

EFFECTIVE
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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

202 NAC 1

TITLE 202 OPERATIONS WITHIN FACILITIES AND COMMUNITY-BASED
SERVICES FOR PERSONS WITH MENTAL ILLNESS OR
DEVELOPMENTAL DISABILITIES

CHAPTER 1 DETERMINING ABILITY TO PAY FOR SUPPORTS AND SERVICES
FUNDED BY THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN
SERVICES

001. SCOPE AND AUTHORITY. These regulations govern the determination of the ability to pay for all services funded by the Nebraska Department of Health and Human Services and implement the requirements of Nebraska Revised Statute (Neb. Rev. Stat.) §§ 83-227.01, 83-227.02, 83-350, 83-363 to 83-380.01, and 83-1211.

002. DEFINITIONS. The definitions in Neb. Rev. Stat. § 83-363 and following apply to this chapter.

002.01 ASSETS. Assets are items of objective fair market value owned by the client.

002.02 LIABILITIES. Liabilities are the amount of debt owed by the client, client's spouse, or responsible relative, as applicable.

003. INSURANCE COVERAGE. The client, or the client's legal guardian, spouse, or parent, if applicable, must provide the facility with information pertaining to all types of available insurance coverage sufficient to enable the facility to recover up to the full cost of services.

004. CLIENT'S ABILITY TO PAY. The following documents must be completed and submitted to the Department by the client, or the client's legal guardian, spouse, or parent, if applicable:

- (A) Financial questionnaire detailing income, assets, and liabilities;
- (B) Statement of insurance coverage;
- (C) Signed bank release form for all accounts;
- (D) Signed US citizenship attestation form; and
- (E) Signed authorization to request a copy of the Nebraska tax return.

004.01 NET ASSETS. The Department deducts liabilities from income and assets to determine available net assets eligible to pay for care. The available net assets eligible to pay for care is multiplied by a percentage to determine the amount the client has to pay. The percentages are:

004.01(A) CLIENT WITH NO DEPENDENTS. For a client with no dependents and who is receiving services, 1.5% of the available net assets eligible to pay for care is owed for care.

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004.01(B) CLIENT WITH DEPENDENTS. For a client with dependents and who is receiving services, 1.0% of the available net assets eligible to pay for care is owed for care.

005. SPOUSE'S ABILITY TO PAY. When a client is unable to pay the entire cost of care, and the client and the client's spouse file separate tax returns, the client's spouse must submit his or her Nebraska tax return. If the client's spouse did not file a Nebraska tax return, the client's spouse must submit a copy of his or her federal tax return. The client's spouse's ability to pay will be assessed at 1.5% of the client's spouse's annual taxable income.

006. PARENT'S ABILITY TO PAY. When a client is unable to pay the entire cost of care, the client's parents must submit their Nebraska tax return. If the client's parents did not file a Nebraska tax return, the client's parents must submit a copy of their federal tax return. The client's parents' ability to pay will be assessed at 0.5% of the client's parents' annual taxable income.

007. HARDSHIP WAIVER. The spouse or parents of a client may petition the Department to waive the ability to pay requirement.

008. HEARINGS. Hearings will be held according to Title 465 of the Nebraska Administrative Code.