

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES

GUIDANCE DOCUMENT

“This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Nebraska Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.”

Pursuant to
Neb. Rev. Stat. § 84-901.03

Disabled Persons and Family Support Program Maximum Support Allowable, Income Eligibility, and Resource Eligibility

Legal Basis:

Neb. Rev. Stat. § 68-1512

Support; maximum allowance; limitations.

The maximum support allowable under sections § 68-1501 to § 68-1519 shall be (1) four hundred dollars per month per disabled person averaged over any one year or (2) four hundred dollars per month per family averaged over any one year for the first disabled family member plus two hundred dollars per month averaged over any one year for each additional disabled family member. The department shall not provide support, according to sections § 68-1501 to § 68-1519, to any family or disabled person whose gross income less the cost of medical or other care specifically related to the disability exceeds the median family income for a family of four in Nebraska, except that the department shall make adjustments for the actual size of the family.

	Maximum Monthly Support per Person	Maximum Support Allowable per 12-month Eligibility Period
Eligible Client	\$400	\$4,800
Eligible Client	\$400	\$4,800
Family Member	\$200	\$2,400

*Refer to the chart on page 4 for maximum monthly gross income based on family size and maximum resource limits.

Income Guidelines

An annual determination of the family income guidelines will be based on population, per capita income, and other data provided by the United States Department of Commerce, Bureau of Census.

The Program will provide updated annual financial guidelines to determine program eligibility based on the information outlined above. In determining eligibility criteria for families and disabled people, the total family income minus the amount that the spouse has designated as a community spouse monthly income allowance will be considered. This will supersede the information found within Title 472 NAC 2-004 and 2-004.01 under Financial Eligibility.

Community Spouse Maximum Income Allowance for 2024 is \$3,854 to be excluded from the declared gross monthly income.

Program Income Guidelines:

Persons in Household	Median Family Monthly Income By Family Size
1	\$ 5,017.00
2	\$ 6,445.00
3	\$ 7,680.00
4	\$ 8,867.00
5	\$ 9,628.00
6	\$ 10,390.00
7	\$ 11,151.00
8	\$ 11,913.00
9+	\$ 12,675.00

Resources

If assets have been designated for an individual per Neb. Rev. Stat. § 68-992, the assets will not be considered in determining eligibility for support of the person being considered for eligibility or renewal within the program.

Community Spouse Resource Allowance:

Minimum	Maximum
\$30,828	\$154,140

Program Resource Limits:

Family Size	Maximum Financial Resource Limit
1	\$35,000
2 or more	\$50,000

Financial Eligibility

In program determination of program eligibility, a spouse may retain the following:

- 1) Assets equivalent to the community spouse resource allowance and
- 2) An amount of income equivalent to the community spouse's monthly income allowance.

DPFS Definitions:

- Gross Monthly Income is an individual's total earnings before taxes or other deductions. This includes earned income from all sources, not just employment, and is not limited to income received in cash; it also includes property or services received.
- Resources are additional financial means that are accessible and available to an individual, such as but not limited to investments, cash value of insurance policies, retirement plans, property/land, and estates.
- Assets mean property that is not exempt from consideration in eligibility determination per § 68-922.
- Community Spouse Monthly Income Allowance is the amount of income determined by the program to be excluded from financial eligibility for the spouse of the qualified applicant or renewing client.
- Community Spouse Resource Allowance (CSRA) is the amount of assets determined to be excluded in financial eligibility for the spouse of the qualified applicant or qualified recipient
- Qualified Applicant means a person who has applied for assistance and whose spouse is not under such care or receiving such services.
- Spouse is the spouse of a qualified applicant or qualified recipient.

Example 1:

Mr. and Mrs. Smith reside in their own home. On 8/19/23, Mr. Smith's health began to deteriorate, he was placed temporarily in a nursing home and Mrs. Smith needed additional support to maintain his care at their residence. Upon application to the DPFS program, Mrs. Smith provides the eligibility worker with verification that the total resources owned in August of 2023 were \$14,600. The spousal minimum amount is \$30,828, the minimum amount is utilized due to the resources being less than the minimum at a declared \$14,600. The amount reserved for the community spouse is at least the minimum. The client is within resource limits and the community spouse amount is \$14,600 with the applicant's share being \$0.

Community Spouse Allowance	Applicant/Renewal (Spouse)
Savings Account #1 \$9,200	
Checking Account #2 \$5,400	
Total	Total
\$14,600	\$0.00

Example 2

Mr. and Mrs. Jones are residing in their home and Mrs. Jones falls, which results in an injury and necessary surgery. Mr. Jones applies to the program for assistance with housekeeping and personal care for Mrs. Jones. Mr. Jones is employed part-time, grossing a \$3,950 monthly income. Mrs. Jones receives \$2,800 monthly from her retirement (401k).

Community Spouse Allowance	Applicant/Renewal (Spouse)
Income #1 \$3,950	
	Income #2 \$2,800
Total	Total
\$3,854 (to be excluded)	\$2,800

Example 3:

Mr. and Mrs. Nestle reside in their own home. On 3/24/23, Mr. Nestle is placed temporarily in a nursing home and Mrs. Nestle needs additional support to resume and maintain his care at their residence so that he can return home. In the application provided to the DPFS program, Mrs. Nestle provides the eligibility worker with verification that the total resources owned in March of 2023 were \$199,000. The resources include a savings account, a secondary vehicle, and property (other than the home they reside). The amount reserved for the community spouse is calculated at half the total assets owned by the couple.

Community Spouse Allowance/Resources Owned	Applicant/Renewal (Spouse)
Savings Account \$27,000	
Vehicle #2 \$22,000	
Property Owned \$150,000	
Community Spouse Allowance	
Total \$99,500	Total \$99,500

Due to being over the program-defined resource limit, even with the CRSA, the client is denied eligibility due to program resource limit guidelines.