CHAPTER 3-000 NEBRASKA MEDICAL ASSISTANCE PROGRAM (MEDICAID) FOR INDIVIDUALS AGE 19 OR YOUNGER (RIBICOFF):

3-001 Purpose: The purpose of Ribicoff is to provide medical services to individuals age 18 or younger who are otherwise eligible and do not have sufficient income and resources to meet their needs.

Exception: Individuals age 19 and 20 may be found eligible under this category if they are receiving inpatient care in an Institution for Mental Disease (IMD). If an individual is an inpatient in an IMD when s/he reaches 21 years of age, s/he may remain eligible either until discharge or until s/he reaches age 22, whichever comes first.

{Effective 8/18/03}

3-002 Application Processing: See 477 NAC 1-009.

3-002.01 Medical Assistance (MA) Application with Share of Cost (SOC): An application for medical assistance for an individual with SOC who has a medical need may be approved with no medical payments authorized until the applicant has met his/her obligation.

3-002.02 Application with Excess Resources: An application for assistance for an individual who has excess resources may be held pending until the resources are reduced (see 477 NAC 3-003.03G6 for medical eligibility dates).

3-003 Eligibility Requirements: The following elements of eligibility must be met in order to receive Medicaid for Individuals Age 18 or Younger:

1. Application (see 477 NAC 2-001);
2. U.S. citizenship or alien status (see 477 NAC 2-002);
3. Nebraska residence (see 477 NAC 2-003);
4. Social Security number (see 477 NAC 2-004);
5. Age (see 477 NAC 3-003.02);
6. Pregnancy verification (see 477 NAC 2-006);
7. Relative responsibility (see 477 NAC 2-007 and 3-003.01);
8. Living arrangement (see 477 NAC 2-008);
9. Resources (see 477 NAC 3-003.03);
10. Income (see 477 NAC 2-009);
11. Cooperation in obtaining third party medical payments (see 477 NAC 2-010); and
12. Receipt of other assistance (see 477 NAC 2-011).

{Effective 6/28/11}

3-003.01 Unit Living as a Family: If unmarried parents are living together as a family and the father has acknowledged paternity for their child, the worker must consider the whole unit's eligibility for MA if they meet other eligibility requirements. Income of both parents must be considered if the child in common is included in the MA unit.

Note: Paternity may only be established following birth.

Exception: A parent who is age 18 or younger may apply for himself/herself only and only his/her income is considered.

{Effective 6/28/11}

3-003.02 Age: An individual is eligible for Ribicoff through the month of his/her 19th birthday if s/he is a U.S. citizen, is lawfully admitted for permanent residence, or is a qualified alien (see 477-000-304). If the date of birth is not known, see 477 NAC 2-005.01.

If an individual age 19 or 20 is an inpatient in an IMD, see 477 NAC 3-001.

{Effective 8/18/03}

3-003.03 Resources: The total equity value of available non-exempt resources of the Ribicoff unit is determined and compared with the established maximum for available resources which the unit may own and still be considered eligible. If the total equity value of available non-exempt resources exceeds the established maximum, the unit is ineligible for Ribicoff. The following are examples of resources:

1. Cash on hand;
2. Cash in savings or checking accounts;
3. Certificates of deposit;
4. Stocks;
5. Bonds;
6. Investments;
7. Collectible unpaid notes or loans;
8. Promissory notes;
9. Mortgages;
10. Land contracts;
11. Land leases;
12. Revocable burial funds;
13. Trust or guardianship funds;
14. Cash value of insurance policies;
15. A home;

~~16. Additional pieces of property;~~
~~17. Trailer houses;~~
~~18. Burial spaces;~~
~~19. Motor vehicles;~~
~~20. Life estates;~~
~~21. Farm and business equipment;~~
~~22. Livestock;~~
~~23. Poultry and crops;~~
~~24. Household goods and other personal effects;~~
~~25. The contents of a safe deposit box;~~
~~26. Federal and state tax refunds (excluding EIC's); and~~
~~27. Elective share of a spouse's augmented estate.~~

~~{Effective 4/11/95}~~

~~3-003.03A Verification of Resources: Before determining eligibility of a unit, the worker must verify and document in the case record all resources if the total amount of countable resources indicated on the application is $1500 or more. Client declaration is accepted when the total amount of countable resources indicated on the application is less than $1500.~~

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

3-003.03B Definition of Available Resources: For the determination of eligibility, available resources include cash or other liquid assets or any type of real or personal property or interest in property that the client owns and may convert into cash to be used for support and maintenance.

