



MINNESOTA  
Long Term Care  
Partnership™

# Long-Term Care Partnership and Medical Assistance Asset Protection

## What is Medical Assistance for Long-Term Care?

Medical Assistance for Long-Term Care is a publicly funded health care program that helps pay for health care services you receive while living in a long-term care facility such as a nursing home. Medical Assistance for Long-Term Care also helps pay for health care services to allow you to stay in your own home instead of moving to a long-term care facility.

## What is long-term care insurance?

Long-term care insurance helps pay for health care services such as skilled nursing services or home health care. Long-term care services may be provided in your own home, or in a long-term care facility. Many private insurance companies offer long-term care insurance in Minnesota. Your insurance agent can tell you about their long-term care plans and the coverage they provide.

## What is the Long-Term Care Partnership?

The Long-Term Care Partnership is a program set up by long-term care insurance companies and the state. Certain long-term care insurance policies meet state and federal rules so they qualify as Long-Term Care Partnership policies. These are also known as Partnership policies. Having a Partnership policy may help you get Medical Assistance for Long-Term Care.

## How can the Long-Term Care Partnership help me get Medical Assistance for Long-Term Care?

Generally if you get Medical Assistance for Long-Term Care, your counted assets must be at or below the Medical Assistance asset limit. However, if you have a Partnership

policy, you may be able to get Medical Assistance for Long-Term Care even if your counted assets are worth more than the limit. After your Partnership insurance pays for some of your care, you may “protect” some of your assets. Your protected assets will not count for Medical Assistance for Long-Term Care.

Some people need to protect assets before they can get Medical Assistance for Long-Term Care. Others can get Medical Assistance for Long-Term Care without protecting any assets.

## What are assets?

Assets are items of value you own, like bank accounts, stocks, bonds, cars, your home or other real estate.

## What rules does Medical Assistance for Long-Term Care have about assets?

Medical Assistance for Long-Term Care has many rules about assets. Ask your county worker which rules apply to you.

- Some assets are always counted, like a savings account.
- Some assets are not counted, like personal goods such as furniture and clothing.
- Some assets do not count while you are alive. However, they may be taken in estate recovery to repay Medical Assistance for your long-term care costs after you die.

There are special asset rules for married couples. If you are married and enter a nursing home or get long-term care services for the elderly in the community, you

must complete an Asset Assessment. This helps the county worker decide how many assets your spouse can keep. Ask for the brochure called Asset Assessments for Medical Assistance (DHS-3340) to learn more about the asset rules for married people. Reading this may help you choose your protected assets if you have a Long-Term Care Partnership policy.

### **What is a protected asset?**

An asset protected under the Partnership:

- Cannot be counted when the county decides if you can get Medical Assistance for Long-Term Care **and**
- Cannot be used to repay Medical Assistance when you die.

## **Long-Term Care Partnership Policies**

### **Do all long-term care insurance policies qualify for the Long-Term Care Partnership?**

No, only some long-term care insurance policies meet the state and federal rules for the Long-Term Care Partnership.

### **How do I know if I have a Partnership policy?**

Ask your insurance company if you have a Partnership policy. Tell the county worker about your long-term care insurance when you apply for Medical Assistance for Long-Term Care. The worker will need your policy number, the name and address of the insurance company, and a copy of your policy. You will also have to sign a form that allows the state to talk to the insurance company.

Your long-term care insurance company will provide the following information:

- If you have a Partnership policy.
- How much the policy paid for your care since July 1, 2006 and
- If all your long-term care benefits have been used.

### **What if my long-term care insurance is not a Partnership policy?**

You cannot protect any assets for Medical Assistance for Long-Term Care if your policy is not a Partnership policy. Your counted assets must be within the Medical Assistance asset limit. The county worker can tell you

about the asset limit, and will tell you which of your assets are counted and which are not counted.

## **Asset Protection with a Partnership Policy**

### **What happens when I have a Partnership policy and apply for Medical Assistance for Long-Term Care?**

The county worker will give you a form that shows the total amount of assets you may protect. You will need to:

- Decide if you want to protect assets at that time. You may be able to get Medical Assistance for Long-Term Care without protecting assets right away.
- Decide what assets you want to protect.
- List assets you want to protect on the Long-Term Care Partnership Protected Assets Form (DHS-5426C). The county worker will give you this form.
- Return the form to the county as soon as possible. They may need to know the value of your protected assets before they can decide if you can get Medical Assistance for Long-Term Care.

