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11-04-2020

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

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TITLE 477 NEBRASKA MEDICAL ASSISTANCE ELIGIBILITY

CHAPTER 22 INCOME FOR NON-MODIFIED ADJUSTED GROSS INCOME (NON-MAGI)
PROGRAMS

001. APPLICABILITY. This chapter applies to the following Non-Modified Adjusted Gross Income (Non-MAGI) programs: Aged, blind, and disabled (ABD); medically needy (MN); medical insurance for workers with disabilities (MIWD); women's cancer program; transitional medical assistance (TMA); former foster care (FFC); emergency medical services assistance (EMSA); and children and young adults eligible for IV-E assistance.

002. INCOME.

002.01 DEFINITION. Income is a gain or recurrent benefit received in money or in-kind from employment, business, property, investments, gifts, benefits, or annuities, at regular or irregular intervals of time. Unless otherwise stated in this chapter, income is defined and counted according to 20 Code of Federal Regulations (CFR) Part 416 Subpart K.

002.02 VERIFICATION. Income must be verified at least every 12 months. Verification of income consists of at least the following:

- (i) The source of the payment or benefit;
- (ii) The date the payment or benefit was received;
- (iii) The person entitled to receive the payment or benefit;
- (iv) The period covered by the payment or benefit; and
- (v) The gross amount of payment or benefit.

002.02(A) VERIFICATION SOURCES. Electronic data sources will be used to verify income, if available. Paper documentation is required when electronic data sources are either unavailable or are not reasonably compatible with a client's attestation.

002.02(A)(i) STABLE INCOME. One month's income is verified when a client's income is stable.

002.02(A)(ii) FLUCTUATING INCOME. When a client's income fluctuates, the most recent three months income is verified, when available.

002.03 PROSPECTIVE BUDGETING. Non-Modified Adjusted Gross Income (Non-MAGI) is computed on a monthly budgeting basis. Income is converted into a monthly amount. The amount used to determine monthly eligibility is the amount which is expected or can reasonably be anticipated consistent with the regulations in this chapter.

002.03(A) RETROACTIVE EXCEPTION. To determine retroactive eligibility, the amount of income actually received by the assistance unit in the requested retroactive months is verified and used.

002.04 AVAILABILITY. All sources of income, whether earned or unearned, available to the client are used to determine initial and ongoing eligibility. Relative responsibility provisions determine what income is used to determine eligibility for each member of the assistance unit.

002.04(A) PAYMENT RECEIVED FOR ANOTHER PERSON. Any benefit or payment received by the client for a person not in the assistance unit is countable for the client if the benefit or payment is not forwarded to the person for whom such payment is due.

002.05 INTERCEPTED, WITHHELD, OR GARNISHED INCOME. Income which is being intercepted, withheld, or garnished, even if done pursuant to a court order, is counted in determining eligibility.

002.06 TERMINATED INCOME. It is necessary to verify when a source of income ends. The income is not used in determining eligibility beginning in the month after the month in which the final payment is received or the benefit or contract ends.

003. EARNED INCOME.

003.01 DEFINITION. Earned income is money received from wages, tips, salary, commissions, bonuses, holiday pay, or profits from activities in which an individual is engaged as a self-employed person or as an employee. Earned income does not include reimbursement for employment-related expenses such as fuel, mileage, lodging, or meals.

003.02 IN-KIND INCOME. For programs in which age, blindness, or disability is an eligibility requirement, earned income includes any food, clothing, shelter, or other items provided in lieu of wages.

003.03 SELF-EMPLOYMENT. Self-employment is an activity or work effort performed by the individual for the purpose of generating income. Passive receipt of income from a resource does not constitute self-employment. For self-employed individuals, the net amount of income, after payment of expenses, is used to determine eligibility. Gross income and expenses must be verified. If the self-employed individual files taxes on this source of income, then the taxable amount of income from the self-employment may be used.

003.03(A) OFFSET OF INCOME. Losses from self-employment may be used to offset other earned income of the individual or a financially responsible spouse or relative. Self-employment losses cannot be used to offset unearned income.

003.04 CONTRACTUAL INCOME. Income paid on a contractual basis is prorated over the number of months covered under the contract, even if the client is paid in fewer months than the contract covers.

