Prior versions of EPM sections are available upon request. This manual consolidates and updates eligibility policy previously found in the Health Care Programs Manual (HCPM) and Insurance Affordability Programs Manual (IAPM). Prior versions of policy from the HCPM and IAPM are available upon request.

Refer to the EPM Archive for archived sections of the EPM.

Contact Us

Direct questions about the Minnesota Health Care Programs Eligibility Policy Manual to the DHS Health Care Eligibility and Access (HCEA) Division, P.O. Box 64989, 540 Cedar Street, St. Paul, MN 55164-0989, call (888) 938-3224 or fax (651) 431-7423.

Health care eligibility workers must follow agency procedures to submit policy-related questions to HealthQuest.

Legal Authority

Many legal authorities govern Minnesota Health Care Programs, including but not limited to: Title XIX of the Social Security Act; Titles 26, 42 and 45 of the Code of Federal Regulations; and Minnesota Statutes chapters 256B and 256L. In addition, DHS has obtained waivers of certain federal regulations from the Centers for Medicare & Medicaid Services (CMS). Each topic in the EPM includes applicable legal citations at the bottom of the page.

DHS has made every effort to include all applicable statutes, laws, regulations and other presiding authorities; however, erroneous citations or omissions do not imply that there are no applicable legal citations or other presiding authorities. The EPM provides program eligibility policy and should not be construed as legal advice.

Archive Information

- Publication date: October 1, 2021
- Archived date: November 1, 2021
- Links:
 - [Archived page](#)
 - [Revised page](#)

[Back to the Top of Section](#)

B. Section 2.1.2.2.2 MA Immigration Status

Medical Assistance

2.1.2.2.2 Immigration Status

To receive Medical Assistance (MA), applicants must be U.S. citizens, U.S. nationals or certain lawfully present noncitizens. See the MA Citizenship policy for more information.

MA Eligibility for Noncitizen Children under Age 21 and Pregnant Women

The following people are eligible for MA, regardless of their specific immigration status:

- All lawfully present noncitizen children younger than age 21
- All lawfully present noncitizen pregnant women

People granted Deferred Action for Childhood Arrivals (DACA) are not lawfully present noncitizens for the purpose of MA eligibility and therefore they are not eligible for MA.

See the Appendix H Lawfully Present Noncitizens appendix for more information about lawfully present noncitizens.

Refer to the Immigration Status and Minnesota Health Care Programs Eligibility chart for a quick reference guide to Medical Assistance eligibility for applicants and enrollees who are noncitizens.

MA Eligibility for Noncitizens Age 21 or Older and Not Pregnant

To be eligible for MA, lawfully present noncitizens who are age 21 or older and not pregnant must have a qualified immigration status. People with certain qualified immigration statuses must wait five years after receiving the qualified immigration status before they are eligible for MA.

The date a person enters the United States (also called date of entry) is not always the same as the date they acquire a qualified immigration status. The date of entry is used to determine eligibility for Refugee Medical Assistance for refugees who are ineligible for MA. The date a person obtains a qualified immigration status is used to determine the start of the five-year waiting period, when applicable.

Qualified Immigration Statuses Without a Five-Year Waiting Period

Lawfully present noncitizens with the following qualified immigration statuses are eligible for MA **without** a five-year waiting period:

- Afghan or Iraqi Special Immigrants
- Amerasians
- American Indian noncitizens

- Asylees, including asylees who later adjust to lawful permanent resident status
- Citizens of the Freely Associated States - the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau
- Conditional Entrants
- Cuban/Haitian Entrants
- Qualified noncitizens who are U.S. veterans or on active military duty and their spouses and children
- Refugees, including refugees who later adjust to lawful permanent resident status
- T-Visa
- Trafficking victims

Withholding of Removal

Qualified Immigration Statuses With a Five-Year Waiting Period

Lawfully present noncitizens with the following qualified immigration statuses who entered the United States after August 22, 1996, are eligible for MA **after** a five-year waiting period:

- Battered noncitizens
- Immigrants paroled or one year or more
- Lawful permanent residents (LPRs), except LPRs who adjusted from asylee or refugee status. LPRs who were formerly asylees or refugees are eligible for MA without a five-year wait.

MA for Noncitizens Not Otherwise Eligible for Medical Assistance

Four programs are available to certain noncitizens who are not eligible for MA because of their immigration status.

- Children's Health Insurance Program (CHIP) funded MA may be available for pregnant women who are undocumented or noncitizens not otherwise eligible for MA. Eligibility may continue through the 60-day postpartum period. CHIP-funded MA is not available to people enrolled in other health care coverage.
- People who are receiving services from the Center for Victims of Torture (CVT) may be eligible for state funded MA-CVT
- People with a medical emergency may be eligible for Emergency Medical Assistance (EMA)
- People who meet specific criteria may be eligible for federally funded Refugee Medical Assistance (RMA)

Verification

Immigration status must be verified electronically. The county, tribal, or state agency must attempt and exhaust all trusted electronic sources prior to requiring paper documentation from the enrollee.

Applicants and enrollees whose immigration status cannot be verified electronically must provide proofs, which then must be validated using electronic sources, such as SAVE. See Immigration documentation types at HealthCare.gov for information about immigration documentation.

Eligibility is approved for applicants who meet all other eligibility criteria and attest to meeting the noncitizen eligibility requirements. A person approved for MA without verification of their immigration status has a reasonable opportunity to work with the agency to resolve clerical discrepancies preventing electronic verification or to provide proof of status for SAVE validation. A notice is sent to the enrollee to indicate they have 90 days, plus five days for mailing, from the date of the notice to satisfy the request.

The 95-day reasonable opportunity period can be extended for MA enrollees who demonstrate a good faith effort to get and provide proof of their immigration status. Enrollees who need more time to obtain the needed documents must receive a notice that tells them the new due date. There is no limit to the number of times the reasonable opportunity period can be extended for a MA enrollee to obtain proof of immigration status. Eligibility and coverage must end with a 10-day advance notice if the person fails to provide proof or assist in the verification process by the end of the reasonable opportunity period or any extension.

During the reasonable opportunity period, the county, tribal or state servicing agency must continue efforts to complete verification of an applicant's immigration status. This includes correcting errant demographic data, re-running electronic sources and checking case records and files for prior instances of successful electronic verification or immigration status documentation received previously. The agency must document efforts to verify an applicant's immigration status during the reasonable opportunity period in the case record. The agency must also help applicants and enrollees obtain required paper proofs.

A person who reapplys for health care coverage, whose immigration status was not previously verified, must be given a new reasonable opportunity period to provide proof of immigration status.

Please note, verification of immigration status cannot be used to determine the individual is not a state resident. See EPM 1.4 MHCP State Residency.

