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MONTANA STATE UNIVERSITY EXTENSION

MontGuide

Montana Medical Care Savings Accounts (MSAs)

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A Medical Care Savings Account (MSA) can provide a reduction in Montana state income tax. This MontGuide explains who is eligible, what expenses are allowed, and how to set up an MSA.

MT199817HR Revised 1/17

THE MONTANA MEDICAL CARE SAVINGS ACCOUNT Act allows Montanans to save money for medical expenses and long-term health care and reduce their state income taxes at the same time.

While the term "medical care savings account" implies a savings account, a checking account or certificate of deposit is also permitted. An individual should consider how liquid the account will be at the time they expect to need the money for eligible medical expenses.

An MSA must be separate from other accounts and only the account holder can have access to the funds. Joint accounts for MSAs are not allowed. In other words, spouses must establish separate MSAs.

The money deposited in an MSA is not subject to Montana income taxation while in the account or if used for eligible medical expenses for the account holder or his or her dependents. An account holder has until January 15 to make withdrawal for an expense paid in the prior tax year. If an account holder does not use money deposited in his or her MSA during the year deposited, it remains in the account and earns interest that is free from Montana income taxation. The money in the MSA then can be used for eligible medical care expenses in future years. Any money used in the reduction of income in one year cannot be deducted from income in a future year.

Who is eligible for an MSA?

All resident taxpayers are eligible to establish a Montana MSA even if they have another health care plan provided by their employer or a Section 125 (Flexible Spending Account) or a Federal Health Savings Account (HSA). A taxpayer does not have to be in a high deductible health insurance plan to be eligible for an MSA. An MSA cannot be established for a minor child under 18. However, parents' accounts can be used for eligible expenses for a minor child.

What are the limits on contribution amounts?

The maximum amount that can be used to reduce Montana taxable income is limited to $3,000 annually for each taxpayer. A person can also put less than $3,000 in an MSA. As long as the money is left in the MSA (or withdrawn for eligible medical expenses), it is not subject to state income taxation. *The amount that is used to reduce income for state income tax purposes is the total deposited in the MSA during the tax year* – not the amount withdrawn for eligible medical care expenses. A similar reduction in income is not allowed in income for federal tax purposes.

Example 1: Barbara, a county employee, established an MSA at a local bank and deposited $3,000 in the account on January 31. During the year, she had $2,000 in eligible medical expenses. On Barbara's Montana Individual Income Tax Return, her taxable income of $39,000 is reduced by her $3,000 MSA deposit, not the $2,000 she withdrew for eligible medical expenses.

The remaining $1,000 in Barbara's MSA will continue to earn interest and is available to be withdrawn for eligible medical care expenses in future years. However, Barbara can not use the remaining $1,000 as a reduction of income in a future tax year. Barbara's Montana adjusted gross income for the present tax year is $36,000 ($39,000 - $3,000 = $36,000). Her Montana income tax will be computed based on $36,000, less allowable deductions. However, Barbara's federal income tax will be computed on her federal adjusted gross income of $39,000, less any allowable deductions.

Example 2: Donna and Jim, a married ranching couple, each established separate MSAs and deposited a total of $6,000 ($3,000 in Jim's and $3,000 in Donna's).

Their combined income of $46,000 is reduced by $6,000 to $40,000 ($46,000 - $6,000 = $40,000). Their Montana income taxes will be computed based on $40,000, less allowable deductions. However, Donna and Jim's federal income taxes will be computed on their federal adjusted gross income of $46,000, less any allowable deductions.

How much will I save on state income taxes?

A Montana taxpayer's adjusted gross income is reduced by the amount annually contributed to the MSA account. The maximum amount can be up to $3,000 for single filers and up to $6,000 total for two MSAs for joint filers. As a result of a reduction in income, there is a reduction in the Montana income tax that is due. The amount of reduction in Montana income taxes depends on the account holder's tax bracket. For information on Montana tax rates, go to www.revenue.mt.gov.