3-003.03B1 Unavailability of Resource: Regardless of the terms of ownership, if it can be documented in the case record that the resource is unavailable to the client, the value of that resource is not used in determining eligibility. The worker shall consider the feasibility of the client's taking legal action to liquidate the resource. If the worker determines that action can be taken, the worker shall allow the client 60 days to initiate action to liquidate. During the 60 days allowed, the resource is not considered available. After 60 days, if no action is taken to liquidate, the resource is counted.

In evaluating the availability of benefit funds, such as funds raised by a benefit dance or auction, the worker shall determine the purpose of the funds and if the client has access to them. If the client cannot access the funds to pay normal maintenance needs, the funds are not considered available.

The worker shall determine a reasonable period of unavailability based on the circumstances of the case. The worker shall monitor the status of the resource.

An applicant or recipient must file in county court for the maximum elective share of a spouse's augmented estate as specified in Sections 30-2313 and 30-2314, R.R.S.

{Effective 4/11/95}

~~3-003.03B2 Excluded Resources: Disregarded income is also disregarded as a resource unless there is regulation stating otherwise. In addition, the following resources are excluded in making a determination of eligibility:~~

1. ~~Real property which the unit owns and occupies as a home;~~
2. ~~Goods of moderate value used in the home;~~
3. ~~Clothing;~~
4. ~~A motor vehicle if it is used as the client's home;~~
5. ~~One motor vehicle if it is used for employment or medical transportation (see 477 NAC 3-003.03G2h);~~
6. ~~Certain trusts (including guardianships) set up for one or more of the children in the unit (see 477 NAC 3-003.03G1e);~~
7. ~~The cash value of life insurance policies;~~
8. ~~Certain life estates in real property (see 477 NAC 3-003.03G2i);~~
9. ~~Funds set aside for burial (see 469 NAC 2-009.07A3);~~
10. ~~Burial spaces (see 469 NAC 2-009.07A3d);~~
11. ~~Funds set aside by the Veterans Administration under the Veterans Education and Employment Assistance Act for the future education expenses of a veteran;~~

12. ~~Essential property (see 477 NAC 3-003.03G2r);~~
13. ~~Payments from the Indian Claims Commission;~~
14. ~~Tax credits;~~
15. ~~Income received annually, semi-annually, or quarterly which is prorated on a monthly basis and included in the budget. This is excluded over the period of time it is considered income;~~
16. ~~U.S. savings bonds (excluded for the initial six-month mandatory retention period);~~
17. ~~Payments received from a state or local government to assist in relocation (excluded for nine months beginning with the first month after receipt);~~
18. ~~Victims compensation payments, i.e., payments received from a state or local government to aid victims of crime (excluded for nine months beginning with the first month after receipt);~~
19. ~~An unavailable job-related retirement account that is held by the employer; and~~
20. ~~An Individual Development Account (an account set up for post secondary education, purchase of a client's first home, or establishment of a business).~~

~~The worth of resources, both available and excluded, is determined on the basis of their equity.~~

~~For any of these funds to be excluded as a resource, they must be segregated in a separate account so that they can be identified. If the funds are not in a separate account, the worker shall allow the client 30 days from notification of the requirement to set up a new account. After 30 days the resource is included in the resource limit if the client fails to segregate the funds. If this makes the client ineligible for medical assistance and the client subsequently segregates the funds, the worker shall determine eligibility for medical assistance for the month of segregation.~~

~~Several excludable resources may be combined in a single account.~~

~~{Effective 9/27/2000}~~

~~3-003.03C Determination of Ownership of Resources: A resource which appears on record in the name of a client must be considered to belong to the client.~~

~~3-003.03C1 Jointly Owned Resources: When a client has a jointly owned resource that is considered available, the worker shall use the guidelines in the following regulations.~~