Legal Citations

Centers for Medicare and Medicaid Services State Health Officials letter re: Individuals with Deferred Action for Childhood Arrivals (August 28, 2012), at www.medicaid.gov/Federal-Policy-Guidance/downloads/SHO-12-002.pdf

Centers for Medicare & Medicaid Services (CMS) State Health Officials letter re: Medicaid and CHIP Coverage of "Lawfully Residing" Children and Pregnant Women (July 1, 2010), at www.cms.gov/smdl/downloads/SHO10006.pdf

Children's Health Insurance Program Reauthorization Action of 2009 (CHIPRA), Public Law 111-3, Section 214

Consolidated Appropriations Act, 2021, Public Law 116-260

Code of Federal Regulations, title 42, section 435.406

Code of Federal Regulations, title 42, section 435.945
Code of Federal Regulations, title 42, section 435.949
Code of Federal Regulations, title 42, section 435.952
Code of Federal Regulations, title 42, section 435.956
Minnesota Statutes, section 256B.06, subdivision 4
Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193
United States Code, title 8, section 1641

Published: June November 1, 2021 2020

Previous Versions

Manual Letter #20.2, June 1, 2020
Manual Letter #19.3, June 1, 2019
Manual Letter #18.2 April 1, 2018
Manual Letter #18.1 January 1, 2018
Manual Letter #17.2, June 1, 2017
Manual Letter #16.4, December 22, 2016
Manual Letter #16.2, August 1, 2016
Manual Letter #16.1, June 1, 2016 (Original Version)

Archive Information

- Publication date: June 1, 2020
- Archived date: November 1, 2021
- Links:
 - [Archived page](#)
 - [Revised page](#)

[Back to the Top of Section](#)

C. Section 2.2.3.2.1 MA-FCA Sponsor Deeming

Medical Assistance for Families with Children and Adults

2.2.3.2.1 Sponsor Deeming

Certain noncitizens have a sponsor. For purposes of Medical Assistance for Families with Children and Adults (MA-FCA) eligibility, a sponsor is a U.S. citizen or lawful permanent resident (LPR) who sponsors a noncitizen as a condition of the noncitizen's entry into the United States.

Applicants, enrollees, and sponsors must cooperate with supplying or obtaining sponsor information if sponsor deeming applies. If the applicant, enrollee, or sponsor fails to cooperate, coverage may be closed. The Sponsor Letter (DHS-3453) reminds sponsors of their legal obligation to provide support and to request verification from the sponsor.

Applicants, enrollees, and sponsors must cooperate with supplying or obtaining sponsor information if sponsor deeming applies. If the applicant, enrollee, or sponsor fails to cooperate coverage may be closed. The Sponsor Letter (DHS-3453) can be sent to the sponsor to remind them of their legal obligation to provide support and to request verification from the sponsor.

Sponsor deeming only applies if the noncitizen was sponsored using Form I-864, Affidavit of Support. This type of sponsorship only applies to certain family-based immigrants and to employment-based immigrants coming to work for a relative.

To qualify to be a sponsor, a person must agree and demonstrate to the federal government that they can support the noncitizen to 125% federal poverty guidelines (FPG). To represent the sponsor's contribution to the noncitizen, 125% FPG for a household of one is added to the sponsored noncitizen's income to determine MA financial eligibility. If a sponsored noncitizen is eligible for MA after the 125% FPG is added, no verification of sponsor income is needed.

If a sponsored noncitizen is not eligible for MA due to sponsor deeming and the sponsor is providing less than 125% FPG, they can provide proof and have eligibility redetermined. Once verified, only the income the sponsor or sponsor's spouse actually contributes to the noncitizen is counted when determining MA financial eligibility.

Exceptions to MA Sponsor Deeming

The sponsorship ends and sponsor deeming no longer applies when any of the following changes occur:

- The sponsored immigrant becomes a naturalized citizen
- The sponsor or sponsored immigrant dies
- The sponsored noncitizen has attained at least 40 work quarters as determined by the Social Security Administration

Sponsor deeming does not apply to sponsored noncitizens when the noncitizen:

- is under age 21
- is pregnant. This exception ends when the sponsored pregnant woman's 60-day postpartum period ends. Sponsor deeming applies the month following the end of the postpartum period.
- is sponsored by someone whose income has already been counted in the MAGI-based MA household, such as the applicant's spouse.
- has sponsorship deferred by U.S. Citizenship and Immigration Services (USCIS) when their immigration status is changed to Battered Noncitizen
- needs placement in a facility and placement is jeopardized by the sponsor's failure or inability to provide support, or inability of the client to locate the sponsor

Exceptions to Form I-864 Sponsorship

Noncitizens who immigrate with a non-family based petition are not subject to sponsorship and sponsor deeming. These include, but are not limited to the following:

- Battered noncitizens
- Cuban Haitian entrants
- Diversity visa recipients
- Noncitizen sponsored by a business or organization that is not related to an immigrant
- People with temporary protected status
- Refugee and asylees
- Sponsorship changes including:
 - Sponsor death
 - Noncitizen who has attained at least 40 work quarters as determined by the Social Security Administration

Exceptions to MA Sponsor Deeming

Sponsor deeming does not apply to sponsored noncitizens when:

- The noncitizen is under age 21
- The noncitizen is pregnant. This exception ends when the sponsored pregnant woman's 60-day postpartum period ends. Sponsor deeming applies the month following the end of the postpartum period.
- The noncitizen is sponsored by someone whose income has already been counted in the MAGI-based MA household, such as the applicant's spouse

- ~~The noncitizen has sponsorship deferred by U.S. Citizenship and Immigration Services (USCIS) when their immigration status is changed to Battered Noncitizen~~
- ~~If the noncitizen needs placement in a facility and placement is jeopardized by the sponsor's failure or inability to provide support, or inability of the client to locate the sponsor~~

Safety Net

If deeming a sponsor's income causes an applicant to be ineligible for MA-FCA based on income eligibility, and the applicant's projected annual income is less than 100% FPG according to income standards for MinnesotaCare, the applicant will be eligible for MA. This is because sponsor income is not counted for MinnesotaCare. This is called the Safety Net Provision.

Legal Citations

Minnesota Statutes, section 256B.06

Personal Responsibility and Work Opportunity Reconciliation Act of 1996, title IV, Public Law 104-193, sections 421-423 (1996)

United States Code, title 8, section 1183a

Published: June November 1, 2021
[Previous Versions](#)
Manual Letter #16.1, June 1, 2016 (Original Version)

Archive Information

- Publication date: June 1, 2016
- Archived date: November 1, 2021
- Links:
 - [Archived page](#)
 - [Revised page](#)

[Back to the Top of Section](#)

D. Section 2.3.3.2.2.1 MA-ABD Sponsor Asset Deeming

Medical Assistance for People Who Are Age 65 or Older and People Who Are Blind or Have a Disability

2.3.3.2.2.1 Sponsor Asset Deeming

Sponsor deeming rules apply to noncitizens who are sponsored by an individual or individuals and have a signed Affidavit of Support (USCIS 1-1864), unless ~~the applicant meets an exception is met to sponsor deeming.~~

Assets of a sponsor and the sponsor's spouse are deemed to each noncitizen covered by the affidavit regardless of whether the sponsor actually contributes to the noncitizen's household needs. Assets are deemed even if the sponsor or the sponsor's spouse are receiving public assistance in Minnesota or another state.

If the sponsor is a member of the household:

- The sponsor and the sponsor's family members are counted in the applicant's household composition. See Medical Assistance for People Who Are Age 65 or Older and People Who Are Blind or Have a Disability (MA-ABD) Household Composition policy for more information.
- Applicable asset exclusions are applied to the sponsor's assets.

If the sponsor is not a member of the household, the following rules apply:

- The sponsor or the sponsor's family members are not counted in the noncitizen's household composition.
- The sponsor or the sponsor's spouse's assets are not considered unavailable or excluded.

Applicants, enrollees, and sponsors must cooperate with supplying or obtaining sponsor information if sponsor deeming applies. If the applicant, enrollee, or sponsor fails to cooperate coverage may be closed. The Sponsor Letter (DHS-3453) reminds sponsors of their legal obligation to provide support and to request verification from the sponsor.

