

INCOME

SSI-RELATED DISREGARDS

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 may be an oral or 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.

BURIAL FUNDS/BURIAL ARRANGEMENT (EXCLUDED) - Interest earned on excluded burial funds and appreciation in the value of an excluded burial arrangement.

CASH ASSISTANCE INCOME - Any income of a cash assistance recipient in the A/R's **Medicaid** household. However, any room/board **received by an SSI-related A/R from a cash assistance recipient, who is living in the A/R's home but is not in the A/R's Medicaid household, is countable room/board income to the SSI-related A/R. Appropriate room/board deductions are allowed to determine countable roomer/boarder income.**

CERTIFIED BLIND OR CERTIFIED DISABLED CHILD SUPPORT PAYMENTS - One third of any support payments received by a certified blind or certified disabled child from an absent parent.

CERTIFIED BLIND REASONABLE WORK-RELATED EXPENSES - For persons who are certified blind all remaining reasonable work-related expenses including mandatory retirement deductions after the other disregards on page 199.

CHILD CARE SERVICES - Payments made for child care services or the value of any child care services provided to a recipient of employment-related and JOBS-related child care services.

Transitional child care services, at-risk low income child care services or child care and development block grant services.

CRIME VICTIMS' FUND PAYMENTS - Payments received from a fund established by a state to aid victims of crime.

DISASTER RELIEF AND EMERGENCY ASSISTANCE - Any federal major disaster and emergency assistance provided

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

DIVIDEND/INTEREST INCOME - See Interest/Dividend Income page 177.

DONATED FOODS - The value of federally donated foods.

EARNED INCOME - The first \$65 of earned income or the first \$65 of a couple's combined earned income and ½ of the remainder after any impairment related work expenses.

EARNED INCOME TAX CREDIT PAYMENTS - Including any federal child tax credit payments and any advance payment of earned income tax credit made by an employer.

EXPENSES OF OBTAINING INCOME - Income does not include that part of a payment that is an essential expense incurred in receiving the payments (legal fees, and other expenses connected with a claim).

FEDERAL ENERGY ASSISTANCE PAYMENTS.

FEDERAL OLDER AMERICANS ACT OF 1965 - Any assistance **(other than wages or salaries) provided to an individual under the federal Older Americans Act of 1965. Green Thumb assistance is countable if wages or salaries; other Green Thumb assistance is disregarded.**

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

FOOD STAMPS - The value of food stamps.

FOSTER CARE - Payments received by foster parents for foster care children.

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FREE MEALS - The value of free meals, other than school meals, except when more than one meal a day is furnished or when the A/R receives an allowance for meals away from home.

GI BILL DEDUCTION - That portion of a military person's pay which is deducted by mandate to help fund the GI Bill.

GARDEN PRODUCE OR LIVESTOCK - The value of produce from a garden or livestock when used exclusively by the A/R and members of his/her household.

HEALTH INSURANCE PREMIUMS.

HOSTILE FIRE PAY - Income from hostile fire pay (pursuant to Section 310 of Title 37 US Code) received while in active military service.

HUD COMMUNITY BLOCK GRANTS - Any funds received by an A/R under the Department of Housing and Urban Development community block grants.

INFREQUENT OR IRREGULAR INCOME – The first \$30 of earned income and the first \$60 of unearned income in a *calendar quarter* if it is received infrequently or irregularly. Income is infrequent if it is received only once in a calendar quarter from a single source. It is irregular if the A/R could not reasonably expect to receive it or budget for it due to its unpredictability. If the amount of infrequent or irregular income in a month exceeds \$30 or \$60, as applicable, the exclusion still applies. The dollar amount of the exclusion does not increase even if both an individual and spouse have infrequent or irregular income.

IMPAIRMENT-RELATED WORK EXPENSES - For certified disabled Medicaid A/Rs, non-medical, impairment-related work expenses (see page 195).

INTEREST/DIVIDEND INCOME - *From most resources is disregarded. (See page 89 for a list of resources which generate interest/dividend income that is countable for SSI-related A/Rs.)*

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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
- e. an interest in a settlement trust.

OTHER INCOME - Any other income that a Federal law or regulation requires to be disregarded.

OVERPAYMENTS - The amount of income that is withheld to recover a previous overpayment is not income if the individual received Medicaid at the time of the overpayment and the overpayment amount was included in determining the individual's Medicaid eligibility.