004. UNEARNED INCOME.

004.01 DEFINITION. Unearned income is any cash benefit that is not the direct result of labor or services performed by the individual as an employee or a self-employed person. Unearned income includes, but is not limited to:

- (A) Retirement, Survivors, and Disability Insurance (RSDI) benefits;
- (B) Railroad retirement benefits;
- (C) Child, cash, and medical support;
- (D) Military service benefits;
- (E) Veteran's Affairs (VA) benefits;
- (F) Civil service benefits;
- (G) Unemployment compensation;
- (H) Gifts or inheritance;
- (I) Disability insurance benefits;
- (J) Workers' compensation payments;
- (K) Disability benefits, other than sick leave, paid by an employer;
- (L) Returns from certain investments;
- (M) Payments from an annuitized annuity; or
- (N) Income from a life estate in real property.

004.02 PRORATION OF PERIODIC INCOME. When income is received annually, semi-annually, quarterly, or bi-monthly, the amount is prorated on a monthly basis.

004.02(A) PERIODIC INCOME PRIOR TO APPLICATION. If the most recent periodic payment has been received and spent before the initial application, then the income may be considered unavailable and is not counted. If the application is approved, the client must report the receipt of the next payment within ten days. All payments received after the application is approved are prorated on a monthly basis and used for eligibility.

004.03 POTENTIAL BENEFITS. Applicants and recipients of Medicaid must take all necessary steps to obtain any annuities, pensions, retirement, and disability benefits to which they are entitled, unless there is good cause shown for not doing so. Annuities, pensions, retirement, and disability benefits include, but are not limited to, veterans' compensation and pensions; retirement, survivors, and disability insurance (RSDI) benefits; railroad retirement benefits; unemployment compensation; and employer sponsored retirement benefits.

004.03(A) ELIGIBILITY DETERMINATION. If a client is otherwise eligible for Medicaid, then eligibility may be determined. The client will be notified that continued eligibility for Medicaid depends on their application for the potential benefit. A client has 60 days from the date of the notice to apply for a potential benefit.

004.03(B) REINSTATEMENT OF BENEFITS. If a Medicaid client loses eligibility for a pre-existing benefit, then continued eligibility is dependent upon taking all necessary steps to reinstate the benefit. A client has 30 days to apply to reinstate the benefit.

004.04 SPECIFIC TYPES OF UNEARNED INCOME. Certain types of unearned income have specific rules which apply. These may be an exception to the general rule, a result from the

application of other program rules, or may apply to only certain eligibility groups governed by this chapter.

004.04(A) CHILD OR SPOUSAL SUPPORT. Child, spousal, and cash medical support received by the individual is considered unearned income. If payment has been irregular or is less than the court ordered amount, then a three month average is used. If a portion of the payment has been retained by the Department to satisfy a debt to the state, then no more than the court-ordered amount will be used. When child support is paid to a child who is not in the home of the assistance unit, the payment is considered income of the child only when it is provided to the child.

004.04(B) CONTRIBUTIONS. Contributions are verified gifts, payments, or in-kind assistance given to members of the assistance unit by a third party. Contributions are considered unearned income subject to the exceptions below:

- (i) A self-supporting individual who resides with the client pays the client for a portion of the shelter expenses or shares expenses with the client. This includes situations where more than one assistance unit resides at the same address;
- (ii) An individual makes payments directly to a vendor on behalf of a client for items which are not food or shelter;
- (iii) A client who has no income receives shelter from another individual due to a crisis situation and has made arrangement to pay the individual providing shelter when the client has income;
- (iv) Contributions made directly to an alternate living arrangement for a Medicaid client in order for the client to have a private room in the facility; or
- (v) Payment directly to a medical provider for services which are not covered by Medicaid.

004.04(C) INHERITANCE AND GIFTS. Gifts or inheritance received by a client are considered unearned income in the month of receipt or report and are counted in the first possible month considering adequate and timely notice. Any unspent remainder is considered a resource in the month after it is countable as income.

004.04(D) INSURANCE BENEFITS. Insurance settlements, benefits, and payments are countable as income depending on the type of payment made according to the rules below.

004.04(D)(i) INCOME PRODUCING. Payments from an income producing or income replacement policy are countable as unearned income. An income producing policy pays the beneficiary based upon the triggering of a specific event without regard to costs incurred or medical procedures which may be necessary.

004.04D(ii) REPLACEMENT. Payments made to replace or restore damaged property are not counted as income.

004.04(D)(iii) LIFE INSURANCE. Life insurance benefits paid are countable as unearned income. Any verified payments of debts or obligations of the deceased are subtracted from the countable amount.