Exceptions to MA Sponsor Deeming

The sponsorship ends and sponsor deeming no longer applies when any one of the following changes occur:

- The sponsored immigrant becomes a naturalized citizen
- The sponsor or sponsored immigrant dies
- The sponsored noncitizen has attained at least 40 work quarters as determined by the Social Security Administration

Sponsor deeming does not apply to sponsored noncitizens when the noncitizen:

- is under age 21
- is pregnant. This exception ends when the sponsored pregnant woman's 60-day postpartum period ends. Sponsor deeming applies the month following the end of the postpartum period.
- has sponsorship deferred by U.S Citizenship and Immigration Services (USCIS) when their immigration status is changed to Battered Noncitizen
- needs placement in a facility and placement is jeopardized by the sponsor's failure or inability to provide support, or inability of the client to locate the sponsor

Exceptions to Form I-864 Sponsorship

Noncitizens who immigrate with a non-family based petition are not subject to sponsorship and sponsor deeming. These include, but are not limited to the following:

- Battered noncitizens
- Cuban Haitian entrants
- Diversity visa recipients
- Noncitizen sponsored by a business or organization that is not related to an immigrant
- People with temporary protected status
- Refugee and asylees

Legal Citations

Code of Federal Regulations, title 42, section 435.602

Minnesota Statutes, section 256B.06, subdivision 5

Personal Responsibility and Work Opportunity Reconciliation Act of 1996, title IV, Public Law 104-193, section 421 and 422

Published: JuneNovember 1, 2021June 14, 2016
Previous Versions
Manual Letter #16.1, June 1, 2016 (Original Version)

Archive Information

- Publication date: June 1, 2016
- Archived date: November 1, 2021
- Links:
 - [Archived page](#)
 - [Revised page](#)

[Back to the Top of Section](#)

E. Section 2.3.3.2.3 MA-ABD Excluded Assets

Medical Assistance for People Who Are Age 65 or Older and People Who Are Blind or Have a Disability

2.3.3.2.3 Excluded Assets

An excluded asset is not counted when calculating a person's total countable assets. An asset can be excluded in whole or in part. Some excluded assets are excluded indefinitely while others are excluded for only a specific period of time. Some excluded assets are excluded only if identifiable from other assets. Income retained after the month of receipt become assets.

Identifiable Assets

Some assets must be identifiable to be excluded under the bases of eligibility for Medical Assistance for People Who Are Age 65 or Older, or People Who Are Blind or Have a Disability (MA-ABD). Identifiable means that the assets can be distinguished from other assets.

An asset is identifiable in the following situations:

- The funds are kept physically apart from other funds, such as a separate bank account.
- The funds are not kept physically apart from other funds, but can be identified using a complete history of account transactions dating back to the initial date of deposit. The person's own records should be used, if possible. The person's allegation regarding the date and amount of a deposit of excluded funds is accepted if it agrees with the evidence on file for receipt of the funds.
 - When a withdrawal is made from a commingled account, the non-excluded funds are assumed to be withdrawn first, leaving as much of the excluded funds in the account as possible.
 - The excluded funds remaining in the account can only be added to by deposits of subsequently received excluded funds and excluded interest.
 - If interest on the excluded funds is excluded, the percent of an interest payment to be excluded is the same as the percent of funds in the account that is excluded at the time the interest is posted. The excluded interest is then added to the excluded funds in the account.

Excluded Assets if Identifiable

The following assets are excluded if they are identifiable. Exclude the assets indefinitely unless another time period is indicated. Descriptions of each type of assets are located in Appendix A Types of Assets.

- Achieving a Better Life Experience (ABLE) account
- Agent Orange Settlement Fund payments
- Blood Product Settlement payments

- Corporation for National and Community Service (CNCS) payments. Payments to volunteers, including the following payments authorized under the Domestic Volunteer Services Act, are excluded:
 - AmeriCorps
 - Urban Crime Prevention Program
 - Special Volunteer Programs under Title I
 - Demonstration Programs under Title II
 - Senior Corp:
 - Retired Senior Volunteer Program (RSVP)
 - Foster Grandparent Program
 - Senior Companions
- Food and nutrition program payments. This includes assistance provided by:
 - Programs established under the Child Nutrition Act, including the Women, Infants, and Children (WIC) Nutrition Program and federally funded school breakfast and milk programs.
 - National School Lunch program
 - Supplemental Nutrition Assistance Program (SNAP)
 - Minnesota Food Assistance Program
 - Minnesota Grown Supplemental Food Program
- Individual Development Accounts (IDA)
- Japanese and Aleutian Restitution payments
- Jensen Settlement Agreement payments. Payments received by class members are excluded. Funds received under this agreement from countable assets at the time of application and at each renewal are deducted.
- Low Income Home Energy Assistance Program (LIHEAP) payments
- Nazi Persecution payments, including payments inherited from the original recipient, and any interest accrued from these funds.
- Plan to Achieve Self Support (PASS), assets associated with a person's PASS are excluded if they are not already excluded under another provision
- Radiation Exposure Compensation Trust Fund (RECTF) payments
- Real estate taxes, homeowner's insurance and funds set aside for upkeep expenses of the property a person owns. Up to one year's expenses are excluded. Funds must be kept in a separate account.
- Relocation Assistance payments, federal
- Retroactive Retirement, Survivors and Disability Insurance (RSDI) and Supplemental Security Income (SSI) benefits are excluded for the nine calendar months following the month in which the

person receives the benefits. Any accrued interest on that account is counted as income in the month received and as an asset in the following months.

- People under age 18 who have representative payees and are eligible for past-due SSI payments must have the funds segregated in a dedicated account in order for the exclusion to apply. If a bank requires a deposit of funds in order to open such an account, these funds may remain commingled in the account until the end of the month following the month in which the retroactive benefits are paid.
- Supplemental Needs Trusts policy is followed if the lump sum payment is issued under the Sullivan vs Zebley decision, and is used to fund a supplemental needs trust. See MA-ABD Supplemental Needs Trusts for more information.
- Ricky Ray Hemophilia Relief Fund payments
- Student financial aid
 - Exclude the following types of student financial aid income:
 - Student financial aid received under Title IV of the Higher Education Act
 - Student financial aid received from the Bureau of Indian Affairs (BIA)
 - Non-Title IV and non-BIA grants, scholarships, fellowships and other non-loan financial aid, if used or set aside to pay educational expenses until the month following the last month the student is enrolled in classes.
 - Coverdell Educational Savings Accounts (ESA)
 - Funds in a Coverdell ESA are excluded for the designated beneficiary of the account.
 - Distributions from a Coverdell ESA are excluded if the funds are used for educational expenses.
 - Excluded for the designated beneficiary of the account for nine months following the month of receipt of a distribution.
 - Excluded for anyone who is not a beneficiary who contributes money to the account beginning the month after the month the funds are transferred into the account.
 - Excluded, due to being a conversion of an asset, for a contributor who is the designated beneficiary beginning with the month after the month the cash is transferred into the account.
 - Veteran's Affairs (VA) benefits designated as educational assistance both under graduate and graduate students until the month following the last month the student is enrolled in classes.
 - Plan to Achieve Self Support (PASS) student financial aid
 - Training expenses paid by the Trade Adjustment Reform Act of 2002
 - Qualified Tuition Programs (QTP), also known as a 529 Plan, for the designated beneficiary (the student or future student) who is not the owner of the account and does not have any rights to the funds in the account. The account is counted as an asset for the owner.
- Supplemental Security Income (SSI) Dedicated Child Account

- Tribal payments and interests. The following tribal assets are excluded. See MA-ABD Tribal Payments and Interests for other assets owned by American Indians that may not be excluded.
 - Tribal trust or restricted lands, individual interest
 - Tribal per capita payments from a tribal trust
 - Tribal land settlements and judgments
- Uniform Gift to Minors Act/Uniform Transfers to Minors Act (UGMA/UTMA)
 - The full value of assets established under the UGMA/UTMA is excluded.
 - An adult designated to receive, maintain and manage custodial property on behalf of a minor beneficiary is not the owner of UGMA/UTMA assets because he or she cannot legally use any of the funds for his or her support and maintenance.
 - When the UGMA/UTMA property is transferred to the beneficiary at the end of the custodianship (usually at the age of 18 or 21 depending on state law) the property becomes available to the beneficiary. It is counted as income in the month of transfer and as an asset in the following month.
- Veterans' Children with Certain Birth Defects payments
- Vietnamese Commando Compensation Act payments

Excluded Assets Regardless of Identifiability

The following assets may be excluded whether or not they are identifiable. These assets are excluded indefinitely unless another time period is indicated.

