

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

The Nebraska Department of Health and Human Services is responsible for administering the Disabled Persons and Family Support Program (DPFS) based on Neb. Rev. Stat. §68-1501 to §68-1519. The DPFS program provides necessary services to families caring for a family member with a disability so that the person with a disability may remain in the home, obtain employment if possible, and maintain a more independent form of living.

### Support Benefit

**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 3 for maximum monthly gross income based on family size and maximum resource limits.

#### Medical Mileage

The program may pay for non-emergency medical transportation for eligible recipients when help is needed getting to or from medical appointments related to the identified disability need. Mileage for the recipient's or provider's vehicle, room, and board costs incurred by the provider or disabled person during medical evaluation or treatment may be reimbursed under circumstances defined in Title 472 NAC 2-008.08. Qualifying mileage will be reimbursed at the current Internal Revenue Service rate allowed for medical purposes.

## Income Guidelines

An annual determination of the 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 used to determine program eligibility. In determining eligibility criteria for families and people with disabilities, the total family income minus the amount that the spouse has designated as a community spouse monthly income allowance will be considered.

### 2024 Program Income Guidelines:

Persons in Household	Median Family Monthly Income by Family Size
1	\$ 5,317.00
2	\$ 6,951.00
3	\$ 8,216.00
4	\$ 10,121.00
5	\$ 10,946.00
6	\$ 11,771.00
7	\$ 12,596.00
8	\$ 13,421.00
9+	\$ 14,246.00

In program determination of program eligibility, a spouse may retain the following per Neb. Rev. Stat. §68-922:

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

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

## Resources

If assets have been designated for an individual per Neb. Rev. Stat. §68-922, 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 Exclusion Limits:

Family Size	Maximum Financial Resource Limit Excluding Home Equity
1	\$40,000
2 or more	\$60,000

2024 Home Value Exclusion Limit:

Maximum
\$713,000

2024 Irrevocable Burial Trust Funds and Insurance Exclusion Limits:

Irrevocable Burial Trust Fund Maximum	Irrevocable Burial Insurance Maximum
\$6,346	\$6,346

2024 Burial Plot Exclusion Limit:

Maximum
\$10,000

### Example 1

Mr. and Mrs. Smith reside in their own home. On August 19, 2024, 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, which 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		
<b>Total</b>	<b>\$14,600</b>	<b>Total</b>	<b>\$0.00</b>

### 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
<b>Total</b>	\$3,854 (to be excluded)	<b>Total</b>	\$2,800

### Example 3

Mr. and Mrs. Nestle reside in their own home. On March 24, 2024, 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 2024 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 the couple owns.

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