To figure *approximately* how much your Montana income tax would be reduced, multiply the amount deposited in your MSA account by the tax rate for your taxable income. For example in 2016, Montanans who had adjusted gross income of $17,400 and above were in the 6.9 percent tax bracket.

Example 3: Nina, a high school teacher, reduced her Montana taxable income of $34,500 by the $3,000 she deposited in her MSA at a local credit union. Because she earns above $17,400, she is in the 6.9 percent Montana income tax bracket. Her deposit reduces the amount of her 2016 Montana income tax due by approximately $207 ($3,000 x .069 = $207). To be eligible for a state income reduction of $3,000 for the 2017 tax year, Nina must deposit $3,000 between January 1 and December 31, 2017.

Example 4: Rob and Sheila, owners of a downtown business, deposited $3,000 each in an MSA at a local bank. The deposits lowered their Montana taxable income by $6,000. They are in a 6.9 percent Montana state income tax bracket, which means their income is taxed at the rate of 6.9 percent (tax tables change yearly). Their MSA deposits saved them approximately $414 in state income taxes ($6,000 x .069 = $414).

Eligible medical care expenses that are paid with MSA funds cannot be deducted elsewhere on the Montana income tax return.

A person's medical expenses cannot be deducted on the federal income tax return unless they exceed 10 percent of federal adjusted gross income in 2016.

Example 5: Ben and Bethany have an adjusted gross income of $45,000. Any medical expenses they could deduct on their federal return must be above $4,500 ($45,000 x 0.10 = $4,500). Because their medical expenses are $3,100, they are not allowed a deduction on their federal return. However, because Ben and Bethany established Montana MSAs with a $3,000 deposit each, they are able to reduce their Montana taxable income by $6,000 even though their withdrawals for eligible medical care expenses totaled $3,100.

How much interest will my MSA earn?

Money in an MSA can earn interest just like money deposited in other savings, checking, and investment accounts at financial institutions. The rate of interest is determined by the financial institution where the MSA is established. Interest earned and investment gains on an MSA are not subject to Montana income tax if left in the account or if withdrawn for eligible medical expenses.

Example 6: Doug, a young farmer, contributed $3,000 annually in his MSA for three years. He had no medical expenses that exceeded his health insurance allowances during those years. His MSA earned interest of $60 in the first year, $121.20 the second year and $183.62 the third year. None of the interest income was subject to Montana income taxation because Doug left the earnings in his MSA. However, Doug's interest earnings on the MSA are subject to annual federal income taxation.

Which is best...an MSA, FSA or HSA?

An MSA is not like the federal medical care flexible spending account offered by some employers where you either "use it or lose it" or the Health Savings Account (HSA) that is deducted from federal adjusted gross income. The amount placed in a Montana MSA can only be used to reduce Montana income. The amount placed in a Federal Health Care Savings Account (HSA) can be used to reduce both state and federal income. However, there are eligibility requirements that are outlined in detail in the MontGuide *Health Savings Accounts* (MT200704HR), available from your local Extension office.

The amount placed in a *flexible spending account* (FSA) can be used to reduce both state and federal income. The challenge is a Montanan typically has to decide a year ahead of time how much to expect in medical expenses that will not be covered by health insurance. Any amount not used is lost, thus the "use it or lose it" phrase is often attributed to FSAs. However, as of 2015 up to $500 can be rolled over to the next year.

Example 7: Becky decided to set aside $335 per month ($4,020 during the year) in her FSA. Unfortunately she had used up all $4,020 by July because of uncovered physical therapy expenses. From July to December she had another $3,000 in eligible medical expenses. She opened an MSA to cover these expenses and was able to reduce her Montana income by a total of $7,020 ($4,020 for the FSA + $3,000 for the MSA = $7,020). However, Becky's federal income was only reduced by $4,020 that was set aside in her FSA.

How do I report my MSA?

The amount of an MSA deposit is entered as a reduction on the Montana Individual Income Tax Return. For example, on Form 2, Schedule II for the year 2016, the amount deposited between January 1 and December 31, 2016 is entered on line 18 (this line number could change from year to year).

