

RESOURCES

ADC-RELATED RESOURCE DISREGARDS

Policy:

Not all of the resources available to an A/R are counted when determining his/her financial eligibility for Medicaid. Certain types and amounts of resources are disregarded. After these resources are disregarded, what remain are the A/R's countable resources. All countable resources are compared to the appropriate resource level. (See page 311.)

The following is a list of disregarded resources:

AUTOMOBILE - Essential personal property includes one automobile. A second vehicle may be exempt when there is a medical or an employment-related need. (See page 286.)

BLOOD PLASMA SETTLEMENTS - Payments received as a result of a federal class action settlement with four manufacturers of blood plasma products on behalf of hemophilia patients who are infected with human immunodeficiency virus (HIV).

BONA FIDE LOAN - A bona fide loan received by the A/R from an institution or person not legally liable for the support of the A/R. The loan must be a written agreement, signed by the A/R and the lender. The written agreement must indicate: the A/R's intent to repay the loan within a specific time; and how the loan is to be repaid, by specific real or personal property held as collateral, or from future income. The loan remains an exempt resource as long as it retains the characteristics of a bona fide loan. Any interest accrued is considered unearned income in the month received.

BURIAL SPACES - *Items customarily and traditionally used for the remains of deceased persons (see page 303.3). Burial space items included in the A/R's irrevocable pre-need funeral agreement are exempt. Certain items paid for in full prior to entering into an irrevocable pre-need funeral agreement are also exempt. Burial space items for the A/R's non-applying immediate family member(s) are disregarded. One burial plot or space per immediate family member is disregarded.*

CHILD'S SAVINGS ACCOUNT UNDER \$500. - The funds must be accumulated from gifts from non-legally responsible relatives and/or from the child's own earnings. (See page 252.)

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FEDERAL ECONOMIC OPPORTUNITY ACT, TITLE III - Any loan made to a family under Title III of the Federal Economic Opportunity Act.

FEDERAL ENERGY ASSISTANCE PAYMENTS.

FEDERAL RELOCATION ASSISTANCE - Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

HOMESTEAD - A homestead, essential and appropriate to the needs of the A/R's household. (See page 273)

HOSTILE FIRE PAY - Hostile fire pay received while on active Military duty.

HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

INSURANCE PAYMENTS - Moneys from insurance payments for the purpose of repairing a disregarded resource, which was lost, damaged or stolen, are disregarded. Any interest received from such payments is also disregarded. If the A/R uses the insurance money to purchase a countable resource the value of the countable resource is considered immediately.

NATIVE AMERICAN PAYMENTS - Seneca Nation Settlement Act payments made by the State and Federal governments, under P.L. 101-503, to the Seneca Nation.

Distribution to Native Americans of funds appropriated in satisfaction of judgments of the Indian Claims Commission or the United States Court of Federal Claims. This includes up to \$2,000 per year of income for interests of individual Native Americans in trust or restricted lands, from funds appropriated in satisfaction of the Indian Claims Commission or the United States Court of Federal Claims.

Alaskan Native Claims Settlement Act (ANCSA) distributions - The following distributions from a native corporation formed pursuant to ANCSA are exempt as income or resources:

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- a. cash, to the extent that it does not, in the aggregate, exceed \$2,000 per individual per year;
- b. stock;
- c. a partnership interest;
- d. land or an interest in land; and
- e. an interest in a settlement trust.

PERSECUTION PAYMENTS - Benefits received by eligible Japanese-Americans, Aleuts, or Pribilof Islanders under the Civil Liberties Act of 1988, the Wartime Relocation of Civilians Law, and the Aleutian and Pribilof Islands Restitution Act.

Payments made to individuals because of their status as victims of Nazi persecution, including: German Reparation Payments; Austrian Reparation Payments made pursuant to sections 500-506 of the Austrian General Social Insurance Act; and Netherlands Reparation Payments based on Nazi, but not Japanese, persecution.

PRE-NEED FUNERAL AGREEMENTS - Irrevocable pre-need funeral agreements for each A/R. (See page 300.)

PREVENTATIVE HOUSING SERVICE - Payments provided as a preventive housing service under 18 NYCRR 423.4(l).

RESOURCES, TIME-LIMITED - Certain resources are disregarded for a limited time period. (See page 317)

STUDENT LOANS - Student loans received and retained by a graduate or undergraduate student. Any interest accrued is considered unearned income in the month received.

TRUST FUNDS - Trust funds of a minor child (under 21), if court ordered and under \$1,000.

VIETNAM VETERANS – Agent Orange Settlement fund - Payments from the Agent Orange Settlement Fund or any other fund established pursuant to the Agent Orange product liability litigation, and payments from court proceedings brought for personal injuries sustained by veterans resulting from exposure to dioxin or phenoxy herbicide in connection

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with the war in Indochina in the period of January 1, 1962 through May 7, 1975.

Children - Monthly allowances paid to certain Vietnam Veteran's Children with Spina Bifida.

VISTA - Payments received by VISTA volunteers under Part A of Title I of Public Law 93-113 (VISTA) are disregarded as income and resources in determining eligibility and degree of need, provided that all of the VISTA payment is to be counted as income when the Director of the ACTION agency determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage.

References:	Dept. Reg.	352.22 360-4.6(b) 423.4(1)
	ADMs	97 ADM-23 92 ADM-43 92 ADM-32 92 ADM-11 91 ADM-8 91 ADM-6
	LCMs	92 LCM-120
	GIS	98 MA/017 98 MA/016 97 MA/022