~~3-003.03C1a Resources Owned With Other Clients: If a client owns a resource with another client who is on categorical assistance, the worker shall divide the value of the resource by the number of owners, regardless of the terms of ownership. The appropriate value is counted for each unit.~~

~~This reference also applies to resources owned with a spouse or child.~~

~~3-003.03C1b Resources Owned With Non-Clients: If a client owns a resource with an individual who is not receiving categorical assistance, the worker shall determine the appropriate value to be assigned to the client in accordance with the following regulations.~~

3-003.03C2 General Rule: As a general rule, the words and/or or or appearing on a title or other legal contract denote joint tenancy. This means that either owner could sign and turn the resource to cash without the other; therefore, the total resource is considered available to either owner.

The term and generally refers to "tenancy in common." This means that each owner holds an undivided interest in the resource without rights of survivorship to the other owner(s). Only the proportionate share based on the number of owners of the resource is available to each owner.

If the worker substantiates that the client is not the true owner of a resource, it is permissible to allow the client to remove his/her name from the title of ownership in order to reflect true ownership. The client is allowed 60 days to make this change without affecting eligibility.

3-003.03C2a Real Property and Motor Vehicles: For cars and real estate, regardless of the terms of ownership, only the proportionate share is counted as a resource.

3-003.03C2a(1) Real Estate: The worker shall verify ownership of real estate through records in the offices of the register of deeds or county clerk. The worker shall verify the terms on which property is held in cases of joint ownership. Records of the court have information in regard to estates which have not been settled or which are in probate. The worker shall consult the records of the court if the property has come to the holder as a part of an estate; if by joint purchase, the facts will appear in the record of the deed.

3-003.03C2a(2) Motor Vehicles: The worker shall verify ownership of a motor vehicle. The title, not the registration, of a motor vehicle legally determines ownership.

3-003.03C2b Bank Accounts: The worker shall verify the terms of the account with the bank. If any person on the account is able to withdraw the total amount, the full amount of the account is considered the client's. If all signatures are required to withdraw the money, the proportionate share must be counted toward the client.

~~If the client verifies that none of the money belongs to him/her, the client must be allowed 60 days to remove his/her name from the account. The client shall provide proof of the change. After the client removes his/her name from the bank account, eligibility may be determined retrospectively and/or prospectively. If the client does not remove his/her name in 60 days, the money is counted as a resource.~~

~~If a portion is the client's, the worker shall notify the client of the requirement to put the money in a separate account.~~

~~3-003.03D Consideration of Relative Responsibility: When the client (i.e., a spouse or parent), has relative responsibility for a client in another assistance unit and the responsible relative owns the resource(s), the worker shall divide the value by the number of units to determine the amount to be counted to each. An AABD/MA or SDP/MA couple is considered one unit.~~

~~Exception: If the responsible relative receives SSI, none of the value of the resource(s) is considered to the other unit.~~

~~When the client (i.e., a spouse or parent) has relative responsibility for a client in another assistance unit and both clients own the resource(s), regulations in 477 NAC 3-003.03C2 are followed and the resource is divided by the number of owners only. This meets the requirement of relative responsibility.~~

~~3-003.03D1 Resources of a Parent: Resources of a responsible parent are included in the resource total for the eligible unit members. The responsible parent is allowed resource exclusions. After resource exclusions, the remaining resource amount is counted in the resource total of the eligible unit members.~~

~~3-003.03E Inheritance: When a client receives an inheritance, verified payment of debts or obligations of the deceased are subtracted from the settlement.~~

~~3-003.03F Value and Equity: Equity is the actual value of property (the price at which it could be sold) less the total of encumbrances against it (mortgages, mechanic's liens, other liens and taxes, and estimated selling expenses).~~

~~If encumbrances against the property equal or exceed the price for which the property could be sold, the client has no equity and the property is not an available resource.~~

3-003.03F1 Secured Debts: The total value of unpaid personal taxes and other personal debts secured by mortgages, liens, promissory notes, and judgments (other than those on which the statute of limitations applies) is subtracted from the gross value of the encumbered property, to find the equity.

3-003.03G Types of Resources: Resources can be divided into two categories: liquid and non-liquid.