- Adoption Assistance payments are excluded in the month of receipt and thereafter.
- Accrued Interest on assets is excluded if any excess is properly reduced at eligibility redetermination.
- Alaska Native Claims Settlement Act (ANCSA) payments
- Appeal Payments are excluded as assets in the month received and for three months after the month of receipt.
- Clinical trial participation payments excluded by SSI. The first \$2,000 a person receives during a calendar year is excluded.
- Cobell Settlement for American Indians for a period of 12 months beginning with the month of receipt. This exclusion applies to all household members.
- Crime victim payments
- Disaster assistance, federal payments
- Disaster assistance, state payments
- Filipino Veterans Equity Compensation (FVEC) payments
- Foster Care payments

- Gifts to Children with Life Threatening Conditions from 501(c)(3) tax-exempt corporation. These are not considered assets of a parent and apply only to children who are under age 18.
 - Cash gifts up to \$2,000 in any calendar year are excluded. The amount of total cash payments that exceed \$2,000 each year are counted as an asset.
 - Multiple cash gifts in the same calendar year are added together and up to \$2,000 of the total is excluded, even if none of the cash gifts exceeds \$2,000 individually.
- Homestead real property
- Household goods and personal effects
- I-35W Bridge Collapse payments. The following payments made to survivors of the I-35W bridge collapse are excluded:
 - Payments from the I-35W Emergency Hardship Relief Fund
 - Payments from the Catastrophic Survivor Compensation Fund
- James Zadroga 9/11 Health and Compensation Act of 2010
- Kinship payments
- Proceeds from the Sale of a Homestead are excluded if a person:
 - Plans to use the proceeds to buy another homestead, and
 - Does so within three full calendar months of receiving the funds
- Reimbursements for replacement of lost, damaged or stolen excluded assets are excluded for the month of receipt and nine months thereafter. The funds are excluded for up to nine more months if the person tries to replace the assets during that time, but cannot do so for good reason.
- Representative Payee Misuse payments. If a person's SSI, RSDI, or Veterans Benefits for the Elderly is reissued because an individual representative payee misuses benefits, the reissuance is excluded as an asset for nine months if retained after the month of receipt.
- State Annuities for Certain Veterans
- Relocation payments, state and local
- Tax credits, rebates, and refunds are excluded for 12 months after the month of receipt
- Term life insurance

Potentially Excluded Assets

Some assets may be excluded under the following policies. See the corresponding pages for more information:

MA-ABD Tribal Payments and Interests

MA-ABD Burial Space Exclusion

MA-ABD Burial Fund Exclusion

MA-ABD Retirement Funds & Plans

MA-ABD Trusts

MA-ABD Automobile and other vehicles used for transportation

Self-Support Excluded Assets

Self-Support is the use of certain property to earn wages, to produce goods and services for personal use, or to derive income from property. Self-Employment is one type of self-support.

Self-Employment Excluded Assets

All assets of a trade or business, regardless of value, that are in current use and needed for the person to earn income are excluded. Current use includes seasonal use of an asset. The excluded assets can be real or personal property, ~~including liquid assets~~. There is no limit to the amount of assets that can be excluded under this provision. Self-employment liquid assets are excluded if they are identifiable according to the rules in the Identifiable Assets section.

When a person alleges owning trade or business property not already being excluded, it must be determined whether a valid trade or business exists, and if the property is in current use. A person must provide a written statement with the following information:

- A description of the trade or business
- A description of the assets of the trade or business
- The number of years the business has been operating
- The identity of any co-owners
- The estimated gross and net earnings of the trade or business for the current tax year

Self-employment assets not currently in use because of reasons beyond the person's control can be excluded if they expect to resume use of the asset within one year. The person must sign a written statement with the following information:

- The reason the asset is not in use
- The date the asset was last used
- When the asset is expected to be used again

The exclusion is extended for an additional year if the reason for not using the asset is a disabling condition. The person must sign a written statement with the following information:

- The nature of the disabling condition
- When the activity ceased
- When the property is expected to be used again

Income Producing Self-Support Assets

Up to \$6,000 of the equity value of non-business, non-liquid, income-producing property that produces an annual return of at least six percent of the equity value is excluded:

- The \$6,000 exclusion is limited to the combined equity value of all property meeting the six percent rule.
- If the person owns more than one piece of income-producing property, each piece must meet the six percent return on the equity value.
- If the earnings drop below six percent for reasons beyond the person's control, the property is excluded up to 24 months to allow the property to resume producing a six percent return.

Non-Income Producing Self-Support Assets

Nonbusiness property essential to self-support can be real or personal property. It produces goods or services essential to daily activities if, for example, it is used to:

- Grow produce or livestock solely for personal consumption in the person's household; or
- Perform activities essential to the production of food solely for home consumption.

Up to \$6,000 of the equity value for each asset is excluded. Any portion of the property's equity value in excess of \$6,000 is not excluded.

While this category of property may encompass a vehicle used solely in a nonbusiness self-support activity (e.g., a garden tractor, or a boat used for subsistence fishing), it does not include any vehicle that qualifies as an automobile. See MA-ABD Automobiles and Other Vehicles for Transportation for more information.

When a person alleges owning property that he or she uses to produce goods or services necessary for daily activities, obtain his or her statement giving:

- A description of the property;
- How it is used; and
- An estimate of its current market value and any encumbrances on it

Personal Property Used by an Employee

Non-liquid personal property used by a person in employment, whether it is required by the employer or not, is excluded. The person must provide a written statement with the following information:

- The name, address and telephone number of the employer
- A general description of the personal assets used for work
- A general description of the person's job duties
- Whether the personal assets are currently being used

Personal property not currently in use because of reasons beyond the person's control can be excluded if they expect to resume use of the asset within one year. The person must sign a written statement with the following information:

- The reason the asset is not in use
- The date the asset was last used
- When the asset is expected to be used again

The exclusion is extended for an additional year if the reason for not using the asset is a disabling condition. The person must sign a written statement with the following information:

- The nature of the disabling condition
- When the activity ceased
- When the property is expected to be used again

If the statement indicates that the person no longer intends to resume using the assets for employment, they become countable assets unless unavailable or excluded under another provision.

Legal Citations

Code of Federal Regulations, title 20, section 416.1248

Minnesota Statutes, section 256B.056, subdivision 1a

Minnesota Statutes, section 256B.056, subdivision 3

Minnesota Statutes, section 256B.056, subdivision 3b

United States Code, title 42, section 1396p(d)

Published: December November 1, 2021

Previous Versions

Manual Letter #20.4, December 1, 2020

Manual Letter #20.1, March 4, 2020

Manual Letter #19.6, November 1, 2019

Manual Letter #19.2, April 1, 2019

Manual Letter #18.3, June 1, 2018

Manual Letter #18.1, January 1, 2018

Manual Letter #16.1 June 1, 2016 (Original Version)

Archive Information

- Publication date: December 1, 2020

- Archived date: November 1, 2021
- Links:
 - [Archived page](#)
 - [Revised page](#)

[Back to the Top of Section](#)

F. Section 2.3.3.3.2.1 MA-ABD Countable Income

Medical Assistance for People Who Are Age 65 or Older and People Who Are Blind or Have a Disability

2.3.3.3.2.1 Countable Income

This policy provides information on types of income that must be counted when calculating a person's income for Medical Assistance (MA) for People Who Are Age 65 or Older and People Who Are Blind or Have a Disability (MA-ABD) and Medicare Savings Programs (MSP). With some exceptions, MA-ABD uses the methodology of the Social Security Income (SSI) program to determine countable income. Some of these types of income are subject to disregards and deductions; see the MA-ABD Disregards and Deductions policy for more information. See the MSP chapter for more information.