004.04(D)(iv) SETTLEMENTS. Insurance payments received from a legal settlement are counted as unearned income. Any costs related to the cause of the settlement, including attorney fees, that the client is obligated to pay is deducted from the settlement amount.

004.04(E) CONTRACT PAYMENTS. If the client has sold property on contract and the contract is not a countable resource, then the full amount of the payment received is countable as unearned income. If the contract is a countable resource, and the client remains eligible, then only the interest portion of the payment is countable as unearned income.

004.04(F) LIFE ESTATE INCOME. Net income from property retained as a life estate when a client is the life tenant is countable as unearned income. The net income is determined by deducting payments for the cost of maintaining, repairing, or restoring property; and taxes due on the property from the gross amount received. Examples are available in the appendix to this chapter.

004.04(G) LUMP SUM PAYMENTS. Lump sum payments are considered income in the first possible month considering adequate and timely notice requirements. Any unspent remainder is considered a resource in the month after the lump sum is counted as income.

004.04(G)(i) BENEFIT EXCEPTION. Any lump sum received as the result of a retroactive determination of eligibility for retirement, survivors, and disability insurance (RSDI); supplemental security income (SSI); veterans' assistance (VA) benefits; or other entitlement benefit programs are not considered income when received.

004.04(H) MEDICAL PAYMENTS. Income received from a liable third party that pays the client directly is disregarded if it is refunded to the provider or the Department as reimbursement for a specific service. If the client fails or refuses to refund a payment due, then the payment is counted as unearned income in the first possible month, considering adequate and timely notice requirements.

005. INCOME DISREGARDS.

005.01 EARNED INCOME DISREGARDS. Specific portions of earned income are disregarded in determining eligibility. The amounts below are only disregarded from the earned income received by the client or a financially responsible relative and do not apply to unearned income.

005.01(A) AMERICORPS INCOME. Income earned by participants in the AmeriCorps program is disregarded.

005.01(B) INCOME FROM EMPLOYMENT. Earned income from employment is disregarded according to the category of eligibility.

005.01(B)(i) AGED, BLIND, AND DISABLED (ABD) CLIENTS. For categories of eligibility where age, blindness, or disability are an eligibility factor, earned income receives the following disregards:

- (1) Aged or disabled clients deduct \$65 from the gross amount of earned income. The remainder is divided by two to arrive at the countable amount used to determine eligibility; or
- (2) Blind or blind-aged clients deduct \$85 from the gross amount of earned income. The remainder is divided by two to arrive at the countable amount used to determine eligibility.

005.01(B)(ii) MEDICALLY NEEDY FAMILIES AND CHILDREN. Medically needy families and children categories of eligibility are allowed the following disregards from earned income to determine the countable amount used to determine eligibility:

- (1) One-hundred dollars (\$100) is deducted from the gross amount of earned income of each employed individual whose income is used to determine eligibility;
- (2) Child care expenses as billed or paid are deducted if the parent whose income is used to determine eligibility requires child care in order to participate in education, training, or employment; and
- (3) Any earned income of a child is disregarded.

005.01(C) EARNED INCOME TAX CREDITS (EIC). The amount of an individual's earned income tax credits (EIC) are not counted as income. This includes any advanced earned income tax credits (AEIC).

005.01(D) JURY PAY. Income received from serving on a jury is disregarded.

005.01(E) INCOME FROM THE NATIONAL COMMUNITY SERVICE TRUST ACT. Income earned from programs funded by the National Community Service Trust Act of 1993 are not counted as income for eligibility. This includes the following programs:

- (i) Volunteers in Service to America (VISTA or AmeriCorps VISTA);
- (ii) University Year for Action;
- (iii) Special and Demonstration Volunteer Programs;
- (iv) Retired Senior Volunteer Program (RSVP);
- (v) Foster Grandparent Program; and
- (vi) Senior Companion Program.

005.02 UNEARNED INCOME DISREGARDS. The following amounts are deducted from unearned income in determining eligibility. When a source of income is only disregarded for a specific category of eligibility, it is noted. These disregards do not apply to earned income.

005.02(A) ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACCOUNT DISTRIBUTION. A distribution from a qualified Achieving a Better Live Experience (ABLE) account is not counted as income if the distribution is for a qualified disability expense. It is presumed that any distribution is for a qualified disability expense unless the client reports otherwise or other information becomes known to the agency.

005.02(B) BONA FIDE LOANS. A bona fide, enforceable loan is treated as follows:

005.02(B)(i) CLIENT AS BORROWER. When a client has borrowed money which must be repaid, the money received by the client is not counted as income.

