

Service Chapter: Basic Care Program 400-29, ACA Medicaid, 510-03 Non-ACA Medicaid 510-05

Effective Date: July 1, 2025

Overview

Updating remedial chart to reflect rate changes for all licensed Basic Care facilities. For those nursing facilities that provide basic care services, it will be necessary to find out whether the individual is receiving nursing care or basic care services to determine the appropriate living arrangement and budgeting.

Updating the income levels for nursing home, PRTF, ICF/ID, community spouse and family member income level in a spousal impoverishment case.

Updating 510-05-70-15 Update #2 to clarify that notices will no longer be sent out if they are within \$100, \$300, and \$500 asset limit.

Description of Changes

1. Resident Payment System 400-29-40-05 – Update

Updating examples with new personal needs rate and calculations.

2. Clothing and Personal Needs Allowance 400-29-45 - Change

Updating the personal needs allowance.

3. List of Licensed Basic Care Facilities 400-29-90-10 - Update

Updating hyperlink with updated remedial rate chart.

4. Countable Income 510-03-85-15 – Clarification

Information added to #18 for further clarification that MHA (TAT) does not pay out monies from casino gambling. All other information under this section remains unchanged.

5. Disregard Income 510-03-85-30 - Change

Information updated to clarify for #59 that MHA (TAT) does not pay out monies from casino gambling. Section has been aligned with the North Dakota Administrative Code (N.D.A.C.)

6. Asset Limits 510-05-70-15 - Update

Rewrite #2 to state that notices will no longer be sent out if the client is within \$500 of the allowed asset limit.

7. Unearned Income 510-05-85-15 - Clarification

Information added to #5. n. for further clarification that MHA (TAT) does not pay out monies from casino gambling. All other information under this section remains unchanged.

8. Disregarded Income 510-05-85-30 - Change

Information updated to clarify for #50 that MHA (TAT) does not pay out monies from casino gambling. Section has been aligned with the North Dakota Administrative Code (N.D.A.C.)

9. Income Deductions 510-05-85-35 - Update

Updating hyperlink with updated remedial rate chart.

10. Income Levels 510-05-85-40 – Update

Updating the level for nursing home, PRTF, ICF/ID, ineligible community spouse and the family member income level for each ineligible family member in a spousal impoverishment case.

Policy Section Updates**1. Resident Payment System 400-29-40-05****BUDGETING EXAMPLE -- MONTH OF ENTRY INTO A BASIC CARE FACILITY**

Scenario – Mr. Jones entered the basic care facility on August 13. For the month of August, he had rent expense of ~~\$325.00~~. The deductions in the month of entry are personal needs allowance of ~~\$135.00~~, Medically Needy Medicaid level for one of ~~\$1,009~~, rent expense of ~~\$325.00~~, and the Medicaid Recipient Liability MA RL disregard in this case of ~~\$128.00~~. Total deductions for Mr. Jones in the month of entry into the basic care facility equals ~~\$1288.00~~. Mr. Jones has income of \$700.00. Following is the example as it would appear in the resident payment system:

| | |
|-----------------------|---|
| GROSS INCOME: | DEDUCTIONS: |
| SSI: | Personal needs: 135.00 <u>150.00</u> |
| SSA: 700.00 | |
| VA: | MA Level for One: 1,009 <u>1174</u> |
| OTHER: | Rent: 325.00 |
| | <u>MA RL Deduction:</u> 128.00 |
| TOTAL: \$700.00 | Total: \$1,597.00 <u>1777.00</u> |
| Resident Payment Amt: | 00.00 |

Computation: \$700.00 income minus ~~\$1,597.00~~ 1777.00 deductions equals \$0 recipient responsibility towards room and board expense.

In the month of entry, allow the deduction of Medicaid level for one and reasonable living expenses.

BUDGETING EXAMPLE OF AN INDIVIDUAL IN A BASIC CARE FACILITY

Scenario -- Ongoing case for George Dakota who entered the basic care facility August 29, and the benefit month is December. George receives SSA of \$1,033.00 monthly. The deduction allowed is ~~\$135.00~~ personal needs allowance (zero Medicaid recipient liability MA RL). Following is an example of how the system would budget this situation.

| | |
|---------------|---|
| GROSS INCOME: | DEDUCTIONS: |
| SSI: | Personal Needs: 135.00 <u>150.00</u> |
| SSA: 1,033.00 | |
| VA: | |
| OTHER: | |

GROSS INCOME: DEDUCTIONS:

TOTAL: \$1,033.00 Total: ~~\$135.00~~ 150.00

Computation: Income is \$1,033.00, minus the allowable deduction of ~~\$135.00~~ 150.00 equals the basic care recipient responsibility of ~~\$898.00~~ 883.00. The resident is responsible for paying ~~\$898~~ 883 to the basic care facility for room and board.