Income is counted in the month it is received.

What is not Income

Some items received by a person are not counted as income in the month received. See MA-ABD Countable Assets and MA-ABD Excluded Assets for more information on how these items are treated if retained after the month of receipt. Items that are not income include, but are not limited to:

- Amounts withheld from unearned income, if both of the following conditions are met:
 - The income is being reduced to repay a prior overpayment from the same source; and
 - The overpaid amount was previously counted as unearned income for MA eligibility.
- Bona fide loans, including student loans, because of the obligation to repay
- Conversion of assets. This includes, but is not limited to, cash received from the sale of assets, money withdrawn from savings accounts or other liquid assets, reverse mortgages, etc.
- Distributions from a Health Flexible Spending Arrangement
- Distributions from a Health Savings Account
- Free rent in exchange for caretaking duties. If the caretaker receives a paycheck with an amount for rent deducted, the gross earnings are earned income, not in-kind income.
- Interest on countable assets
- In-kind benefits or payments

Earned Income

Earned income is cash people receive in exchange for work or service, including employment and self-employment. See Appendix B Income Types for descriptions of the different types of income. The following types of earned income is counted:

- Employee income, including, but not limited to:
 - Cash payments to clergy for housing
 - Commissions
 - Severance pay, based on accrued leave time
 - Tips
 - Vacation donation compensation
 - Wages
- Irregular or infrequent earned lump sum, non-gift, or income from an employer, trade or business. See MA-ABD Disregards and Deductions, earned lump sum income, for more information.
- Net earnings from self-employment, which is the gross income minus all expenses the Internal Revenue Service (IRS) allows as a self-employment expense. Self-employment income losses are deducted from other household earned income.
- Net rental income, which is the gross rental income minus verified rental and repair expenses, when the person spends an average of at least 10 hours per week maintaining or managing the property. Rental deposits are not income while subject to return to the tenant. Rental deposits used to pay rental expenses become income at the point of use. Verified expenses for providing a room or food or both to a roomer or boarder are subtracted from rental income.
- Other income received in exchange for work or service, including, but not limited to:
 - Jury duty pay
 - Picket duty pay
 - Blood and blood plasma sales
 - Royalties and honoraria

Unearned Income

Unearned income is cash that people receive without being required to perform work or service. The following types of unearned income is counted in a person's income calculation:

- Annuity payments
- Child support and arrearage payments made for a deceased child are counted for the person who receives the payment.
- Child support and arrearage payments are unearned income for the child, excluding:
 - Court ordered medical support
 - Payments to reimburse the custodial parent for medical expenses
 - Child support and arrearage payments received and retained by the county child support enforcement agency on behalf of a child enrolled in the Minnesota Family Investment Program (MFIP) or foster care

- Child support payments received by or on behalf of children who:
 - Receive services through the Brain Injury (BI), Community Alternative Care (CAC), Community Access for Disability Inclusion (CADI) or Developmental Disabilities (DD) waiver
 - Are enrolled in MA under the TEFRA option
- Disability payments that are part of the employer's benefit package
- Extended income support payments through the Trade Adjustment Reform Act (TAA)
- Interest and dividends earned on excluded assets, unless otherwise excluded. See MA-ABD Countable Assets and MA-ABD Excluded Assets for more information on how these items are treated.
- Irregular or infrequent unearned lump sum income from an individual, organization, or investment. See MA-ABD Disregards and Deductions, unearned lump sum income, for more information.
- Net rental income, which is the gross rental income minus verified rental and repair expenses, when the person spends an average of less than 10 hours per week maintaining or managing the property. Rental deposits used to pay rental expenses or repairs become income to the landlord at the point of use. Verified expenses for providing a room or food or both to a roomer or boarder are subtracted from rental income.
- Regular and frequent gift income
- Retirement, Survivor's, and Disability Insurance (RSDI). See MA-ABD Disregards and Deductions, dependent RSDI benefits, for more information.
- RSDI or Veterans Benefits for the Elderly reissued because an individual representative payee of 15 or more beneficiaries or an organization representative payee misused benefits is counted as income in the month received only if the original payment was not used to determine eligibility
- Retroactive RSDI lump sum payments are counted in the month received
- Pension or retirement benefits from public or private sources
- Severance pay that is not based on accrued leave time
- Spousal maintenance
- Student financial aid, in the following situations:
 - Earnings through the Federal Work Study program are counted for MA for Employed Persons with Disabilities (MA-EPD) if:
 - Average gross monthly earnings exceed \$65
 - Social Security and Medicare taxes are withheld
 - Non-Title IV of the Higher Education Act (HEA) and Non-Bureau of Indian Affairs (BIA) grants, scholarships, fellowships and other non-loan financial aid not used for or set aside for educational expenses.

- Distributions from a Coverdell Educational Savings Accounts (ESA) not used for or set aside for educational expenses.
- Tribal per capita payments from casinos
- Unemployment Insurance
- Veteran's Administration (VA) benefits
- Workers' Compensation

Availability of Income

For MA-ABD and MSP, income is available when the person has a legal interest and the ability to use that income for support and maintenance. Available income is counted unless it is excluded under another policy; income that is not available is not counted toward a person's income limit. See MA-ABD Excluded Income and MA-ABD Disregards and Deductions for more information. Income is usually available in the following situations:

- The person receives the income
- Someone else receives the income on the person's behalf
- The employer or other payer owes the person money, but withholds the income at the person or the court's request
- Income is withheld from payments due to a garnishment or to pay a legal debt or obligation

For MA-ABD and MSP, income is unavailable when the person:

- Cannot gain access to the income
- Receives money to cover someone else's expenses and then uses that money to pay those expenses
- Receives benefits under credit life and disability insurance coverage. Payments under these policies cover payments on loans, mortgages, etc. in the event of death or disability. These insurance payments are sent directly to the loan or mortgage company and are not available to the person.

A person must try to gain access to potentially available income.

Legal Citations

Code of Federal Regulations, title 42, section 435.631

Code of Federal Regulations, title 42, section 435.831

Minnesota Statutes, section 256B.056, subdivision 4

Published: March November 1, 2021
Previous Versions
Manual Letter #21.2, March 1, 2021
Manual Letter #20.2, June 1, 2020
Manual Letter #19.6, November 1, 2019
Manual Letter #18.3, June 1, 2018
Manual Letter #18.1, January 1, 2018
Manual Letter #16.1, June 1, 2016 (Original Version)

Archive Information

- Publication date: March 1, 2021
- Archived date: November 1, 2021
- Links:
 - [Archived page](#)
 - [Revised page](#)

[Back to the Top of Section](#)

G. Section 2.3.3.3.2.1.2 MA-ABD Sponsor Income Deeming

Medical Assistance for People Who Are Age 65 or Older and People Who Are Blind or Have a Disability

2.3.3.3.2.1.2 Sponsor Income Deeming

Sponsor deeming rules apply to noncitizens who are sponsored by an individual or individuals and have a signed Affidavit of Support (USCIS I-1864), unless ~~the applicant meets an exception is met to sponsor deeming.~~

Exceptions to MA Sponsor Deeming

~~Sponsor deeming does not apply to sponsored noncitizens when:~~

- ~~The noncitizen is under age 21~~
- ~~The noncitizen is pregnant. This exception ends when the sponsored pregnant woman's 60-day postpartum period ends. Sponsor deeming applies the month following the end of the postpartum period.~~
- ~~The noncitizen has sponsorship deferred by USCIS when their immigration status is changed to Battered Noncitizen~~

~~If the noncitizen needs placement in a facility and placement is jeopardized by the sponsor's failure or inability to provide support, or inability of the client to locate the sponsor. Income of a sponsor and the sponsor's spouse is deemed to each noncitizen covered by the affidavit regardless of whether the sponsor actually contributes to the noncitizen's household needs. Income is deemed even if the sponsor or the sponsor's spouse are receiving public assistance in Minnesota or another state.~~

The following sponsor and sponsor's spouse's income is deemed to the sponsored noncitizen:

- Gross income, including any cash assistance received by the sponsor or the sponsor's spouse
- Net self-employment income, minus self-employment expenses

If the sponsor is a member of the household:

- The sponsor's income is already deemed to the sponsored noncitizen spouse and family members under the MA for People Who Are Age 65 or Older and People Who Are Blind or Have a Disability (MA-ABD) income deeming rules.
- Applicable MA-ABD income disregards and deductions are applied to the sponsor's income.