Choosing which assets to protect is a big decision. You may want to talk to people who advise you about your assets, such as a family member, your attorney, accountant and/or financial advisor.

### **What amount of assets can I protect?**

The amount of assets you can protect equals the amount your Partnership policy paid for your care since July 1, 2006. You can protect \$1 of assets for every \$1 paid by your insurance. This amount is known as your Protected Asset Limit.

- For example: Between July 1, 2006 and the date John applied for Medical Assistance for Long-Term Care, his Partnership policy paid \$100,000 for his care. John may therefore protect up to \$100,000 of assets when Medical Assistance for Long-Term Care starts. John can protect more assets in the future if his Partnership policy continues to pay benefits.

### **Do I have to prove the value of each asset I protect?**

Yes, you must prove the value of each asset when you protect it and every year when you renew your Medical Assistance for Long-Term Care. Examples of proofs are a bank statement to prove the value of a savings account and a property tax statement to prove the value of real estate.

## Can I get Medical Assistance for Long-Term Care without protecting assets?

Yes, if your counted assets are less than the Medical Assistance asset limit. Your county worker can tell you if you need to protect assets before you can get Medical Assistance for Long-Term Care.

## What if I have fewer assets than my Protected Asset Limit when I ask for Medical Assistance for Long-Term Care?

You do not have to use all of your asset protection right away.

- If your protected assets later increase in value you can protect the increased value.
- If you get new assets later you can protect them at that time.
- If you have assets that are not counted for Medical Assistance for Long-Term Care, you may protect them right away or later.

## What if I have more assets than my Protected Asset Limit when I ask for Medical Assistance for Long-Term Care?

Medical Assistance for Long-Term Care allows you to only protect assets with a value up to your Protected Asset Limit. When you have more assets than that amount, you may need to decide to either:

- Reduce your countable assets to become eligible for Medical Assistance for Long-Term Care. Ask your county worker about ways to do this.
- Re-apply for Medical Assistance for Long-Term Care after you reduce your assets or after your long-term care insurance has paid more of your care.

Ask your county worker if you do not know your options.

## Are there any assets that cannot be protected?

Yes. You cannot protect certain types of trusts and annuities. Contact your county worker if you have questions about trusts or annuities.

## After Assets are Protected

### What happens after I protect an asset?

After you protect an asset:

- You can keep it. You will have to report the current value of the asset each year. The current value will always count towards your Protected Asset Limit.

- You can give it away. The value of the asset on the day you gave it away will be counted towards your Protected Asset Limit unless you used it to get another asset. (See below.)
- You can use it to get another asset. Then the new asset becomes protected.
  - For example, Tom gets a certificate of deposit with money from a protected bank account. The money he spent from the bank account to get the certificate is no longer protected. The certificate replaced that money as a protected asset. Now the certificate of deposit counts towards Tom's Protected Asset Limit.
- You can spend it on goods and services. The asset value will count towards your Protected Asset Limit even though you no longer have it.
  - For example, Frank protected a \$20,000 bank account. He spends \$6,000 to go on a cruise. That \$6,000 still counts toward his Protected Asset Limit, even though they are no longer in his account.
- You cannot change your mind about the assets you protect.
  - For example, Marie has a bank account and owns a home. Her Protected Asset Limit only allows her to protect one of them. She decides to protect her bank account. Marie cannot later change her mind and protect the home instead.

The Liens and Estate Recovery section of this brochure tells you what happens to your protected assets when you die.

## What happens when a protected asset increases in value?

The answer depends on two things: your Protected Asset Limit and the total value of your protected assets.

- An increase in the value of a protected asset will also be protected as long as the total value of your protected assets is still below your Protected Asset Limit.
- You may have to use or reduce your assets to stay below the Medical Assistance asset limit if your protected asset value becomes higher than your Protected Asset Limit. The county worker can tell you how to reduce assets without losing Medical Assistance for Long-Term Care.
  - For example, you may buy something that is not counted against the Medical Assistance asset limit, like clothing or a TV.

## What will I have to tell my county worker about my protected assets?

You must tell your worker if you get a new asset. You may be able to protect it if you have not used all of your asset protection.

You must fill out a form every year telling your worker about your protected assets. The form will list the assets you have already protected. Fill out the form so your worker will know the current value of any protected asset you still have and will know what happened to any that you no longer have. Then your worker will know if the total value of your protected assets is still within your Protected Asset Limit.

## Will my Protected Asset Limit increase?

Your Protected Asset Limit will increase as long as your Partnership policy pays for your care. Once a year, your county worker will tell you if your Protected Asset Limit has increased.