MSA earnings are reported on the financial institution's 1099 form that is sent to the account holder and to the Internal Revenue Service (IRS). Some financial institutions send a 1099 form for each MSA. Others may include the MSA interest and investment gains in a total with other interest and investment accounts. Closely examine the 1099 so you deduct only the appropriate amount on the MSA contribution line on the Montana Individual Income Tax form. Remember, the MSA interest earnings must be declared on the federal income tax return.

Form MSA has been simplified so that it is easier to calculate and report your allowable exclusion. A worksheet (MSA-Worksheet) is also available to help you track deposits, earnings and withdrawals. The worksheet is not required to be filed, but a copy should be retained your records. The Penalty Calculation is also included on Form MSA and available at http://revenue.mt.gov/Portals/9/individuals/forms/MSA_2016.pdf.

What are eligible medical care expenses?

Money withdrawn from an MSA is not subject to Montana income tax if used for either of two basic purposes:

1. Paying eligible medical care expenses of the account holder or his or her dependents.

The Montana Department of Revenue accepts eligible medical care expenses as defined under the Internal Revenue Code Section 213 (d). They are the same expenses that are allowed as itemized deductions for federal income tax purposes such as:

- medical insurance premiums
- prescription drugs
- insulin
- medical, dental, and nursing care
- eyeglasses
- crutches
- hearing aids
- transportation for medical care
- certain lodging expenses

A listing of eligible medical care expenses for a Montana MSA is available in IRS Publication 502, "Medical and Dental Expenses." The publication may be printed from the IRS website at http://www.irs.gov/pub/irs-pdf/p502.pdf.

If you are covered under Social Security (or if you are a government employee who paid Medicare tax), you are enrolled in *Medicare A*. The payroll tax paid for Medicare A *is not* an eligible medical expense. If you are not covered under Social Security (or were not a government employee who paid Medicare tax), you can voluntarily enroll in Medicare A. In this situation, the premiums paid for Medicare A are eligible medical care expenses.

Medicare B is supplemental medical insurance. Premiums paid for Medicare B are eligible medical care expenses for a Montana MSA.

Medicare D is a voluntary drug coverage insurance. Premiums paid for Medicare D are eligible medical care expenses for a Montana MSA.

The deductible amount and co-payments that are not covered by other types of health insurance are treated as eligible medical expenses.

2. Purchasing long-term care insurance or a long-term care annuity for the long-term care of the MSA account holder or his or her dependents.

The Montana Department of Revenue also accepts as eligible medical care expenses the purchase of long-term care insurance for the account holder and his or her dependents or the purchase of a long-term care annuity.

What expenses are not eligible?

Money held in an MSA *may not* be used to pay any medical expenses that have been reimbursed under some other type of insurance coverage.

> **Example 8:** Keri, a state employee, had $2,945 in medical expenses with all but $300 covered by her health insurance policy. She cannot withdraw $2,945 from her MSA as eligible medical care expenses because that was the amount already reimbursed to Keri by her health insurance company. However, she can withdraw the $300 deductible that she paid for eligible medical expenses that were not covered by her health insurance policy.

Other types of reimbursable items that do not qualify as eligible medical care expenses under the Montana

MSA law include: medical expenses payable under an automobile insurance policy; workers' compensation insurance policy or self-insured plan; Federal HSA payment; Section 125 (Flexible Spending Account FSA) or medical expenses covered under a health coverage policy, certificate, or contract.

Who are eligible dependents?

Money in an MSA can be used to pay eligible medical care expenses not only for the account holder, but also the taxpayer's eligible dependents. Under the Montana MSA Act, eligible dependents are defined as:

• the spouse of the account holder;

> **Example 9:** Shirley, a city employee, was seriously ill with $6,000 in non-covered medical expenses. She can use $3,000 of her husband's MSA to pay her medical expenses as well as $3,000 from her MSA.