If the sponsor is not a member of the household or is a household member whose income is not deemed to the sponsored noncitizen under MA-ABD income deeming rules, the following rules apply:

- The total gross income of the sponsor and the sponsor's spouse is deemed to each sponsored noncitizen, even if the sponsor and the sponsor's spouse are sponsoring more than one person.
- The sponsor or the sponsor's spouse's income are not considered unavailable or excluded, and there are no deductions or prorating for the needs of a sponsor, a sponsor's spouse, or other household members.

Applicants, enrollees, and sponsors must cooperate with supplying or obtaining sponsor information if sponsor deeming applies. If the applicant, enrollee, or sponsor fails to cooperate coverage may be closed. The Sponsor Letter (DHS-3453) reminds sponsors of their legal obligation to provide support and to request verification from the sponsor.

Exceptions to MA Sponsor Deeming

The sponsorship ends and sponsor deeming no longer applies when any one the following changes occur:

- The sponsored immigrant becomes a naturalized citizen
- The sponsor or sponsored immigrant dies
- The sponsored noncitizen has attained at least 40 work quarters as determined by the Social Security Administration

Sponsor deeming does not apply to sponsored noncitizens when the noncitizen:

- is under age 21
- is pregnant. This exception ends when the sponsored pregnant woman's 60-day postpartum period ends. Sponsor deeming applies the month following the end of the postpartum period.
- has sponsorship deferred by U.S. Citizenship and Immigration Services (USCIS) when their immigration status is changed to Battered Noncitizen
- needs placement in a facility and placement is jeopardized by the sponsor's failure or inability to provide support, or inability of the client to locate the sponsor

Exceptions to Form I-864 Sponsorship

Noncitizens who immigrate with a non-family based petition are not subject to sponsorship and sponsor deeming. These include, but are not limited to the following:

- Battered noncitizens
- Cuban Haitian entrants
- Diversity visa recipients
- Noncitizen sponsored by a business or organization that is not related to an immigrant
- People with temporary protected status
- Refugee and asylees

Legal Citations

Code of Federal Regulations, title 42, section 435.602

Minnesota Statutes, section 256B.06, subdivision 5

Personal Responsibility and Work Opportunity Reconciliation Act of 1996, title IV, Public Law 104–193, section 421 and 422

Published: June November 1, 2021 2020

[Previous Versions](#)

[Manual Letter #20.2, June 1, 2020](#)

Manual Letter #16.1, June 1, 2016 (Original Version)

Archive Information

- Publication date: June 1, 2020
- Archived date: November 1, 2021
- Links:
 - [Archived page](#)
 - [Revised page](#)

[Back to the Top of Section](#)

H. Section 2.5.3 EMA

2.5.3 Emergency Medical Assistance

Emergency Medical Assistance (EMA) covers emergency services for certain people who meet the financial and non-financial eligibility requirements for Medical Assistance (MA), but are not eligible due to their immigration status.

The following people may qualify for EMA:

- Noncitizens who do not have a lawfully present immigration status for MA eligibility, including noncitizens granted Deferred Action for Childhood Arrivals (DACA) status
- Noncitizens age 21 and older with a lawfully present immigration status who are not eligible for MA because they do not have an MA qualified immigration status or who have not resided in the United States in a qualified status for five or more years
- Sponsored noncitizens who are not eligible for MA because of their sponsors' income or assets
- Sponsored noncitizens whose sponsor is not cooperating

People enrolled in MA for people receiving services from the Center for Victims of Torture (MA-CVT) may also be eligible for EMA if they have a medical emergency. This allows the Minnesota Department of Human Services (DHS) to claim federal reimbursement for the emergency medical costs.

Children with disabilities who are ineligible for MA due to immigration status may be eligible for EMA under the TEFRA option.

To qualify for EMA, a person must have a basis of eligibility for MA and must meet all the eligibility requirements for that basis of eligibility, with the exception of immigration status. A person's basis of eligibility determines the non-financial criteria and financial methodology used to determine EMA eligibility.

- MA for Families With Children and Adults (MA-FCA) Bases of Eligibility
- MA for People Who Are Age 65 or Older and People Who Are Blind or Have a Disability (MA-ABD) Bases of Eligibility

People may request retroactive eligibility for EMA for up to three months before the month of application.

This subchapter includes policies that apply to EMA and links to policies that apply to all MA programs and all Minnesota Health Care Programs (MHCP) programs.

General Requirements

- MHCP Applications
- EMA Mandatory Verifications
- MA Responsibilities
- MHCP Retroactive Eligibility
- MHCP Rights
- Non-Financial Eligibility
 - MA-ABD Bases of Eligibility
 - MA-ABD Non-Financial Eligibility
 - MA-ABD Certification of Disability
 - MA-FCA Bases of Eligibility
 - MA-FCA – Non-Financial Eligibility
 - MA County Residency
 - MA Living Arrangement
 - MHCP State Residency
 - MA-FCA Renewals
 - MA-ABD Renewals
- Financial Eligibility
 - MA-ABD Financial Eligibility
 - MA-FCA Financial Eligibility
 - MA under the TEFRA Option
- Post-Eligibility
 - MA Begin and End Dates
 - MA Benefit Recovery
 - MHCP Change in Circumstances
 - MA Cooperation
 - MA Cost Sharing
 - MHCP Fraud
 - EMA Health Care Delivery
 - MHCP Inconsistent Information
 - MA Referral for Other Benefits
 - MA-ABD Renewals

Legal Citation

Code of Federal Regulations, title 42, section 435.139

Code of Federal Regulations, title 42, section 435.350

Code of Federal Regulations, title 42, section 440.255

Minnesota Statutes, section 256B.06, subdivision 4

Published: November 1, 2021

[Previous Versions](#)

[Manual Letter #19.6, November 1, 2019](#)

[Manual Letter #18.3, June 1, 2018](#)

[Manual Letter #16.4, December 22, 2016](#)

[Manual Letter #16.1, June 1, 2016 \(Original Version\)](#)

Archive Information

- Publication date: November 1, 2019
- Archived date: November 1, 2021
- Links:
 - [Archived page](#)
 - [Revised page](#)

[Back to the Top of Section](#)

I. Appendix F Standards and Guidelines

Appendix F

Standards and Guidelines

This appendix provides figures used to determine eligibility for a person, or in a specific calculation completed to determine eligibility.

Community Spouse Allowances

The Community Spouse Allowances are used when determining the long-term care (LTC) income calculation's community spouse allocation.

Basic Shelter Allowance

The Basic Shelter Allowance is used to determine if the community spouse has any excess shelter expenses.