3-003.03G1 Liquid Resources: Liquid resources are assets that are in cash or financial instruments which are convertible to cash. They include resources such as -

1. Cash on hand;
2. Cash in savings or checking accounts;
3. Certificates of deposit;
4. Stocks;
5. Bonds;
6. Investments;
7. Collectible unpaid notes or loans;
8. Promissory notes;
9. Mortgages;
10. Land contracts;
11. Land leases;
12. Revocable burial funds;
13. Trust or guardianship funds;
14. Cash value of insurance policies;
15. Other similar properties;
16. Federal and state tax refunds (excluding EIC's); and
17. Medical savings accounts.

{Effective 12/27/97}

3-003.03G1a Cash, Saving, Investments, Money Due: Cash on hand, cash in checking and savings accounts, salable stocks or bonds, certificates of deposit, promissory notes and other collectible unpaid notes or loans and other investments are available resources.

~~3-003.03G1b Land Contracts: A land contract, or real estate contract of sale, is considered a resource to the seller of the property if the contract can be sold. In determining the value of the contract, the worker and/or the client determines the salability of the contract and the resulting value (see 477 NAC 3-003.03B). The contract is not considered salable unless there is a known buyer. If the contract is determined to be salable, the net value of the contract becomes the value at which it could be sold - minus encumbrances, etc., against the property.~~

~~If it is determined and documented that the contract is not salable, the contract is not considered an available resource to the client. The worker shall review the salability at all redeterminations or more often as the worker feels necessary.~~

~~Any income received from a land contract is considered unearned income to the client (see 477 NAC 2-009.01G).~~

~~{Effective 9/27/2000}~~

~~3-003.03G1c Funds Set Aside for Burial: See 469 NAC 2-009.07A3.~~

~~3-003.03G1d Whole Insurance~~

~~3-003.03G1d(1) Cash Surrender Value: The cash surrender value of life insurance is exempt from resources.~~

~~The following are also exempt:~~

1. ~~Term insurance and other similar policies that do not accrue any cash value;~~
2. ~~Burial insurance; and~~
3. ~~Life insurance policies where the proceeds are irrevocably assigned for the purpose of burial.~~

~~See 469 NAC 2-009.07A3 for the treatment of burial insurance.~~

~~{Effective 10/1/97}~~

~~3-003.03G1d(2) Interest and Dividends: Interest and dividends of all life insurance policies are treated according to 477 NAC 2-009.01G.~~

~~3-003.03G1e Trust, Guardianship/Conservatorship, and Annuity Funds: For treatment of trusts, guardianship/conservatorships, and annuity funds, see 469 NAC 2-009.07A5 ff.~~

~~{Effective 5/8/05}~~

~~3-003.03G2 Non-Liquid Resources: Non-liquid resources are tangible properties which need to be sold if they are to be used for the maintenance of the client. They include all properties not classified as liquid resources, such as -~~

~~1. A home;~~
~~2. Additional pieces of property;~~
~~3. Trailer houses;~~
~~4. Burial spaces;~~
~~5. Motor vehicles;~~
~~6. Life estates;~~
~~7. Farm and business equipment;~~
~~8. Livestock;~~
~~9. Poultry and crops; and~~
~~10. Household goods and other personal effects.~~

~~3-003.03G2a Exemption of Home: The client's home is exempt from consideration as an available resource, with the following limitations.~~

~~3-003.03G2a(1) Definition of Home: A home is defined as any shelter which the individual owns and uses as his/her principal place of residence. The home includes any land on which the house is located and any related outbuildings necessary to the operation of the home.~~

~~3-003.03G2a(2) Adjacent Lots: Lots adjacent to the home are considered available if they can be sold separately from the home. If the worker determines and documents in the case record that the lots adjacent to the home cannot be sold or are not salable due to the location or condition of the property, the adjacent lots are also exempt.~~

~~3-003.03G2b Removal From Home: If the individual moves away from the home and does not plan or is unable to return to it, the worker shall determine when the home becomes an available resource in accordance with the following provisions.~~

~~The home continues to be exempt as a resource while members of the unit occupy it.~~