• a child of the account holder;

> **Example 10:** Joel and Tara's daughter was seriously ill with over $6,000 in non-covered medical expenses. Joel and Tara can use their MSAs ($3,000 each) to pay their daughter's medical expenses. However, the child must be:

– younger than 19 years of age, or

– younger than 23 years of age and enrolled as a full-time student at an accredited college or university, or

– legally entitled to the provision of proper or necessary subsistence, education, medical care or other care necessary for the child's health, guidance or well-being (for example under a child-support agreement) and is not otherwise married, self-supporting, emancipated or a member of the armed forces, or

– mentally or physically incapacitated to the extent that the child is not self sufficient.

Individuals who have legally adopted a child can also establish MSAs and use the funds to pay for eligible medical care expenses for that child.

Unfortunately, grandparents who are raising grandchildren cannot use their MSAs for medical expenses for grandchildren unless they are legal dependents.

Who can administer my MSA?

Montana law provides that an MSA can be administered by the individual account holder (self-administered), a registered account administrator, or an accountant. Almost all Montana MSAs are self-administered. Regardless of the type of administration selected, the account holder in all circumstances is required to maintain documentation to verify that MSA funds are used exclusively for eligible medical expenses.

Self-Administered Account Holders. Montana law allows an individual to self-administer his or her MSA. The MSA may be established with a financial or other approved institution (e.g., banks, savings banks, credit unions, mutual fund companies, etc).

A self-administered MSA must be kept separate from all other accounts. The account must be maintained specifically for eligible medical expenses for the individual account holder or any eligible dependents.

A self-administered account holder must file a Medical Care Savings Account annual reporting form (available from the Department of Revenue and on page 7 of this MontGuide) with his or her Montana income tax return. The form is available online at http://revenue.mt.gov/Portals/9/individuals/forms/MSA_2016.pdf.

What are the charges for an MSA?

Ask the institution if they have any type of maintenance or service fees for MSAs. For example, one financial institution charges a $1 fee per withdrawal for each one in excess of six per month. Another institution does not charge a service fee if the account holder maintains a $300 minimum balance. If the account holder drops below the $300 minimum, there is a fee of $2 during each month the balance is below the minimum. The maintenance fee is not subject to taxes or penalties.

Some institutions provide free checking for MSAs for depositors age 50 and older.

What type of withdrawals can be made without penalty?

The account holder, not the account administrator or financial institution, is responsible for documenting that a withdrawal from an MSA was made for *eligible medical expenses.*

Withdrawals from an MSA, for any purpose other than eligible medical expenses, are subject to a Department of Revenue 10 percent penalty on the amount withdrawn unless the withdrawals fall under one of the four exception rules:

1) An MSA account holder can withdraw MSA money on the last business day in December, even if the money is not used for eligible medical expenses. However, the amount withdrawn is included as ordinary income for Montana income tax purposes.

> **Example 11:** Thomas, a rancher, established an MSA in March 2015 with $3,000. He did not have any medical expenses during the year so the $3,000 carried over to 2016 and 2017. On the last business day of the year in 2017, he withdrew $3,000 from his MSA to use for unexpected repairs on his combine. Thus, his Montana adjusted gross income for 2017 increased by $3,000

due to the withdrawal. However, Thomas did not have to pay a 10 percent penalty because the amount was withdrawn on the last business day of the year.

2) A withdrawal upon the death of an account holder is not subject to the 10 percent penalty. The amount withdrawn, however, is added to the decedent's Montana income for the tax year in which the death occurred.

3) The transfer of funds from one MSA account to another MSA account such as a different type of investment (from a savings account to a certificate of deposit within the same financial entity) or a different financial institution (from a savings account in a bank to a savings account in a credit union) is NOT considered a withdrawal and therefore, is not subject to the 10 percent penalty. The account holder should make sure that during the transfer process the funds are not placed, even temporarily, in a regular checking account as this action would result in a taxable transfer and penalty.