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

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Act; and Netherlands Reparation Payments based on Nazi, but not Japanese, persecution.

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;
- 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.

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.

REDUCED (LIMITED) \$90 VETERANS' ADMINISTRATION PENSION.

REFUNDS - Any refund received from a public agency of taxes paid on real estate or food purchases

REPLACEMENT OF ASSISTANCE ALREADY PAID - Replacement of assistance already paid, such as a lost or stolen check.

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RETROACTIVE BENEFITS UNDER THE SSI PROGRAM.

STATE OR LOCAL RELOCATION ASSISTANCE PAYMENTS - State or local relocation assistance payments received on or after May 1, 1991. The payments must be comparable to payments under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

STUDENTS' INCOME –

Earned Income - Effective January 1, 2005 income up to \$1,410 per calendar month, but not more than \$5,670 per calendar year, earned by a **student** under 22 years of age (**regardless if s/he is married or the head of a household**) who is regularly attending a school, college, university, or a course of vocational or technical training.

Educational-Related Income - Any portion of a grant, scholarship, fellowship or gift used to pay the cost of tuition and other education-related fees at any educational (including technical or vocational) institution. This disregard does not apply to any portion set aside or actually used for food, clothing or shelter.

When an A/R is in receipt of a graduate assistantship, the local district receives verification from the financial aid office involved to determine if the assistantship is considered employment or an educational grant. If the assistantship is a grant, it is treated as outlined in the previous paragraph.

When the assistantship is considered employment, the A/R receives any appropriate earned income disregards (see page 174), but additional deductions for educational expenses are not allowed.

Note: This does not apply to V.A. Educational Grants which are part of the G.I. Bill and which provide a monthly allowance for support while veterans are enrolled in school. Only specific education-related expenses such as tuition, books, school fees, transportation, etc., are exempt for recipients of G.I. Bill educational money. The remainder is considered available unearned income in determining eligibility for Medicaid.

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School Meals - The value of free school meals.

Student Loans - Student loans received by a graduate or undergraduate student

THIRD PARTY INSURANCE PAYMENTS - Insurance payments paid directly to a third party such as a loan company or a bank to cover loan or installment payments in case of death or disability (example: mortgage insurance).

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

UNEARNED INCOME - Only one \$20 disregard is permitted per month per couple. A certified blind or a certified disabled child living with parents is entitled to a separate \$20 disregard from his/her total unearned income. If an A/R's unearned income is under \$20, the balance will be deducted from earned income.

U.S. CENSUS - Earnings from census employment.

VETERANS - Payments to veterans for Aid & Attendance (A&A) or payments for Unusual Medical Expenses (UME).

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

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

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VISTA - Payments received by VISTA volunteers.

VOCATIONAL REHABILITATION ACT - Any payments made under the Vocational Rehabilitation Act.

VOLUNTEER PROGRAM PAYMENTS - Payments received by participants in volunteer programs under Title II of P.L. 93-113 (Domestic Volunteer Services Act of 1973). These include: retired senior volunteer, foster grandparent, senior companion and senior health aide programs. Payments made in the form of stipends, allowances and/or reimbursements for incurred expenses are disregarded when determining Medicaid eligibility.

Payments received by participants in volunteer programs established under Title III of P.L. 93-133. These include the Service Corps of Retired Executives (SCORE) and the Active Corps of Executives (ACE) programs.

WIC PROGRAM - The value of benefits under the WIC program.

References:	SSL Sect.	366.2 366.3
	Dept. Reg.	352.22 360-4.6(a)(1) 360-4.6(a)(2)
	ADMs	94 ADM-13 92 ADM-42 92 ADM-32 91 ADM-23 91 ADM-8 83 ADM-17 81 ADM-38
	INFs	95 INF-30 90 INF-33
	LCM	92 LCM-120

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GISs *05 MA/001*
 04 MA/030
 04 MA/027
 00 MA/012
 98 MA/017
 98 MA/016
 97 MA/022
 95 MA/001

Interpretation: The types of income listed previously are not considered in determining eligibility for Medicaid for the SSI-related category. Only available income is counted in the determination of eligibility. Page 388 discusses availability of income in more detail.

Documentation: The source and amount of income disregards are documented in the case record and a notation is made that this income is not to be considered in determining eligibility for Medicaid.