005.02(B)(ii) CLIENT AS LENDER. When a client has loaned money to another party, and the loan is countable as a resource, then the principal portion of the payment is not considered income. If the loan made to another party would not be considered a countable resource, then the full amount of the payment is countable as unearned income. A loan made to a third party where the purpose of the loan is to make the client eligible for Medicaid is not considered a bona fide loan, and is countable as a resource. It is the client's responsibility to show that a loan was not made for the purpose of becoming eligible for Medicaid.

005.02(C) CHILD SUPPORT PAYMENTS. One-third of the amount of a child support payment received on behalf of a child eligible due to blindness or disability is disregarded from the income of the blind or disabled child.

005.02(D) COMPENSATION PAYMENTS. Payments that a client receives as compensation due to various circumstances are treated according to the provisions below.

005.02(D)(i) AGENT ORANGE. Payments made from the fund created by manufacturers of Agent Orange due to product liability are disregarded as income.

005.02(D)(ii) CERTAIN CHILDREN OF VETERANS. Veterans' Affairs (VA) payments made to the children of veterans who served in Vietnam and Korea who were born with spina bifida and children born to women veterans who served in Vietnam who have certain birth defects are disregarded as unearned income.

005.02(D)(iii) CERTAIN HEMOPHILIA PATIENTS. Payments made to hemophilia patients from any fund established by the Susan Walker v. Bayer Corporation et al. who are infected with human immunodeficiency virus (HIV) are disregarded as unearned income.

005.02(D)(iv) RADIATION EXPOSURE COMPENSATION FUND. Payments made to victims under the Radiation Exposure Compensation Fund are disregarded as unearned income.

005.02(D)(v) VICTIMS OF CRIME. Payments made by a state or local government to compensate crime victims are disregarded as unearned income.

005.02(D)(vi) VICTIMS OF NAZI PERSECUTION. Payments made to victims of Nazi persecution made by any country are disregarded as unearned income.

005.02(E) EDUCATIONAL ASSISTANCE. Assistance paid to clients for higher education is treated according to the provisions below.

005.02(E)(i) GRANTS, SCHOLARSHIPS, FELLOWSHIPS, AND GIFTS. Any portion of a grant, scholarship, fellowship, or gift used to pay for tuition, fees, or other necessary educational expenses is disregarded from income. Any portion used to pay for other expenses is counted as unearned income.

005.02(E)(ii) ASSISTANCE UNDER THE HIGHER EDUCATION ACT OR BUREAU OF INDIAN AFFAIRS. All assistance received from the Bureau of Indian Affairs (BIA) or paid under the Higher Education Act of 1965 is disregarded as unearned income. Programs under the Higher Education Act of 1965 include:

- (1) Pell grants;
- (2) State student incentives;
- (3) Academic achievement incentive scholarships;
- (4) Byrd Scholars;
- (5) Federal supplemental educational opportunities grants;
- (6) Federal educational loans;
- (7) Upward Bound;
- (8) Gaining early awareness and readiness for undergraduate programs (GEARUP);
- (9) Leveraging educational assistance partnership (LEAP);
- (10) Special leveraging educational assistance partnership (SLEAP); or
- (11) Work-study programs.

005.02(E)(iii) VETERANS AFFAIRS EDUCATION BENEFITS. The Department of Veterans' Affairs (VA) has several types of education assistance programs available for veterans, spouses, or the children of veterans. Regardless of the type of educational program paying benefits, any portion of a payment which is used to pay for tuition, fees, or other necessary educational expenses is disregarded as unearned income. Any portion of the payment not used for such expenses is countable as unearned income.

005.02(E)(iv) MEDICALLY NEEDY FAMILIES AND CHILDREN. For medically needy family and children programs, the full amount of any grant, scholarship, or fellowship is disregarded as income.

005.02(F) INTEREST INCOME. Interest earned on excluded accounts, investments, and burial funds is not counted as income. Any countable interest earned has \$10 per month per source disregarded in determining eligibility.

005.02(G) MEDICAL SERVICES. Medical services received at no cost to the client are not considered income. Medical services include diagnostic, preventative, therapeutic, or palliative care provided at no cost; prescription drugs; eyeglasses; prosthetics; durable medical equipment; service animals and supplies; or vehicle modifications.