Example 12: Warren's MSA funds are in a savings account at his local bank. The MSA has grown to $12,000. He has decided to transfer $9,000 to a certificate of deposit MSA so he can earn a higher rate of interest. He requested that the bank directly transfer the $9,000 to a CD designated as an MSA without the amount being deposited in his regular checking account. He has $3,000 remaining in his savings account MSA. When the CD matures, he can renew it at the prevailing interest rate or he can direct the bank to transfer the balance to his savings account MSA so he can use the funds for eligible medical care expenses.

Example 13: Judy has an $8,000 balance in her MSA at a local credit union. She has decided to transfer $2,000 to a local bank. She requested that the credit union directly transfer the $2,000 to the MSA account she has established at the bank. Judy can then decide which account to use when she has eligible medical care expenses.

4) If an account holder had medical expenses paid after December 1, he/she has until January 15 to make a withdrawal for an expense **paid** in the prior tax year.

Example 14: Jack took a ski trip between Christmas and New Years. During his vacation he fell and broke his ankle. At the emergency room he was asked to pay the minimum co-pay for his health insurance. Because he didn't have access to his MSA, he paid from his checking account. He has until January 15 to make a qualified withdrawal from his MSA for the expense of the co-payment.

Penalties. Self-administered account holders who make withdrawals from an MSA that were not used to pay qualifying medical expenses must report the amount on Form MSA-Rev. 03-13. The form is available online at http://revenue.mt.gov/Portals/9/individuals/forms/MSA_2016.pdf.

What happens to my MSA when I die?

If an account holder dies or becomes incapacitated, Montana law provides a legal procedure for distributing the money in the MSA. If the deceased person's MSA is with an account administrator, the account administrator is responsible for distributing the principal and accumulated interest in the account to the estate of the account holder or to a designated payable-on-death (POD) beneficiary. This action should be completed within 30 days of the financial entity being furnished proof of the death of the account holder.

If the MSA is self-administered, the MSA is a part of the estate of the deceased account holder. The personal representative who is appointed by the district court is responsible for notifying the financial entity of the death of the MSA account holder.

If a POD beneficiary is designated on the MSA, the proceeds are distributed to that individual. A spouse and lineal descendants of the account holder can transfer the inherited MSA into their MSAs. This means the transfer is not subject to income taxation to the decedent or lineal descendants. Stepchildren are considered lineal descendents if that relationship was created before the child's eighteenth birthday.

If a POD beneficiary is not designated, the money in the MSA is distributed according to the account holder's written will or the Montana law of intestate succession if the person had no written will.

Example 15: Don named his wife as a POD beneficiary of his MSA account with a balance of $4,000. After his death, his wife can request that the bank transfer the $4,000 to her MSA without the amount being considered income for Montana income taxation purposes.

Example 16: Gayle named her three daughters as POD beneficiaries of her MSA account with a balance of $9,000. After her death, Gayle's daughters can request that the credit union transfer their share of $3,000 each to their MSAs without the amount being considered income for Montana income taxation purposes.

What happens to my MSA if I become incapacitated?

If an account holder becomes incapacitated, the funds cannot be withdrawn unless *power of attorney* is given to another individual or unless a *conservatorship* is granted by the district court to another individual.

A *power of attorney* is a written document in which a person gives another person legal authority to act on his or her behalf in financial transactions. For more information request the MontGuide, *Power of Attorney* (MT199001HR), available from your Extension office.

A *conservatorship* is a court-ordered protective relationship whereby an individual is appointed to manage another person's financial affairs after that person has become unable to do so. An attorney must file a petition with the district court and a judge decides if the person is legally competent to manage his or her finances.

What happens to my MSA if I move from Montana?

If an account holder moves from Montana to another state or country, and has unused MSA funds, those unused funds are considered nonqualified withdrawals and must be declared as income on his or her final Montana Income Tax Return on Form 2, Schedule I.

Planning Technique

Montana taxpayers who are not sure if they will have eligible medical expenses during the year can wait until the last business day in December to open an MSA.