Effective Dates	Basic Shelter Allowance
July 1, 2021 to June 30, 2022	\$653
July 1, 2020 to June 30, 2021	\$647

Maximum Monthly Income Allowance

The Maximum Monthly Income Allowance, along with the Minimum Monthly Income Allowance, is used to determine the community spouse's monthly maintenance needs amount.

Effective Dates	Maximum Monthly Income Allowance
January 1, 2021 to December 31, 2021	\$3,259.50
January 1, 2020 to December 31, 2020	\$3,216

Minimum Monthly Income Allowance

The Minimum Monthly Income Allowance, along with the Maximum Monthly Income Allowance, is used to determine the community spouse's monthly maintenance needs amount.

Effective Dates	Minimum Monthly Income Allowance
July 1, 2021 to June 30, 2022	\$2,178
July 1, 2020 to June 30, 2021	\$2,155

Utility Allowance

The Utility Allowance is allowed as a shelter expense if the community spouse is responsible for heating or cooling costs.

Effective Dates	Utility Allowance
<u>October 1, 2021 to September 30, 2022</u>	<u>\$488</u>
October 1, 2020 to September 30, 2021	\$496
October 1, 2019 to September 30, 2020	\$490

The Electricity and Telephone Allowances are allowed as shelter expenses if the community spouse is not responsible for heating or cooling expenses, but is responsible for electricity or telephone expenses.

Effective Dates	Electricity Allowance
<u>October 1, 2021 to September 30, 2022</u>	<u>\$149</u>
October 1, 2020 to September 30, 2021	\$154
October 1, 2019 to September 30, 2020	\$143

Effective Dates	Telephone Allowance
<u>October 1, 2021 to September 30, 2022</u>	<u>\$56</u>
October 1, 2020 to September 30, 2021	\$56
October 1, 2019 to September 30, 2020	\$49

Federal Poverty Guidelines

The federal poverty guidelines (FPG) are used to determine income eligibility for the Minnesota Health Care Programs (MHCP).

Refer to Insurance and Affordability Programs (IAPs) Income and Asset Guidelines (DHS-3461A) for the current FPG.

Home Equity Limit

The Home Equity Limit is applied only in specific situations and at certain times.

Effective Dates	Home Equity Limit
January 1, 2021 to December 31, 2021	\$603,000
January 1, 2020 to December 31, 2020	\$595,000

IRS Mileage Rate

The IRS mileage rate is used in many calculations to determine eligibility or reimbursement costs.

Effective Dates	IRS Mileage Rate
January 1, 2021 to December 31, 2021	56 cents
January 1, 2020 to December 31, 2020	57.5 cents

Long-Term Needs Allowances

The LTC needs allowances provide figures for needs allowances used in the LTC income calculation and for determining the community spouse or family allocation amounts.

Clothing and Personal Needs Allowance

The Clothing and Personal Needs Allowance is used when the enrollee is not eligible for any of the other LTC needs allowances.

Effective Dates	Clothing and Personal Needs Allowance
January 1, 2021 to December 31, 2021	\$105
January 1, 2020 to December 31, 2020	\$104

Home Maintenance Allowance

The Home Maintenance Allowance can be deducted from a person's LTC income calculation if certain conditions are met.

Effective Dates	Home Maintenance Allowance
July 1, 2021 to June 30, 2022	\$1,074
July 1, 2020 to June 30, 2021	\$1,064

Special Income Standard for Elderly Waiver Maintenance Needs Allowance

The Special Income Standard for Elderly Waiver (SIS-EW) maintenance needs allowance is used in the LTC income calculation for persons who have income at or below the Special Income Standard (SIS).

Effective Dates	Maintenance Needs Allowance
July 1, 2021 to June 30, 2022	\$1,059
July 1, 2020 to June 30, 2021	\$1,038

Maximum Asset Allowance

The Maximum Asset Allowance is used for the community spouse asset allowance for an asset assessment.

Effective Dates	Minimum	Maximum
January 1, 2021 to December 31, 2021	No minimum	\$130,380
January 1, 2020 to December 31, 2020	No minimum	\$128,640

MinnesotaCare Premium Amounts

MinnesotaCare premiums are calculated using a sliding fee scale based on household size and annual income.

Refer to MinnesotaCare Premium Estimator Table (DHS-4139) for information about MinnesotaCare premiums. The table provides an estimate of the premium before receiving the actual bill. The premium calculated by the system and listed on the bill is the official calculation and the amount to be paid.

Pickle Disregard

The Pickle Disregard is a disregard of the Retirement, Survivors and Disability Insurance (RS DI) cost of living adjustment (COLA) amounts for Medical Assistance (MA) Method B and the Medicare Savings Programs (MSP).

Effective Date	Pickle Disregard
January 1, 2021 to December 31, 2021	1.013
January 1, 2020 to December 31, 2020	1.016

Remedial Care Expense

The Remedial Care Expense deduction amount can be used as a health care expense when meeting a spenddown or as an income deduction in an LTC income calculation.

Effective Dates	Remedial Care Expense
July 1, 2021 to December 31, 2021	\$189
January 1, 2021 to June 30, 2021	\$177

Roomer and Boarder Standard Amount

The Roomer and Boarder Standard income is used in calculating the amount of self-employment income a person who rents or boards another person has to add to the MA Method A income calculation.

Roomer and Boarder Standard	Amount
Roomer Amount	\$71
Boarder Amount	\$155
Roomer plus Boarder Amount	\$226

Special Income Standard

The Special Income Standard (SIS) is used to determine certain criteria for the Elderly Waiver (EW) Program.

Effective Dates	SIS
January 1, 2021 to December 31, 2021	\$2,382
January 1, 2020 to December 31, 2020	\$2,349

Statewide Average Payment for Skilled Nursing Facility Care

The statewide average payment for skilled nursing facility (SAPSNF) care amount is used to determine a transfer penalty for MA. The SAPSNF is updated annually in July.

Effective Dates	SAPSNF
July 1, 2021 to June 30, 2022	\$8,781
July 1, 2020 to June 30, 2021	\$8,412

Student Earned Income Exclusion

The Student Earned Income Exclusion is a disregard of earned income for people who are under age 22 and regularly attending school. It is only available for MA Method B and MSP.

Effective Date	Monthly	Annual
January 1, 2021 to December 31, 2021	\$1,930	\$7,770
January 1, 2020 to December 31, 2020	\$1,900	\$7,670

Supplemental Security Income Maximum Payment Amount

These figures are the maximum benefit amounts for people eligible for Supplemental Security Income (SSI). A person's SSI benefit amount is based on the income of the person and certain responsible household members.

SSI benefit payments may be deducted from the LTC income calculation if the person qualifies for the Special SSI Deduction.

Effective Date	Individual
January 1, 2021 to December 31, 2021	\$794
January 1, 2020 to December 31, 2020	\$783

Effective Date	Couple
January 1, 2021 to December 31, 2021	\$1,191
January 1, 2020 to December 31, 2020	\$1,175

Tax Filing Income Threshold For Children and Tax Dependents

The tax filing income threshold refers to the income level at which a person must file a federal income tax return. The thresholds for tax dependents determines whether a child's or tax dependents income is counted or excluded when calculating household income for MA-FCA and MinnesotaCare eligibility.

The income threshold for tax filing varies based on the tax dependents age and marital status and whether the person is blind. If a child or tax dependent has income at or below these thresholds, his or her income will not count toward the household income for MA-FCA and MinnesotaCare eligibility.

The income threshold applies to the taxable income that a child or tax dependent is expected to receive in the tax year. Nontaxable income, such as Supplemental Security Income (SSI) and veteran's benefits, is not included in determining whether a child's or tax dependent's income is at or below the income threshold. Any nontaxable portion of a child's Social Security dependent or survivor benefits is not included.