~~When the client moves to a nursing home, the worker shall consider the home an available resource once it is medically determined that the client will not be able to return home. If the client enters a facility and it is not possible to determine immediately if the client will be able to return home, a maximum of six months from the time the client entered the facility may be allowed to make that determination.~~

~~After a maximum of six months, the home may no longer be considered the individual's principal place of residence and must be considered an available resource. However, the client is allowed time to liquidate the property before it affects eligibility.~~

~~Note: For an applicant, the six months begin with the date the individual enters the institution, not with the date of application.~~

~~3-003.03G2b(1) Liquidation of Property: As soon as the determination is made that the client will not be able to return home, the worker shall allow the client time to liquidate the property (see 477 NAC 3-003.03G2e).~~

~~The client is also allowed time for liquidation if s/he leaves the home for a reason other than entering a medical institution.~~

~~3-003.03G2c Sale of Home: If the client sells his/her home, the net proceeds become an available resource unless reinvested immediately in another home. In order to be allowed time to reinvest the proceeds, the client must be residing in the home at the time of the sale and move directly to his/her new home.~~

~~Net proceeds are the remainder after payment of the mortgage, realtor's fees, legal fees, etc. The worker shall verify any deductions. More than three months between the sale of the home and the reinvestment in another home requires that the unit's eligibility be reconsidered. In the period of time between the sale of the home and the reinvestment of the proceeds in another home, the money must be segregated in a separate account in order to be exempt.~~

~~If at anytime the client does not intend to reinvest in another home, the proceeds from the sale become an available resource immediately.~~

~~3-003.03G2d (Reserved)~~

~~3-003.03G2e Liquidation of Real Property: When a client has excess resources because of real property, s/he may receive MA pending liquidation of the resource, according to the following regulations.~~

~~Note: If the client has excess resources because of real property during a retroactive period, s/he is ineligible for MA. The client may be prospectively eligible with excess resources because of real property if Form IM-1 is signed.~~

~~3-003.03G2e(1) Definition of Real Property: Real property is defined as land, houses, or buildings.~~

~~3-003.03G2e(2) Time Limits for Liquidation: The worker shall exclude real property which the client is making a good faith effort to sell.~~

~~First the worker shall determine if the individual has the legal authority to liquidate the property. If not, the client is allowed 60 days to initiate legal action to obtain authority to liquidate (see 477 NAC 3-003.03B1). If the client owns the property with other persons who are not on assistance, see 477 NAC 3-003.03C1a.~~

~~Once the client has the legal authority to liquidate the property, the worker shall obtain the client's signature on Form IM-1. If the client refuses to sign Form IM-1, s/he is immediately ineligible because of excess resources. On Form IM-1, the client agrees to dispose of the property within six calendar months.~~

~~The six-calendar-month period begins with the month following the month in which Form IM-1 is signed. Once Form IM-1 is signed, the six calendar months are counted, whether or not the client is receiving assistance.~~

~~If the client moves back to the home during the six-month period and subsequently moves out again, s/he is allowed the months remaining in the six months.~~

~~One liquidation period is allowed for each piece of real property that is determined to cause excess resources, even if the case is closed and subsequently reopened.~~

~~3-003.03G2e(2)(a) Extension of Time Limit: If the client is unable to liquidate the property in six calendar months, the district administrator may authorize an additional three calendar months. In determining whether to allow a three-calendar-month extension, the district administrator shall consider -~~

1. ~~If the property has been placed on the market;~~
2. ~~If the client is asking a fair price for the property;~~
3. ~~If the asking price has been reduced;~~
4. ~~If the client understands the requirement for liquidation of the property;~~
5. ~~If the client has not refused a reasonable offer to purchase; and~~
   ~~Note: If there is not a better offer, a reasonable offer is defined as at least 2/3 of either the estimated current market value or the proven actual value.~~
6. ~~The economic conditions in the area and if real estate is selling.~~

~~Before the three-month extension ends, if the client has exhausted all possibilities for selling the property, but the property is not sold, the worker shall submit all information regarding the property and its salability on Form ASD-17 to Public Assistance, Central Office, to determine if the resource is available.~~