## Liens and Estate Recovery

### Will a lien be placed against my home or other real property?

A lien is usually filed if you get Medical Assistance for Long-Term Care.

A lien may be filed against:

- Your interest in a life estate
- Real property you owned by yourself
- Real property you owned with someone else

A lien will **not** be filed if:

- You are in a nursing home and will be returning home **or**
- You protected your home or other property because of your Partnership policy.

## What if my property is worth more than I am allowed to protect?

A lien may be filed against the value of property that is higher than your Protected Asset Limit.

- For example, David may protect \$150,000 of his property because of his Long-Term Care Partnership policy. The property value is \$200,000. When David dies, the \$150,000 he protected will stay protected. A lien may be filed against the other \$50,000 worth of property.

## What happens to my protected assets when I die?

Assets you protected during your lifetime will stay protected after you die. The state or county will not file a claim against your protected assets to repay Medical Assistance. However, they may file a Medical Assistance claim against assets that are not protected.

## What if I did not protect assets up to my Protected Asset Limit when I was alive?

The person who represents you after your death can protect more assets, up to your Protected Asset Limit.

## What happens to my protected assets when my spouse dies?

The answer depends on whether your spouse also received Medical Assistance for Long-Term Care and protected assets because of his or her own Long-Term Care Partnership policy.

- An estate recovery claim may be made against an asset only you protected to repay your spouse's Medical Assistance costs.
- No estate recovery claim will be made against an asset your spouse also protected to repay your spouse's Medical Assistance costs.

## Questions?

- Talk to your county worker.
- Review information at [www.mnltcpartnership.org](http://www.mnltcpartnership.org)
- Call the Senior LinkAge Line® at (800) 333-2433 (TTY (800) 627-3529) or e-mail [senior.linkage@state.mn.us](mailto:senior.linkage@state.mn.us)
- For information about Medical Assistance for Long-Term Care, review Medical Assistance Program Information for People Living in a Nursing Home or Getting Elderly Waiver Services (DHS-2908)
- Questions about insurance issues should be directed to the Insurance Division of the Minnesota Department of Commerce at (651) 296-2488.

Attention. If you want free help translating this information, ask your worker or call the number below for your language.

ملاحظة: إذا أردت مساعدة مجانية في ترجمة هذه المعلومات، فاسأل مساعدك في مكتب الخدمة الاجتماعية أو اتصل على الرقم 1-800-358-0377.

កំណត់សំគាល់ បើអ្នកចង់បានជំនួយបកប្រែព័ត៌មាននេះដោយមិនគិតថ្លៃ សូមសួរអ្នកកាន់សំណុំរឿងរបស់អ្នក ឬ ទូរស័ព្ទទៅលេខ 1-888-468-3787 ។

Pažnja. Ako vam je potrebna besplatna pomoć za prevod ove informacije, pitajte vašeg radnika ili nazovite 1-888-234-3785.

Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, nug koj tus neeg lis dej num (worker) lossis hu 1-888-486-8377.

ໂປຼດຊາບ. ຖ້າຫາກທ່ານຕ້ອງການການຊ່ວຍເຫຼືອໃນການແປຂໍ້ຄວາມດັ່ງກ່າວນີ້ຟຣີ, ຈົ່ງຖາມນຳພະນັກງານຊ່ວຍວຽກຂອງທ່ານຫຼືໂທ 1-888-487-8251.

Hubaddhu. Yoo akka odeeffannoon kun sii hiikamu gargaarsa tolaa feeta ta'e, hojjataa kee gaafaddhu ykn lakkoofsa kana bilbili 1-888-234-3798.

Внимание: если вам нужна бесплатная помощь в переводе этой информации, обратитесь к своему социальному работнику или позвоните по следующему телефону: 1-888-562-5877.

Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la'aan ah, weydii hawl-wadeenkaaga ama wac lambarkan 1-888-547-8829.

Atención. Si desea recibir asistencia gratuita para traducir esta información, consulte a su trabajador o llame al 1-888-428-3438.

Chú Ý. Nếu quý vị cần dịch thông-tin này miễn phí, xin gọi nhân-viên xã-hội của quý vị hoặc gọi số 1-888-554-8759.

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This information is available in alternative formats to individuals with disabilities by calling your agency at (651) 431-2670 or (800) 657-3739. TTY users can call through Minnesota Relay at (800) 627-3529. For Speech-to-Speech, call (877) 627-3848. For additional assistance with legal rights and protections for equal access to human services benefits, contact your agency's ADA coordinator.