BUDGETING EXAMPLE – TEMPORARY STAY OF LESS THAN SIX MONTHS

Scenario -- Tom Jones is in a licensed basic care facility recovering from surgery. He will return home within six months. Mr. Jones' stay is temporary; therefore, he is allowed additional deductions such as rent, utilities, and the Medically Needy Medicaid level for one. The additional deductions are allowed in these cases so the individual can maintain their residence while residing temporarily in a basic care facility.

| GROSS INCOME: | | DEDUCTIONS: | |
|---------------|--------|---------------------------|--------------------------------------|
| SSI: | 129.00 | Personal Needs: | 135.00 <u>150.00</u> |
| SSA: | 450.00 | MA Level <u>for one</u> : | 1009.00 <u>1174.00</u> |
| VA: | | BC/BS Prc: | 319.00 |
| OTHER: | | | |
| TOTAL: | 579.00 | Total: | \$1,463.00 <u>1643.00</u> |

Computation: Monthly Income \$579.00, a deduction of ~~\$1,463.00~~ 1643.00 leaving a recipient responsibility of \$0 for room and board.

2. Clothing and Personal Needs Allowance 400-29-45 - Change

Each recipient of the Basic Care Assistance Program shall retain ~~\$135.00~~ \$150.00 per month for clothing and personal needs.

3. List of Licensed Basic Care Facilities 400-29-90-10 - Change

Click this [link](#) to view and/or print this document.

4. Countable Income 510-03-85-15 – Clarification

18. Per Capita payments paid from tribal casino gambling proceeds. Tribal gaming proceeds that state MHA (TAT) are excluded. Exception: MHA (TAT) does not pay out monies from casino gambling. See Disregarded Income 510-03-85-15 510-03-85-30.

5. Disregard Income 510-03-85-30 - Change

The following income types are not reported on Form 1040 and are not countable income under ACA Medicaid:

1. ~~Non-taxable income other than~~
 - a. ~~Non-taxable foreign earned income;~~
 - b. ~~Non-taxable interest or dividend income;~~
 - c. ~~The non-taxable portion of Social Security Benefits~~
2. ~~Supplemental Security Benefits (SSI)~~
3. ~~Child support income~~
4. ~~Veteran's Administration~~
 - a. ~~Disability Benefits~~
 - b. ~~Aid and attendance payments;~~
 - c. ~~Homebound benefits~~
 - d. ~~Reimbursements for unusual medical expenses~~
5. ~~Temporary Assistance for Needy Families (TANF) benefit and support services payments made by the Department or another state~~
6. ~~Workforce Safety and Insurance (WSI) Benefits~~
7. ~~Child's income (See section 510-03-85-13, ACA Income Methodologies regarding when to count a child's income.)~~
8. ~~Proceeds from life, accident or health insurance~~
9. ~~Federal tax credits, (i.e. Child Tax credit)~~

- ~~10. Federal Income tax refunds and earned income tax credits~~
- ~~11. Gifts and Loans~~
- ~~12. Proceeds from inheritances~~
- ~~13. Tribal General Assistance Payments~~
- ~~14. Subsidized Guardianship Project payments~~
- ~~15. Educational scholarships, awards, and fellowship grants used for educational expenses do not count as income. Count only the portion of educational income that is used for living expenses or other non-educational related expenses~~
- ~~16. Certain distributions, payments and student financial assistance for American-Indians/Alaska Natives can **only** be disregarded if they were initially counted as taxable income~~
- ~~17. Non-recurring and recurring lump sum payments of disregarded earned or unearned income
 - ~~a. Veteran's Administration Aid and attendance payments,~~
 - ~~b. Veteran's Administration Homebound benefits~~
 - ~~c. Veteran's Administration Reimbursements for unusual medical expenses~~
 - ~~d. Veteran's Administration Dependents Indemnity Compensation;~~
 - ~~e. Insurance settlements for destroyed exempt property;~~
 - ~~f. Death benefits~~
 - ~~g. Health or long-term care insurance payments;~~
 - ~~h. Life Insurance proceeds~~
 - ~~i. Accident Insurance proceeds~~~~
- ~~18. Voluntary cash contributions from others~~
- ~~19. Proceeds from a loan agreement, including reverse mortgages. However, if the person lending the money receives interest, the interest received is income~~