005.02(H) NEEDS BASED ASSISTANCE. Assistance received by a client which is wholly funded by a state or local government or provides basic food and shelter and is determined by financial need is not counted in determining eligibility. This includes the following:

- (i) General assistance;

- (ii) Supplemental Nutritional Assistance Program (SNAP) benefits;
- (iii) Housing assistance;
- (iv) Energy assistance including Low Income Home Energy Assistance Program (LIHEAP);
- (v) Crisis assistance payments; or
- (vi) Home modification or weatherization.

005.02(I) OLDER AMERICANS ACT PAYMENTS. Payments or services received pursuant to the Older Americans Act are not considered income. These may include nutrition services, legal assistance, or health services. Income paid as wages or salaries for a program under the Older Americans Act is considered earned income and counted.

005.02(J) RELOCATION ASSISTANCE. Relocation costs paid by an employer as an inducement to an employee are countable as income. Relocation costs paid by a local, state, or federal government as assistance are not counted as income. These costs may include:

- (i) Moving expenses;
- (ii) Reimbursement for losses of property;
- (iii) Displacement allowances;
- (iv) Rental expenses due to displacement;
- (v) Direct provision of housing; or
- (vi) Expenses for closing costs on a replacement dwelling.

005.02(K) SOCIAL SECURITY BENEFITS. In certain instances, all, or a portion of, a client's Social Security income is not used in determining eligibility.

005.02(K)(i) SUPPLEMENTAL SECURITY INCOME (SSI). Supplemental Security Income (SSI) benefits are not used in determining eligibility. A recipient of Supplemental Security Income (SSI) benefits is considered categorically eligible to receive Medicaid.

005.02(K)(ii) FORMER SUPPLEMENTAL SECURITY INCOME (SSI) RECIPIENTS. Certain former recipients of Supplemental Security Income benefits continue to be considered receiving the Supplemental Security Income benefit for the purposes of receiving Medicaid. An individual must meet all of the specific criteria in order to receive the corresponding income disregard.

005.02(K)(ii)(1) DISABLED EARLY WIDOWS OR WIDOWERS. These individuals are also referred to as additional reduction factor (ARF) widows or widowers. The amount or increase in Title II benefits are not counted if all of the following are met:

- (a) Have been determined disabled;
- (b) Were receiving Supplemental Security Income (SSI) in December, 1983 and lost Supplemental Security Income (SSI) benefits in January, 1984 due to the elimination of a benefit reduction factor for widows or widowers before the attainment of age 60;
- (c) Have been continuously entitled to the Title II widow or widowers benefit based on disability since January, 1984;

- (d) Applied for benefits under this group prior to July 1, 1988 or a later date established under the court order in *Darling v. Bowen*; and
- (e) Would continue to be eligible for Supplemental Security Income (SSI) benefits, including the resource standard, if the client had not received the increase in Title II benefits.

005.02(K)(ii)(2) DISABLED ADULT CHILDREN (DAC). This population is also known as childhood disability beneficiaries (CDB). The amount or increase in Title II benefits received from a parent's claim is not counted if all of the following are met:

- (a) Lost Supplemental Security Income (SSI) status after November 10, 1986 due to the mandatory receipt or increase in Title II benefits on a parent's record due to the retirement, death, or disability of the parent;
- (b) Are age 18 or older;
- (c) Blindness or disability began before age 22; and
- (d) Would continue to be eligible for a Supplemental Security Income (SSI) payment, including the resource standard, if they were not receiving the Title II disabled adult child benefit.

005.02(K)(ii)(3) SECTION 503 GROUP. This population is commonly referred to as the Pickle Amendment Group. Title II cost-of-living increases beginning the month before the month in which Supplemental Security Income (SSI) benefits ended if all of the following factors are met:

- (a) Is currently receiving Title II income;
- (b) Was eligible for and receiving Supplemental Security Income (SSI) benefits concurrently with Title II income for at least one month after April 1, 1977; and
- (c) Lost Supplemental Security Income (SSI) benefits, but would continue to receive it, including the resource standard, if the amount of cost-of-living increases received from Title II income after the month in which Supplemental Security Income (SSI) benefits were lost were deducted from the current Title II benefit. The cost-of-living increases include the increases received by the individual, the individual's spouse, or a financially responsible family member.

005.02(K)(ii)(4) EARLY WIDOWS OR WIDOWERS. This population is also known as COBRA widows or widowers. The amount received from Title II benefits is deducted in determining eligibility if all of the following factors are met:

- (a) Lost Supplemental Security Income (SSI) benefits due to the mandatory receipt of Title II benefits;
- (b) Is not yet eligible for Medicare Part A;
- (c) Has attained age 50, but is not yet age 65; and
- (d) Would continue to be eligible for Supplemental Security Income (SSI) if not receiving Title II benefits.