> **Example 17:** Matt kept documentation of his medical expenses that were not covered by his health insurance policy throughout the year and found they totaled $2,225. On the morning of December 30, he transferred $2,230 from his regular savings account to establish an MSA. The next day (the last business day of the year), he withdrew $2,225 from the MSA and placed the funds back into his regular savings account. Matt left $5 in the account because the financial institution had a close-out fee.
>
> Matt can reduce his Montana income by the $2,230 he deposited into his MSA even though the money was in the account for less than 24 hours. With his Montana tax for the year he files the MSA annual reporting form with an entry of $2,230.

Summary

- The Montana Medical Care Savings Account Act allows a Montana taxpayer to establish an MSA and contribute up to $3,000 annually.
- If principal and earnings are withdrawn for payment of eligible medical care expenses or for long-term care of the account holder or a dependent, then the amounts are excluded from state income tax. However, the amount is subject to taxation at the federal level.
- Withdrawals from an MSA for any purpose other than eligible medical expenses are treated as ordinary income and taxed accordingly.
- Withdrawals are also subject to a 10 percent penalty unless the withdrawal falls under the exception rules listed on pages 4 and 5.
- An MSA either can be managed by a registered account administrator or self-administered by the individual account holder. Most accounts in Montana are self-administered.

Further Information

If you have questions or need additional information regarding Montana Medical Savings Accounts, contact:

- Montana Department of Revenue
  P. O. Box 5805
  Helena, MT 59604-5805
  Telephone: 406-444-6900
  Toll free: 866-859-2254
  www.revenue.mt.gov

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Acknowledgements

This MontGuide has been reviewed by representatives from:

- Montana Bankers Association
- Montana Credit Union Network
- Montana Department of Revenue
- Montana Society of Certified Public Accountants

Disclaimer

This MontGuide is based on Montana law and Administrative Rules in effect as of printing. The information presented is for information purposes only and should not be considered as tax or legal advice or be used as such. For answers to specific questions, readers should confer with appropriate professionals (certified public accountants, attorneys, financial planners).

Montana Department of REVENUE

CLEAR FORM

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Rev 02 16

2016 Montana Medical Care Savings Account

Annual Reporting Information for Self-Administered Accounts
15-61-101 through 15-61-205, MCA

First Name and Initial	Last Name	Social Security Number
		- -

Name and address of the financial institution where your Montana medical care savings account is established:

____

____

____

Your Montana medical care savings account number:

Part I. Allowable Deduction Calculation

1. Current year deposits (Column A if using MSA-Worksheet)....................... 1.
2. Deposits from prior years not previously deducted .... 2.
3. Add lines 1 and 2... 3.
4. Enter the lesser of the amount on line 3 or $3,000...4.
5. Interest and other income (Column B if using MSA-Worksheet)...5.
6. Add lines 4 and 5. This is your Montana Medical Saving Account exclusion. Enter this amount on Form 2, Schedule II, line 18...6.
7. If the amount on line 3 is greater than $3,000, subtract line 4 from line 3.
   These are your excess deposits that may be excluded next year..7.

Part II. Nonqualified Withdrawals

1. Nonqualified withdrawals (Column D if using MSA-Worksheet)...1.
   Enter this amount on Form 2, Schedule I, line 7.
2. Enter the withdrawals on line 1 made on the last business day in 2016 ....2.
3. Subtract line 2 from line 1..3.
4. Multiply the amount on line 3 by 10% (0.10). Enter this amount on Form 2, line 68, and write “MSA” in the space provided. This is your penalty..4.

The Montana Medical Care Savings Account Worksheet (MSA-Worksheet) is available to help you reconcile the activity on this form by providing a log to track expenses, deposits, withdrawals, fees and other transactions. It is not required to be completed or included with your tax return. (The MSA-Worksheet follows the instructions for this form.)

If you file your Montana tax return electronically, you do not need to mail this form to us unless we ask you for a copy. When you file electronically, you represent that you have retained the required documents in your tax records and will provide them upon the department’s request.

MONTANA STATE UNIVERSITY | EXTENSION

File under: Family Financial Management
(Retirement, Saving and Investing)
Revised January 2017 0117SA