- ~~20. Hostile Fire Pay when an individual is on active military duty serving in a combat zone, the full amount of the person's military pay can be excluded from taxable income~~
- ~~21. Deposits to a joint checking account made by a non-household member~~
- ~~22. Money payments made by the Department, another state, or tribal entities in connection with the State LTC Subsidy program, foster care, subsidized guardianship, or the subsidized adoption program~~
- ~~23. Benefits received through the Low Income Home Energy Assistance Program~~
- ~~24. Refugee cash assistance or grant payments~~
- ~~25. County general assistance that may be issued on an intermittent basis to cover emergency type situations~~
- ~~26. Payments from the Child and Adult Food Program for meals and snacks to licensed families who provide day care in their home~~
- ~~27. Payments from the family subsidy program~~
- ~~28. Income received as a housing allowance by programs sponsored by the United States Department of Housing and Urban Development and rent supplements or utility payments provided through the Housing Assistance Program~~
- ~~29. Money received by Indians from the lease or sale of natural resources, and rent or lease income, resulting from the exercise of federally protected rights on excluded Indian property, is considered an asset conversion and is therefore not considered as income (even if the money is taken out of the IIM account in the same month it was deposited into the account). This includes distributions of per capita judgment funds or property earnings held in trust for a tribe. This does not include local Tribal funds that a Tribe distributes to individuals on a per capita basis, but which have not been held in trust by the Secretary of Interior (e.g., tribally managed gaming revenues – which is countable income)~~
- ~~30. Income derived from sub marginal lands, conveyed to Indian tribes and held in trust by the United States, as required by Pub. L. 94-114~~
- ~~31. Compensation received by volunteers participating in the ACTION program as stipulated in the Domestic Volunteer Service Act of 1973, including the National Senior Volunteer Corps, including Retired Senior Volunteer Program (RSVP), Foster Grandparents, and Senior Companion Program; National Volunteer Programs to Assist Small Businesses and Promote Volunteer Services by Persons with Business Experience; Volunteers in Service to America (VISTA)~~

~~(now AmeriCorps*VISTA, not to be confused with AmeriCorps, a separate program), VISTA Literary Corps and University Year for VISTA~~

~~32. Payments made to recipients under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970~~

~~33. All income, allowances, and bonuses received as a result of participation in the Job Corps Program~~

~~34. Payments received for the repair or replacement of lost, damaged or stolen assets~~

~~35. Homestead tax credits~~

~~36. Training funds received from Vocational Rehabilitation~~

~~37. Training allowances of up to thirty dollars per week provided through a tribal-native employment works program, or the Job Opportunities and Basic Skills Training program~~

~~38. Needs-based payments, support services, and relocation expenses provided through programs established under the Workforce Innovation and Opportunity Act (WIOA), and through the Job Opportunities and Basic Skills program~~

~~39. Training stipends provided to victims of domestic violence by private, charitable organizations, such as the Seeds of Hope Gift Shop, or the Abused Adult Resource Center, for attending their educational programs~~

~~40. Tax exempt portions of payments made as a result of the Alaska Native Claims Settlement Act~~

~~41. Payments to certain United States citizens of Japanese ancestry, resident Japanese non-citizens, and eligible Aleuts made under the Wartime Relocation of Civilians Reparations Act~~

~~42. Agent Orange payments~~

~~43. Crime Victims Reparation payments~~

~~44. German reparation payments made to survivors of the holocaust, and reparation payments made under sections 500 through 506 of the Austrian General Social Insurance Act~~

~~45. Assistance received under the Disaster Relief and Emergency Assistance Act of 1974 or some other federal statute, because of a presidentially declared major~~

~~disaster (including disaster assistance unemployment compensation), and interest earned on that assistance. Comparable assistance received from a state or local government, or from a disaster assistance organization is also excluded~~

~~46. Allowances paid to children of Vietnam veterans who are born with spina bifida, or to children of women Vietnam veterans who are born with certain covered birth defects~~

~~47. Netherlands Reparation payments based on Nazi, but not Japanese, persecution during World War II, Public Law 103-286~~

~~48. Radiation Exposure Compensation, Public Law 101-426~~

~~49. The Medicare part B premium refunded by the Social Security Administration~~

~~50. Medicare Part D premiums, copayments, and deductibles refunded by prescription drug plans~~

~~51. Reimbursements from an employer, training agency, or other organization for past or future training, or volunteer related expenses are disregarded from income. Reimbursements must be specified for an identified expense, other than normal living expenses, and used for the purpose intended.~~

Examples of disregarded reimbursements include:

~~a. Reimbursements for job or training related expenses such as travel, per diem, uniforms, and transportation to and from the job or training site~~

