

8165.0300 DEBTS TO CLAIMANT AGENCIES.

Subpart 1. **Notice to debtor.** Under Minnesota Statutes, section 270A.08, subdivision 1, a claimant agency is required to send notice to a debtor asserting its right to a refund or a part of a refund. The agency must advise the debtor in that notice of the provisions of Minnesota Statutes, section 270A.03, subdivision 5, when the claims are submitted for the following types of obligations:

A. an obligation of a current recipient of assistance based on an overpayment of an assistance grant;

B. a debt that is owed to a program of which the debtor is a client as of the date of the notice and the debtor is a current recipient of food stamps or food support, transitional child care, or transitional medical assistance; or

C. an obligation to pay a claimant agency for medical care, including hospitalization.

The notice must explain that debtors receiving assistance may be exempt from revenue recapture under items A and B, and debtors with income below specified levels may be exempt under item C.

Subp. 2. **Definition of debtor; disclosure to claimant agencies.** In addition to the specifications provided under Minnesota Statutes, section 270A.03, subdivision 4, the term "debtor" means a taxpayer of record with the department at the time the claim is filed. The commissioner is authorized to disclose to the claimant agency that the debtor against whom the agency is attempting to file a claim under the Revenue Recapture Act is not a taxpayer of record, pursuant to Minnesota Statutes, section 270A.11.

Subp. 3. **Debt for medical care.** A debt is not subject to revenue recapture if it is a legal obligation to pay a claimant agency for medical care and if the debtor's income does not exceed the amount provided in the table in Minnesota Statutes, section 270A.03, subdivision 5. For purposes of that table, the word "income" means income as defined in Minnesota Statutes, section 290.067, subdivision 2a.

Statutory Authority: *MS s 270.06; 270C.06*

History: *26 SR 771; L 2003 1Sp14 art 1 s 106; L 2005 c 151 art 1 s 114*

Published Electronically: *November 14, 2006*