~~{Effective 4/11/95}~~

~~3-003.03G2e(2)(b) Joint Ownership: If the client owns the property with other persons who are not on assistance, the worker contacts the other owners to determine if they are willing to liquidate their interest in the property. If all parties are willing to liquidate, the worker proceeds with the liquidation process. If one or more of the parties do not wish to liquidate, the worker applies 477 NAC 3-003.03B1 and requires the client to take legal action to force a sale of the property. The worker may obtain a written statement from the other parties and file it in the case record. After a legal determination is made regarding the availability of the client's interest in the property, the worker takes the appropriate action.~~

~~3-003.03G2f Additional Pieces of Real Property: The worker shall determine and use in computing the amount of the unit's total available resources the potential sales value of all real property, other than the allowed exemption for the home.~~

~~3-003.03G2g Trailer Houses and Other Portable Housing Units: If a client occupies a trailer house or other portable housing unit as his/her home, the property is allowed the resource exemption for a home (see 477 NAC 3-003.03G2a). If the client enters a nursing home, s/he is allowed the exemption of a home for up to six months (see 469 NAC 2-009.07B2).~~

~~If the trailer house or other portable housing unit is used for the client's trade or business, see 477 NAC 3-003.03G2r. If it is used to produce goods for the client's own consumption or use, see 477 NAC 3-003.03G2r(1).~~

~~3-003.03G2h Motor Vehicles: The worker shall disregard one motor vehicle regardless of its value as long as it is necessary for the client or a member of his/her household for employment or medical treatment. If the client has more than one vehicle the worker shall exclude the vehicle with the greatest equity. The client's verbal statement that the motor vehicle is used for employment or medical treatment is sufficient.~~
~~Note: If the client is living in his/her vehicle, the total equity value is exempted from resources.~~

~~{Effective 10/1/97}~~

~~3-003.03G2h(1) Determination of Fair Market Value: For motor vehicles that are counted in the resource total, the worker uses the fair market value. Cars, trucks, vans, motorcycles, recreational vehicles, motor boats, and planes are included in the category of motor vehicles.~~

~~3-003.03G2i Life Estates: The owner of a life estate in real property is generally unable to sell the property. Therefore, the worker shall include the net income from the life estate in the budget rather than considering the life estate as an available resource. If the owner of a life estate transfers it to another individual, the worker shall determine if it is deprivation of a resource (see 477 NAC 3-003.03G5). If the life estate is sold, the profit is counted as a resource.~~

~~3-003.03G2j Farm Equipment: If the farm equipment is used for the client's trade or business, see 477 NAC 3-003.03G2r. If it is used to produce goods for the client's own consumption or use, see 477 NAC 3-003.03G2r(1).~~

~~3-003.03G2k Business Equipment, Fixtures, Machinery: If business equipment, etc., is used for the client's trade or business, see 477 NAC 3-003.03G2r. If it is used to produce goods for the client's own consumption or use, see 477 NAC 3-003.03G2r(1).~~

~~3-003.03G2m Livestock, Poultry, Crops (Growing and on Hand): If the livestock, poultry, and crops are grown for the client's trade or business, see 477 NAC 3-003.03G2r. If they are grown for the client's own consumption, see 477 NAC 3-003.03G2r(1).~~

~~3-003.03G2n Household Goods and Personal Effects: Household goods and personal effects of a moderate value used in the home are exempt. Household goods are defined as including household furniture and furnishings, tools, and equipment used in the operation, maintenance and occupancy of the home or in the functions and activities of the home and family life, as well as those items which are for comfort and accommodation. Personal effects include clothing, jewelry, items of personal care, etc.~~

~~3-003.03G2p Loans: A bona fide loan is disregarded as income or a resource. A bona fide loan is defined as one that must be repaid. The agreement for repayment may be verbal or written and the loan may be owed to an individual or to an organization or agency. Using prudent person principle the client's statement is adequate verification that the loan must be repaid.~~

~~3-003.03G2q Burial Spaces: See 469 NAC 2-009.07A3d.~~

~~3-003.03G2r Essential Property: If the client owns a resource that is used in his/her trade or business, the resource is disregarded, regardless of the value. This includes real property such as land, houses, or buildings as well as personal property such as farm machinery, business equipment, livestock, poultry, crops, tools, safety equipment, or business bank accounts as long as the funds are separated from other liquid resources. The client or a responsible relative must be actively involved in the trade or business.~~