~~b. Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work~~

~~52. The first \$2,000 received by an individual age 19 and over as compensation for participation in a clinical trial for rare diseases or conditions meeting the requirements of Section 1612(b)(26) of the Act. This disregard is only allowed if approved by the Medicaid Eligibility Unit.~~

~~53. Monthly food coupons distributed to individuals age 55 and over from the Sisseton Wahpeton Oyate Lake Traverse Reservation Food Distribution program~~

~~54. Payments of flat rate insurance like a hospital plan that pays a daily rate to the client for each day in the hospital. These are usually referred to as an indemnity policy~~

- ~~55. Any withdrawal made from a 529 plan is excluded as income if the funds are used for the intended purposes. If the funds are withdrawn and not used for their intended purpose, they become taxable income and must be counted.~~
- ~~56. Payments distributed by the Emergency Rent Assistance Program (ERAP)~~
- ~~57. Parent Mentor compensation of a parent or guardian of a Medicaid or CHIP-eligible child who is trained to assist families with children who have no health insurance coverage with respect to improving the social determinants of the health of such child.~~
- ~~58. Alimony received when the alimony agreement is finalized or an existing alimony agreement is modified on or after January 1, 2019.~~
- ~~59. Discharged Student Loan Debt, normally included in MAGI-based income, for tax years 2018-2025 in cases of discharged debt on account of the death or permanent and total disability of a student. Debt is not included as income of the borrower.~~
- ~~60. General distributions through the People's Fund for the Mandan, Hidatsa, Arikara (MHA) Nation also known as Three Affiliated Tribes.~~

1. Non-taxable income other than
 - a. Non-taxable foreign earned income,
 - b. Non-taxable interest or dividend income;
 - c. The non-taxable portion of Social Security Benefits
2. Supplemental Security Benefits (SSI)
3. Veteran's Administration
 - a. Disability Benefits
 - b. Aid and attendance payments,
 - c. Homebound benefits
 - d. Reimbursements for unusual medical expenses
4. Child support income
5. Temporary Assistance for Needy Families (TANF) benefit and support services payments made by the Department or another state
6. Workforce Safety and Insurance (WSI) Benefits

7. Proceeds from life, accident or health insurance
8. Federal tax credits,(i.e. Child Tax credit and IETC (Earned Income Tax Credit) and federal income tax refunds.)
9. Gifts and Loans
10. Inheritances
11. Child's income (See section 510-03-85-13, ACA Income Methodologies regarding when to count a child's income.)
12. Tribal General Assistance Payments
13. Subsidized Guardianship Project payments
14. Educational scholarships, awards, and fellowship grants used for educational expenses do not count as income. Count only the portion of educational income that is used for living expenses or other non-educational related expenses
15. Certain distributions, payments and student financial assistance for American Indians/Alaska Natives can **only** be disregarded if they were initially counted as taxable income
16. Non-recurring and recurring lump sum payments of disregarded earned or unearned income
 - a. Veteran's Administration Aid and attendance payments,
 - b. Veteran's Administration Homebound benefits
 - c. Veteran's Administration Reimbursements for unusual medical expenses
 - d. Veteran's Administration Dependents Indemnity Compensation;
 - e. Insurance settlements for destroyed exempt property;
 - f. Death benefits
 - g. Health or long-term care insurance payments;
 - h. Life Insurance proceeds
 - i. Accident Insurance proceeds

17. Voluntary cash contributions from others
18. Proceeds from a loan agreement, including reverse mortgages. However, if the person lending the money receives interest, the interest received is income
- 19 Hostile Fire Pay when an individual is on active military duty serving in a combat zone, the full amount of the person's military pay can be excluded from taxable income
20. Deposits to a joint checking account made by a non-household member
21. Money payments made by the Department, another state, or tribal entities in connection with the State LTC Subsidy program, foster care, subsidized guardianship, or the subsidized adoption program
22. Benefits received through the Low Income Home Energy Assistance Program
23. Refugee cash assistance or grant payments
24. County general assistance that may be issued on an intermittent basis to cover emergency type situations
25. Payments from the Child and Adult Food Program for meals and snacks to licensed families who provide day care in their home
26. Payments from the family subsidy program
27. Income received as a housing allowance by programs sponsored by the United States Department of Housing and Urban Development and rent supplements or utility payments provided through the Housing Assistance Program
28. Money received by Indians from the lease or sale of natural resources, and rent or lease income, resulting from the exercise of federally-protected rights on excluded Indian property, is considered an asset conversion and is therefore not considered as income (even if the money is taken out of the IIM account in the same month it was deposited into the account). This includes distributions of per capita judgment funds or property earnings held in trust for a tribe. This does not include local Tribal funds that a Tribe distributes to individuals on a per capita basis, but which have not been held in trust by the Secretary of Interior (e.g., tribally managed gaming revenues - which is countable income)
29. Income derived from sub marginal lands, conveyed to Indian tribes and held in trust by the United States, as required by Pub. L. 94-114
30. Compensation received by volunteers participating in the ACTION program as