005.02(K)(iii) DELAYED COST-OF-LIVING ADJUSTMENT (COLA). In determining countable income for aged, blind, or disabled recipients whose

eligibility is determined by a comparison to the federal poverty line (FPL), the amount of Retirement, Survivors, or Disability Insurance (RSDI) increase received from the annual cost-of-living adjustment is not counted until the month after the month in which the annual revision to the federal poverty line (FPL) is published. This applies only to the Retirement, Survivors, or Disability Insurance (RSDI) benefits. A cost-of-living adjustment to another source of income continues to be counted in the first month it is received.

005.02(L) VETERANS' PAYMENTS. The amount received by a veteran or their spouse as an Aid and Attendance benefit while in a nursing facility is not counted as income or used when determining the share of cost due to the facility.

005.02(M) WINNINGS AND DIVIDENDS. Gambling and gaming winnings and countable dividends have \$10 per month per source of the income disregarded in determining eligibility. The winnings or dividends are considered income in the month of receipt or report subject to adequate and timely notice requirements.

005.03 GENERAL INCOME DISREGARDS. General income disregards are not specific to earned or unearned income. Such disregards may apply to either earned, unearned, or both, as appropriate.

005.03(A) \$20 GENERAL DISREGARD. The first \$20 of income is not counted in determining eligibility. The disregard is applied first to any unearned income. Any remaining amount is applied to earned income. This disregard is only used once in the assistance unit, regardless of the number of individuals in the unit.

005.03(B) MEDICAL INSURANCE PREMIUMS. The amount paid for private health insurance premiums is deducted from countable income in determining eligibility. The client or a financially responsible relative must be responsible for payment of the premium. The insurance policy must be a health insurance policy which pays for medical services or treatments, and the amount of income producing policies does not receive this income deduction. This deduction is not used for Medicare premiums. This disregard does not apply to individuals eligible as medically needy. For medically needy individuals, the amount of health insurance premiums is deducted from any share of cost due.

005.03(C) NATIVE AMERICAN INCOME. Certain types of income received by Native Americans are disregarded, in whole or in part, when determining Medicaid eligibility. Multiple statutes exclude this income from Medicaid eligibility. In some cases, an income type may be specific to a certain tribe or activity. If an income source is identified or alleged which is not listed below, then submit the income for review to determine whether an exclusion exists.

005.03(C)(i) INDIAN JUDGMENT FUNDS DISTRIBUTION ACT. Per capita distribution payments made to tribal members who are due judgment funds after October 19, 1973 according to a plan of the Secretary of the Interior are excluded.

005.03(C)(ii) DISTRIBUTION OF JUDGMENT FUNDS. Distributions after January 12, 1983 of judgment funds held in trust or distributed per capita are excluded from

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income. This includes any interest or investment income accrued while the funds were held in trust.

005.03(C)(iii) PER CAPITA ACT. Any funds held in trust distributed after August 2, 1983 by the Secretary of the Interior to tribal members are excluded from income.

005.03(C)(iv) ALASKA NATIVE CLAIMS SETTLEMENT ACT. Stock, a partnership interest, an interest in land, or an interest in a settlement trust for Alaskan Natives are excluded. Up to \$2,000 received in income from a native corporation is excluded.

005.03(C)(v) INCOME FROM RESTRICTED LANDS. Up to \$2,000 per year is excluded from income from individual interests or trust interests if the income is derived from restricted lands.

005.03(D) PLAN TO ACHIEVE SELF-SUPPORT (PASS). Income used to meet a goal for the Plan to Achieve Self-Support (PASS) program is disregarded in determining Medicaid eligibility. This may be earned or unearned income. The Plan to Achieve Self-Support (PASS) program is administered by the Social Security Administration (SSA). The amount of income to be disregarded due to participation in this program will need to be verified with the Social Security Administration (SSA) when determining Medicaid eligibility.

005.03(E) TAX RETURNS. The amount received by an individual as a tax return is not counted as income.

005.04 LONG-TERM CARE EXCEPTION. When a client resides in a medical facility, any income disregarded in determining eligibility is used in determining the amount of the share of cost due. Medical facilities include nursing facilities, skilled nursing facilities, intermediate care facilities for the developmentally disabled, or hospitals.