

RESOURCES

SSI-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 remains 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:

AUTOMOBILES - Essential personal property including one automobile if in use by the A/R or a member of his/her household. A second vehicle may be exempt when there is a medical need or it is necessary for employment. (See page 286.) If an A/R's automobile is not in use, \$4,500 of the fair market value of the automobile is disregarded.

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).

BURIAL FUNDS - ***When the A/R does not have an irrevocable pre-need funeral agreement (see page 300) or has less than \$1,500 designated for non-burial space items in the funeral agreement. The A/R may set aside up to \$1,500 as a burial fund. A \$1,500 burial fund may also be exempt for the A/R's spouse (see page 303.1).***

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 immediate family member(s) are disregarded. One burial plot or space per immediate family member is disregarded.***

DISASTER RELIEF AND EMERGENCY ASSISTANCE - Any federal major disaster and emergency assistance provided under the Disaster Relief Act of 1974 (P.L. 93-288), as amended by the Disaster Relief and Emergency Assistance Amendments of 1988 (P.L. 100-107), and any comparable

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disaster assistance provided by states, local governments, and disaster assistance organization.

EQUITY VALUE OF A TRADE OR BUSINESS - The equity value of a trade or business, including any real property and liquid resources used to operate it. (See page 290.)

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 and contiguous property as long as the A/R lives there, expresses an intent to return home or certain family members reside there. (See page 273)

LIFE INSURANCE POLICIES - Life insurance policies with a combined face value of \$1,500 or less. (See page 264.)

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:

- 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

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- e. an interest in a settlement trust.

PENSION PLANS OF AN INELIGIBLE OR NONAPPLYING LEGALLY RESPONSIBLE RELATIVE - On or after September 1, 1987, pension funds belonging to an ineligible or non-applying legally responsible relative which are held in individual retirement accounts or in work-related pension plans, including plans for self-employed individuals such as Keogh plans. However, amounts disbursed from a pension fund to a pensioner are income to the pensioner, which will be considered in the deeming process.

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.

PERSONAL PROPERTY, ESSENTIAL - Household goods and personal effects (see page 284).

PLAN TO ACHIEVE SELF-SUPPORT (PASS) - For certified blind or certified disabled persons under 65 years of age and for certified blind or certified disabled persons aged 65 or over who received SSI payments or aid under the State Plan for the certified blind or certified disabled for the month preceding the month of their 65th birthday, any remaining countable income may be set aside for a plan to achieve self-support. The plan must:

- a. specify planned savings and/or expenditures to achieve a designated feasible occupational objective and a specific period of time to achieve the objective;
- b. provide for identification and segregation of money and goods, if any, being accumulated and saved;

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- c. current, in writing and approved by the local commissioner of social services for not more than 18 months, with the possibility of an extension for an additional 18 months. A second extension for an additional 12 months may be allowed in order to fulfill a lengthy educational or training program; and
- d. be followed by the individual;

PRE-NEED FUNERAL AGREEMENTS - Irrevocable pre-need funeral agreements for the A/R. (See page 300.) One burial plot or space and one burial fund per family member may also be disregarded for non-applying family members.

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

RADIATION EXPOSURE COMPENSATION TRUST FUND PAYMENTS – Payments for injuries or deaths resulting from exposure to radiation from nuclear testing and uranium mining.

REAL PROPERTY – INCOME PRODUCING - The first \$12,000 equity value of real property producing income that is not part of a trade or business.

SAVINGS ACCOUNT (CHILD) - A 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.)

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

TIME LIMITED DISREGARDS - Certain resources are disregarded for a limited time period. (See page 322.)

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

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brought for personal injuries sustained by veterans resulting from exposure to dioxin or phenoxy herbicide in connection 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.

References:

Dept. Reg.	360-4.6(b)
ADMs	92 ADM-32 92 ADM-11 91 ADM-8
GIS	97 MA/022

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