- stipulated in the Domestic Volunteer Service Act of 1973, including the National Senior Volunteer Corps, including Retired Senior Volunteer Program (RSVP), Foster Grandparents, and Senior Companion Program; National Volunteer Programs to Assist Small Businesses and Promote Volunteer Services by Persons with Business Experience; Volunteers in Service to America (VISTA) (now AmeriCorps*VISTA, not to be confused with AmeriCorps, a separate program), VISTA Literary Corps
31. Payments made to recipients under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
 32. All income, allowances, and bonuses received as a result of participation in the Job Corps Program
 33. Payments received for the repair or replacement of lost, damaged or stolen assets
 34. Homestead tax credits
 35. Training funds received from Vocational Rehabilitation
 36. Training allowances of up to thirty dollars per week provided through a tribal native employment works program, or the Job Opportunities and Basic Skills Training program
 37. Needs-based payments, support services, and relocation expenses provided through programs established under the Workforce Innovation and Opportunity Act (WIOA), and through the Job Opportunities and Basic Skills program
 38. Training stipends provided to victims of domestic violence by private, charitable organizations, such as the Seeds of Hope Gift Shop, or the Abused Adult Resource Center, for attending their educational programs
 39. Tax-exempt portions of payments made as a result of the Alaska Native Claims Settlement Act
 40. Payments to certain United States citizens of Japanese ancestry, resident Japanese non-citizens, and eligible Aleuts made under the Wartime Relocation of Civilians Reparations Act
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 43. German reparation payments made to survivors of the holocaust, and reparation

payments made under sections 500 through 506 of the Austrian General Social Insurance Act

44. Assistance received under the Disaster Relief and Emergency Assistance Act of 1974 or some other federal statute, because of a presidentially declared major disaster (including disaster assistance unemployment compensation), and interest earned on that assistance. Comparable assistance received from a state or local government, or from a disaster assistance organization is also excluded
45. Allowances paid to children of Vietnam veterans who are born with spina bifida, or to children of women Vietnam veterans who are born with certain covered birth defects
46. Netherlands Reparation payments based on Nazi, but not Japanese, persecution during World War II, Public Law 103-286
47. Radiation Exposure Compensation, Public Law 101-426
48. The Medicare part B premium refunded by the Social Security Administration
49. Medicare Part D premiums, copayments, and deductibles refunded by prescription drug plans
50. Reimbursements from an employer, training agency, or other organization for past or future training, or volunteer related expenses are disregarded from income. Reimbursements must be specified for an identified expense, other than normal living expenses, and used for the purpose intended.

Examples of disregarded reimbursements include:

- a. Reimbursements for job or training-related expenses such as travel, per diem, uniforms, and transportation to and from the job or training site
 - b. Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work
51. The first \$2,000 received by an individual age 19 and over as compensation for participation in a clinical trial for rare diseases or conditions meeting the requirements of Section 1612(b)(26) of the Act. This disregard is only allowed if approved by the Medicaid Eligibility Unit.
 52. Monthly food coupons distributed to individuals age 55 and over from the Sisseton-Wahpeton Oyate Lake Traverse Reservation Food Distribution program

53. Payments of flat rate insurance like a hospital plan that pays a daily rate to the client for each day in the hospital. These are usually referred to as an indemnity policy
54. Any withdrawal made from a 529 plan is excluded as income if the funds are used for the intended purposes. If the funds are withdrawn and not used for their intended purpose, they become taxable income and must be counted.
55. Payments distributed by the Emergency Rent Assistance Program (ERAP)
56. Parent Mentor compensation of a parent or guardian of a Medicaid or CHIP eligible child who is 'trained to assist families with children who have no health insurance coverage with respect to improving the social determinants of the health of such child.
57. Alimony received when the alimony agreement is finalized or an existing alimony agreement is modified on or after January 1, 2019.
58. Discharged Student Loan Debt, normally included in MAGI-based income, for tax years 2018-2025 in cases of discharged debt on account of the death or permanent and total disability of a student. Debt is not included as income of the borrower.
59. Disbursements from The People's Fund and General Disbursements to members of the Mandan, Hidatsa, Arikara (MHA) Nation also known as Three Affiliated Tribes (TAT) come from natural resources (oil and gas royalties), therefore are disregarded income.