The income thresholds for children and tax dependents are:

Tax Filing Income Thresholds for Tax Dependents

Marital Status	Age over 65?	Blind?	Income Type	2020 Tax Year Threshold Amount	2021 Tax Year Threshold Amount
Single	No	No	Earned Income	\$12,200	\$12,400

Marital Status	Age over 65?	Blind?	Income Type	2020 Tax Year Threshold Amount	2021 Tax Year Threshold Amount
Single	No	No	Unearned Income	\$1,100	\$1,100
Single	No	No	Gross Income	Larger of \$1,100 or Earned Income Reported up to \$11,850 + \$350	Larger of \$1,100 or Earned Income Reported up to \$12,050 + \$350
Single	Yes	No	Earned Income	\$13,850	\$14,050
Single	Yes	No	Unearned Income	\$2,750	\$2,750
Single	Yes	No	Gross Income	Larger of \$2,750 or Earned Income Reported up to \$11,850 + \$2,000	Larger of \$2,750 or Earned Income Reported up to \$12,050 + \$2,000
Single	No	Yes	Earned Income	\$13,850	\$14,050
Single	No	Yes	Unearned Income	\$2,750	\$2,750
Single	No	Yes	Gross Income	Larger of \$2,750 or Earned Income Reported up to \$11,850 + \$2,000	Larger of \$2,750 or Earned Income Reported up to \$12,050 + \$2,000
Single	Yes	Yes	Earned Income	\$15,500	\$15,700
Single	Yes	Yes	Unearned Income	\$4,400	\$4,400
Single	Yes	Yes	Gross Income	Larger of \$4,400 or Earned Income Reported up to \$11,850 + \$3,650	Larger of \$4,400 or Earned Income Reported up to \$12,050 + \$3,650

Marital Status	Age over 65?	Blind?	Income Type	2020 Tax Year Threshold Amount	2021 Tax Year Threshold Amount
Married	No	No	Earned Income	\$12,200	\$12,400
Married	No	No	Unearned Income	\$1,100	\$1,100
Married	No	No	Gross Income	Larger of \$1,100 or Earned Income Reported up to \$11,850 + \$350	Larger of \$1,100 or Earned Income Reported up to \$12,050 + \$350
Married	Yes	No	Earned Income	\$13,500	\$13,700
Married	Yes	No	Unearned Income	\$2,400	\$2,400
Married	Yes	No	Gross Income	Larger of \$2,400 or Earned Income Reported up to \$11,850 + \$1,650	Larger of \$2,400 or Earned Income Reported up to \$12,050 + \$1,650
Married	No	Yes	Earned Income	\$13,500	\$13,700
Married	No	Yes	Unearned Income	\$2,400	\$2,400
Married	No	Yes	Gross Income	Larger of \$2,400 or Earned Income Reported up to \$11,850 + \$1,650	Larger of \$2,400 or Earned Income Reported up to \$12,050 + \$1,650
Married	Yes	Yes	Earned Income	\$14,800	\$15,000
Married	Yes	Yes	Unearned Income	\$3,700	\$3,700
Married	Yes	Yes	Gross Income	Larger of \$3,700 or Earned Income Reported up to	Larger of \$3,700 or Earned Income Reported up to

Marital Status	Age over 65?	Blind?	Income Type	2020 Tax Year Threshold Amount	2021 Tax Year Threshold Amount
				\$11,850 + \$2,950	\$12,050 + \$2,950

Published: June–November 1, 2021

Previous Versions

[Manual Letter #21.3, June 1, 2021](#)

Manual Letter #21.2, March 1, 2021

Manual Letter #21.1, January 1, 2021

Manual Letter #20.3, September 1, 2020

Manula Letter #20.2, June 1, 2020

Manual Letter #20.1, March 4, 2020

January 14, 2020

Manual Letter #19.7, December 1, 2019

Manual Letter #19.5, September 1, 2019

Manual Letter #19.3, June 1, 2019

Manual Letter #19.2, April 1, 2019

Manual Letter #18.5, December 1, 2018

Manual Letter #18.4, September 1, 2018

Manual Letter #18.3, June 1, 2018

Manual Letter #18.1, January 1, 2018

Manual Letter #17.5, December 1, 2017

Manual Letter #17.4 September 1, 2017

Manual Letter #17.2, June 1, 2017

Manual Letter #16.4 December 22, 2016

Manual Letter #16.3, September 1, 2016

Manual Letter #16.1, June 1, 2016 (Original Version)

Archive Information

- Publication date: June 1, 2021
- Archived date: November 1, 2021
- Links:
 - [Archived page](#)
 - [Revised page](#)

[Back to the Top of Section](#)

J. Appendix H Lawfully Present Noncitizens

Appendix H

Lawfully Present Noncitizens

A lawfully present noncitizen is a noncitizen who has been granted the right to enter or stay in the United States and has not violated the terms of their agreement.

For eligibility information for Minnesota Health Care Programs, see the MA Immigration Status and MinnesotaCare Lawful Presence sections.

Immigration statuses that are lawfully present include, but are not limited to:

- Afghan and Iraqi Special Immigrant
- Amerasian
- Asylee, including:
 - pending applicants for asylum under the age of 14 who have had an application pending for at least 180 days, or
 - pending applicants for asylum age 14 or older who have been granted employment authorization
- Battered Noncitizen, including a child of a Battered Noncitizen
- Beneficiary of an approved visa petition with a pending application for adjustment of status
- Citizens of the Freely Associated States - the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau
- Conditional Entrant
- Cuban or Haitian Entrant
- Deferred Action
- Deferred Enforced Departure (DED) decision by the President of the United States
- Family Unity Beneficiary
- Granted an administrative stay of removal
- Granted employment authorization and have one of the following statuses:
 - Applicant for cancellation of removal or suspension of deportation
 - Order of supervision
 - Registry applicants for a Green Card
 - Applicant for legalization under Immigration Reform and Control Act (IRCA) or under the LIFE Act

- Humanitarian Entrant
- Lawful Permanent Resident (LPR)
- Lawful Temporary Resident (LTR)
- Lawfully present in American Samoa and Commonwealth of Northern Mariana Islands
- ~~Marshall Islanders, Micronesians, and Palauans~~
- Members of a federally recognized Indian tribe or American Indians born in Canada
- Noncitizens receiving services at the Centers for Victims of Torture
- Nonimmigrant Status, including, but not limited to people with:
 - K-Visas
 - Student Visas
 - Tourist Visas
 - U-Visas
 - V-Visas
 - Worker Visas
- Paroled into the United States for one year or more
- Refugee
- Special Immigrant Juvenile Status (SIJS), including pending applicants for SIJS
- Temporary Protected Status (TPS), including pending applicants for TPS who have been granted employment authorization
- Temporary Resident Status under 8 USC 1160 or 1255a
- Trafficking Victim or T-Visa holders
- Withholding of Removal

Legal Citations

Centers for Medicare & Medicaid Services State Health Officials letter re: Individuals with Deferred Action for Childhood Arrivals (August 28, 2012), at www.medicaid.gov/Federal-Policy-Guidance/downloads/SHO-12-002.pdf

Centers for Medicare & Medicaid Services State Health Officials letter re: Medicaid and CHIP Coverage of “Lawfully Residing” Children and Pregnant Women (July 1, 2010), at www.cms.gov/smdl/downloads/SHO10006.pdf

Code of Federal Regulations, title 42, section 435.406

Code of Federal Regulations, title 45, section 152.2

Published: March-November 1, 2021
20
Previous Versions
Manual Letter #20.1, March 1, 2020
Manual Letter #17.2, June 1, 2017
Manual Letter #16.1 June 1, 2016 (Original Version)

Archive Information

- Publication date: March 1, 2020
- Archived date: November 1, 2021
- Links:
 - [Archived page](#)
 - [Revised page](#)

[Back to the Top of Section](#)