~~3-003.03G2r(1) Nonbusiness Property: A maximum of $6,000 equity value of nonbusiness property (real or personal) that is used to produce goods or services essential to daily activities is excluded from resources. For instance, an individual may maintain livestock for consumption in his/her own household. There is no limit on the value of livestock, poultry, and crops for the household's own consumption.~~

~~The property must be in current use or there is the reasonable expectation that use will resume.~~

~~Any equity in excess of $6,000 is counted as a resource. If the excess resource is real property, see 477 NAC 3-003.03G2b(1) for regulations on liquidating real property.~~

~~3-003.03G3 Maximum Available Resources: The established maximums for available resources which the client may own and still be eligible for MA are as follows:~~

~~One member unit~~	~~$4,000~~
~~Two member unit or family~~	~~6,000~~
~~Three member unit or family~~	~~6,025~~
~~Four member unit or family~~	~~6,050~~
~~Each additional individual~~	~~+ 25~~

~~In determining the resource level, the worker includes the client(s), parent(s), and sibling(s) who are in the household and are not included in another budgetary unit.~~

~~3-003.03G4 Determination of Value of Total Available Resources: The total value of all available resources is the total value of real and personal property figured in according with the preceding instructions.~~

3-003.03G5 Deprivation of Resources: See 469 NAC 4-005.03 ff.
{Effective 6/18/2001}

3-003.03G6 Reduction of Resources: The application for a unit that has excess resources other than real property may be held pending until the resources are reduced. For the liquidation of real property, see 477 NAC 3-003.03G2e. Excess resources may be reduced by paying obligations for medical costs. Medical eligibility begins with the first day of the month of the incurred obligation which was used to reduce the resources to the allowable maximum (see 477 NAC 3-003.03G3). Medical eligibility may not be established earlier than the three-month retroactive period.

3-003.04 Treatment of Income: See 477 NAC 2-009 for income treatment.

~~3-004 Effective Date of Medical Eligibility: See 477 NAC 2-012.~~

~~3-005 Share of Cost (SOC): The medical needs of a parent and his/her dependent child may be used to meet the unit's Share of Cost.~~

~~If the income of a parent (eligible or ineligible) is considered in determining MA for the dependent child, then the medical obligations and/or expenses of that parent must be considered to meet the SOC of the unit. If income of a minor's parent(s) is considered in determining MA for the minor parent and his/her child(ren), the worker shall consider the medical obligations and/or expenses of the minor's parent(s) and any other dependents of the parent(s) who are in the home and who are or could be claimed by the parent(s) as dependents for income tax purposes.~~

~~3-006 Prospective Budgeting: See 477 NAC 2-009.01D for budgeting procedures.~~

3-006.01 Procedures for Changes: The worker shall first determine if the change(s) affects MA eligibility. If it does, the worker shall -

1. Compare resources to the resource limit; (see 477 NAC 3-003.03G3);
2. Compare the income to the medically needy income level (see 477 NAC 3-007);
3. Determine eligibility based on the household composition;
4. Recompute the budget; and
5. Send an adequate and/or timely notice of change (see 477 NAC 1-009.03 ff.).

3-007 Medically Needy Income Level (MNIL): The medically needy income level is determined by the number of family members. Ineligible or sanctioned parents or family members that the parent chooses not to include in the unit are included in the MNIL if their needs are not included in another budgetary unit. If the parent chooses to exclude a child(ren) from the unit, any income of the child(ren) is also excluded.

Note: A parent(s) and any other dependents who are in the home and who are age 18 or younger are included in the MNIL for -

1. A minor parent who is applying for himself/herself; or
2. A youth in an IMD.

In determining the MNIL, the following individuals are considered:

1. Client;
2. Spouse;
3. Responsible relative(s) of the child(ren); and
4. Child(ren) age 18 or younger (including unborn(s) that are medically verified).

The net income is compared to the appropriate MNIL to determine eligibility for MA only or MA with a share of cost.

If the net income is equal to or less than the MNIL, the unit may be eligible for MA only.

Note: See 469 NAC 3-006.02 if a Ribicoff individual is an essential person in an AABD budget.