6. Asset Limits 510-05-70-15 - Change

(N.D.A.C. Section 75-02-02.1-26)

1. In all instances, including determinations of equity, property must be realistically evaluated in ~~accord~~ **accordance** with current fair market value. The combined equity value of all property of whatever nature, not otherwise excluded, is limited to:
 - a. Three thousand dollars for a one-person unit;
 - b. Six thousand dollars for a two-person unit; and

- c. An additional amount of twenty-five dollars for each member of the unit in excess of two.

Eligibility may exist in a month when countable assets are within the asset limits for at least one day of the month.

2. ~~There is no provision for the Asset Limit to be exceeded. It will be imperative that each county agency establish an effective monitoring system to assure that the accumulation of personal needs funds, accrued interest, property equity or funds reserved out of the monthly income levels does not create ineligibility by exceeding the asset limit. Notices will NOT be sent out for those who are within the \$100, \$300, and \$500 asset limit.~~

~~When the Medicaid unit is within \$100 of the appropriate asset limit, verification of assets should be done each month to determine continued eligibility; if the assets are within \$100 to \$300 below the asset limit, verification of assets should be done every three months to determine continued eligibility; and if the assets are within \$300 to \$500 below the assets limit, verification of assets should be done every six months to determine continued eligibility.~~

~~When the Medicaid unit is near the asset limit, the county agency should inform the unit to also monitor their assets and take appropriate action to prevent the asset limit from being exceeded if continued eligibility is desired.~~

Assets can be accumulated up to the allowable limit at any time and may be accumulated out of disregarded income ~~exempted income~~ during periods of eligibility.

7. Unearned Income 510-05-85-15 - Clarification

5. Types of unearned income include but are not limited to:
 - n. Payment of proceeds or profits to enrolled tribal members from tribal gaming/gambling establishments (the payments are to be annualized and prorated over 12 months). Exception: MHA (TAT) does not pay out monies from casino gambling. Tribal gaming proceeds that state MHA (TAT) are excluded, See [Disregarded Income 510-05-85-30](#).

8. Disregarded Income 510-05-85-30 - Change

This section applies to an individual residing in his or her own home or in

a [specialized facility](#), to the [Medicare Savings Programs](#), and to the Workers with Disabilities and Children with Disabilities coverages. It does not apply to an individual receiving psychiatric or nursing care services in a nursing facility, the state hospital, the Anne Carlsen facility, the Prairie at St. John's center, the Stadter Psychiatric Center, a Psychiatric Residential Treatment Facility (PRTF), an intermediate care facility for the intellectually disabled (ICF-ID), or receiving swing-bed care in a hospital (refer to the Post Eligibility Treatment of income, Section [05-85-25](#)).

The following types of income must be disregarded in determining Medicaid eligibility:

- ~~1. Money payments made by the Department, another state, or tribal entities in connection with the State LTC Subsidy program, foster care, subsidized guardianship, or the subsidized adoption program (This does not include Casey Family, or other private foster care payments);~~
- ~~2. Temporary Assistance for Needy Families (TANF) benefit and support services payments made by the Department or another state;~~
- ~~3. Benefits received through the Low Income Home Energy Assistance Program;~~
- ~~4. Refugee cash assistance or grant payments;~~
- ~~5. County general assistance that may be issued on an intermittent basis to cover emergency type situations;~~
- ~~6. Payments from the Child and Adult Food Program for meals and snacks to licensed families who provide day care in their home;~~
- ~~7. Payments from the family subsidy program;~~
- ~~8. Income received as a housing allowance by programs sponsored by the United States Department of Housing and Urban Development and rent supplements or utility payments provided through the Housing Assistance Program;~~
- ~~9. Money received by Indians from the lease or sale of natural resources, and rent or lease income, resulting from the exercise of federally protected rights on excluded Indian property, is considered an asset conversion and is therefore not considered as income (even if the money is taken out of the IIM account in the same month it was deposited into the account). This includes distributions of per capita judgment funds or property earnings held in trust for a tribe. This does not include local Tribal funds that a Tribe distributes to individuals on a per capita basis, but which have not been held in trust by the Secretary of Interior (e.g., tribally managed gaming revenues – which is countable income);~~

