2-005 Age Requirement: For age requirements for individual medical assistance programs, see 477 NAC 3-003.02 and 4-001.02.

2-005.01 Birthdate Used if Birth Information Is Incomplete: When birth information is incomplete, a birthdate is designated as follows:

1. If the year but not the month is known, July is used.
2. If the day of the month is not known, the 15th is used.

{Effective 5/8/05}

2-006 Pregnancy Verification: In order to establish eligibility as a pregnant woman, pregnancy verification must be provided. If the pregnant woman applies for presumptive eligibility, Form MS-91 may be used as the verification of pregnancy.

2-007 Relative Responsibility: Relative responsibility for MA includes:

1. Spouse for spouse; and
2. Parent (biological, adoptive, or step) for child if the child is age 18 or younger, is not an emancipated minor, and is still considered part of the household. See 477 NAC 1-004 for definition of emancipated minor.

An alleged parent is not responsible unless he has acknowledged paternity in writing or a court has determined paternity (see 477 NAC 2-007.03).

If a client and spouse are separated without legal action, the worker must determine whether there is a bona fide separation or temporary absence. If a client and responsible relative are not living together in the home, the worker must determine if it is a temporary absence. In the case of a temporary absence, the resources and income are considered together.

If a parent is absent due to active duty in the uniformed services of the U.S., that parent is not considered absent from the home. If the absence of a parent from the usual family setting is for other reasons, the worker must determine if the parent is continuing to exercise responsibility for the care and control of the child.

In the case of a bona fide separation, legal separation, or divorce, the resources and income of each are considered individually.

Physical absence from the home, such as for illness, does not in itself constitute a separation. For example, a spouse in the home still maintains responsibility for the spouse in the nursing home or alternate care facility if there is not a legal or bona fide separation or divorce.

Deprivation is not an eligibility factor for Children's Medical Assistance Programs.

{Effective 6/28/11}

2-007.01 Guidelines for Parental Responsibility: The worker shall use the following guidelines to determine if a child is considered part of the household:

1. If the child is living in the same household with parent(s), the parent(s)' income must be included.
   Exceptions:

   a. Home and Community Based and MR Waiver: If a child, living in the parent(s)' home is receiving Medicaid services through a Home and Community Based Service waiver or an MR waiver, the parent(s)' income and resources are not deemed. This does not require Central Office review.

   b. Autism Waiver: If a child, living in the parent(s)' home is receiving Medicaid services through Nebraska's Home and Community Based Waiver for Children with Autism Spectrum Disorder, both the parent(s)' income and the Autism waiver child's income must be verified solely to determine a premium due amount when the gross income exceeds 185% FPL.

   c. Emancipated minor: Income of the parent(s) is not included if the child is an emancipated minor. See 477 NAC 1-004 for the definition of emancipated minor.

2. If the child is temporarily absent from the home (generally 90 days or less) but is still considered part of the household, the parent(s)' income must be included. Temporary absence includes, but is not limited to, school attendance where the child returns to the home on a regular basis (weekends, vacations, or summers). Residence in an institution for mental retardation or mental illness for 90 days or less may be considered temporary absence if the child was living in the parent(s)' household before institutionalization and will return to the parent(s)' household upon discharge, within the 90 day timeframe.
3. If the child is permanently out of the home and no longer considered part of the household, the parent(s)' income must not be included.

If income is deemed from a parent to a child in an IMD, see 477 NAC 2-007.04.

2-007.02 Determination of Unit Members: The principles of relative responsibility determine if individuals who are applying for the same medical assistance program are in the same or separate units.

2-009.01A2d Medical Insurance Disregards: The cost of medical insurance premiums is deducted if the client or responsible relative is responsible for payment. The Medicare Part B premium which the client or responsible relative is responsible for paying is included in this disregard.

Exception: The cost of premiums for income-producing policies is not allowed as a medical deduction.

2-009.01A2e Treatment of Income for a Minor Parent: If a minor parent is living with his/her parent(s) and wants Medicaid for himself/herself and his/her child, income of the minor's parent is used in determining eligibility. If the minor parent wants Medicaid for his/her child but not for himself/herself, only income of the minor and the minor's child is considered.

Note: If a pregnant minor requests Medicaid, income of her financially responsible parent(s) must be used, unless the ~~minor~~ she is an emancipated minor. See 477 NAC 1-004 for definition of emancipated minor.

~~{Effective 6/28/11}~~

2-009.01B Unearned Income: Unearned income includes, but is not limited to:

1. Retirement, Survivors, and Disability Insurance (RSDI) under the Social Security Act;
2. Railroad Retirement;
3. Veteran's or military service benefits;
4. Unemployment compensation or disability insurance benefits;
5. Disability benefits paid by the employer (this does not include sick leave);
6. Worker's compensation;
7. Child, spousal, and cash medical support;
8. Contributions;
9. Gifts;
10. Annuities;
11. Pensions, or returns from investments or securities in which the individual is not actively engaged; and
12. Civil service benefits.

If payments are received annually, semi-annually, or quarterly, the amount is prorated on a monthly basis.

If the client receives a benefit (such as RSDI or VA) for an individual who is not in the unit and does not give the benefit to the individual, it is counted as income to the client.