- ~~10. Income derived from submarginal lands, conveyed to Indian tribes and held in trust by the United States, as required by Pub. L. 94-114;~~
- ~~11. Income of an individual living in the parental home if the individual is not included in the Medicaid unit.~~
- ~~12. Extra checks received by individuals who are paid weekly or bi-weekly. The check may be from earned (but not self-employment) or unearned income. The last check received in the month is always considered the extra check. For individuals paid weekly, it is the fifth check and for individuals paid bi-weekly, it is the third check. Bonus checks, or checks for any other reason, are not considered extra checks;~~
- ~~13. Income earned by a child (not a caretaker, spouse, or pregnant woman) who is a full-time student, or a part-time student who is not employed one hundred hours or more per month. The earnings of an eligible child are counted if the child is a part-time student who is employed full time;~~
- ~~14. Fifty dollars per month of current child support, received on behalf of children in the Medicaid unit, from each budget unit that is budgeted with a separate income level;~~
- ~~15. Lump sum SSI benefits in the month in which the benefit is received (subject to the asset limits in the months thereafter);~~
- ~~16. Compensation received by volunteers participating in the ACTION program as stipulated in the Domestic Volunteer Service Act of 1973, including the National Senior Volunteer Corps, including Retired Senior Volunteer Program (RSVP), Foster Grandparents, and Senior Companion Program; National Volunteer Programs to Assist Small Businesses and Promote Volunteer Services by Persons with Business Experience; Volunteers in Service to America (VISTA) (now AmeriCorps*VISTA, not to be confused with AmeriCorps, a separate program), VISTA Literary Corps and University Year for VISTA;~~
- ~~17. Payments made to recipients under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;~~
- ~~18. All income, allowances, and bonuses received as a result of participation in the Job Corps Program;~~
- ~~19. Payments received for the repair or replacement of lost, damaged or stolen assets;~~
- ~~20. Occasional small gifts;~~

- ~~21. In-kind income except in-kind income received in lieu of wages;~~
- ~~22. A loan from any source that is subject to a written agreement requiring repayment by the recipient (which includes a reverse mortgage payment);~~
- ~~23. The Medicare part B premium refunded by the Social Security Administration;~~
- ~~24. Income tax refunds and earned income credits;~~
- ~~25. Homestead tax credits;~~
- ~~26. Educational loans, scholarships, grants, awards, Workforce Safety & Insurance vocational rehabilitation payments, and work study received by a student. See [510-05-85-15](#) (Unearned income) for treatment of student income received from the Veteran's Administration;~~
- ~~27. Any fellowship or gift (or portion of a gift) used to pay the cost of tuition and fees at any educational institution;~~
- ~~28. Training funds received from Vocational Rehabilitation;~~
- ~~29. Training allowances of up to thirty dollars per week provided through a tribal-native employment works program, or the Job Opportunities and Basic Skills Training program;~~
- ~~30. Needs-based payments, support services, and relocation expenses provided through programs established under the Workforce Innovation and Opportunity Act (WIOA), and through the Job Opportunities and Basic Skills program;~~
- ~~31. Training stipends provided to victims of domestic violence by private, charitable organizations, such as the Seeds of Hope Gift Shop, or the Abused Adult Resource Center, for attending their educational programs;~~
- ~~32. Tax-exempt portions of payments made as a result of the Alaska Native Claims Settlement Act;~~
- ~~33. Payments to certain United States citizens of Japanese ancestry, resident Japanese aliens, and eligible Aleuts made under the Wartime Relocation of Civilians Reparations Act;~~
- ~~34. Agent Orange payments;~~
- ~~35. Crime Victims Reparation payments;~~

~~36. German reparation payments made to survivors of the holocaust, and reparation payments made under sections 500 through 506 of the Austrian General Social Insurance Act;~~

~~37. Assistance received under the Disaster Relief and Emergency Assistance Act of 1974 or some other federal statute, because of a presidentially declared major disaster (including disaster assistance unemployment compensation), and interest earned on that assistance. Comparable assistance received from a state or local government, or from a disaster assistance organization is also excluded;~~

~~38. Allowances paid to children of Vietnam veterans who are born with Spina Bifida, or to children of women Vietnam veterans who are born with certain covered birth defects;~~

~~39. Netherlands Reparation payments based on Nazi, but not Japanese, persecution during World War II, Public Law 103-286;~~

~~40. Radiation Exposure Compensation, Public Law 101-426;~~

~~41. Interest or dividend income from liquid assets;~~

~~42. Additional pay received by military personnel as a result of deployment to a combat zone;~~

~~43. Medicare Part D premiums, co-payments, and deductibles refunded by prescription drug plans;~~

~~44. For periods after October 1, 2008, all wages paid by the Census Bureau for temporary employment related to census activities will be disregarded as income;~~

~~45. Reimbursements from an employer, training agency, or other organization for past or future training, or volunteer related expenses are disregarded from income. Reimbursements must be specified for an identified expense, other than normal living expenses, and used for the purpose intended.—~~

Examples of disregarded reimbursements include:

~~a. Reimbursements for job or training related expenses such as travel, per diem, uniforms, and transportation to and from the job or training site;~~

~~b. Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.~~

~~46. The first \$2,000 received by an individual age 19 and over as compensation for participation in a clinical trial for rare diseases or conditions meeting the~~

~~requirements of Section 1612(b)(26) of the Act. This disregard is only allowed if approved by the Medicaid Eligibility Unit.~~

~~47. Monthly food coupons distributed to individuals age 55 and over from the Sisseton-Wahpeton Oyate Lake Traverse Reservation Food Distribution program.~~

~~48. Payments distributed by the Emergency Rent Assistance Program (ERAP).~~

~~49. General distributions through the People's Fund for the Mandan, Hidatsa, Arikara (MHA) Nation also known as Three Affiliated Tribes.~~

1. Money payments made by the Department, another state, or tribal entities in connection with the State LTC Subsidy program, foster care, subsidized guardianship, or the subsidized adoption program (does not include Casey Family, or other private foster care payments);
2. Court Ordered Child Support payments and Social Security Survivor income for a child under age eighteen years and enrolled in a Medicaid waiver under section 1915c of the Social Security Act.
3. County general assistance that may be issued on an intermittent basis to cover emergency type situations;
4. Income received as a housing allowance by programs sponsored by the United States Department of Housing and Urban Development and rent supplements or utility payments provided through the Housing Assistance Program;
5. Income of an individual living in the parental home if the individual is not included in the Medicaid unit.
6. Educational loans, scholarships, grants, awards, Workforce Safety & Insurance vocational rehabilitation payments, and work study received by a student. See 510-05-85-15 (Unearned income) for treatment of student income received from the Veteran's Administration; or any fellowship or gift (or portion of a gift) used to pay the cost of tuition and fees at any educational institution;
7. In-kind income except in-kind income received in lieu of wages;
8. Per capita judgment funds paid to members of the Blackfeet Tribe and the Gross Ventre Tribe under Pub. L. 92-254, to any tribe to pay a judgment of the Indian claims commission or the court of claims under Pub. L. 93-134, or to the Turtle Mountain Band of Chippewa Indians, the Chippewa Cree Tribe of Rocky Boy's Reservation, the Minnesota Chippewa Tribe, or the Little Shell Tribe of Chippewa Indians of Montana under Pub. L. 97-403;

9. Compensation received by volunteers participating in the ACTION program as stipulated in the Domestic Volunteer Service Act of 1973, including the National Senior Volunteer Corps, including Retired Senior Volunteer Program (RSVP), Foster Grandparents, and Senior Companion Program; National Volunteer Programs to Assist Small Businesses and Promote Volunteer Services by Persons with Business Experience; Volunteers in Service to America (VISTA) (now AmeriCorps*VISTA, not to be confused with AmeriCorps, a separate program), VISTA Literary Corps;
10. Benefits received through the Low Income Home Energy Assistance Program;
11. Training funds received from Vocational Rehabilitation;
12. Training allowances of up to thirty dollars per week provided through a tribal native employment works program, or the Job Opportunities and Basic Skills Training program;
13. Income tax refunds and earned income credits;
14. Needs-based payments, support services, and relocation expenses provided through programs established under the Workforce Innovation and Opportunity Act (WIOA), and through the Job Opportunities and Basic Skills program;
15. Income derived from submarginal lands, conveyed to Indian tribes and held in trust by the United States, as required by Pub. L. 94-114;
16. Income earned by an eligible child (not a caretaker, spouse, or pregnant woman) who is a full-time student, or a part-time student who is not employed one hundred hours or more per month. The earnings of an eligible child are counted if the child is a part time student who is employed full time;
17. Payments from the family subsidy program;
18. Fifty dollars per month of current child support, received on behalf of children in the Medicaid unit, from each budget unit that is budgeted with a separate income level;
19. Payments made to recipients under title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
20. Tax-exempt portions of payments made as a result of the Alaska Native Claims Settlement Act;

21. Payments to certain United States citizens of Japanese ancestry, resident Japanese aliens, and eligible Aleuts made under the Wartime Relocation of Civilians Reparations Act;
22. Agent Orange payments;
23. A loan from any source that is subject to a written agreement requiring repayment by the recipient (which includes a reverse mortgage payment);
24. The Medicare part B premium refunded by the Social Security Administration;
25. Crime Victims Reparation payments;
26. Temporary Assistance for Needy Families (TANF) benefit and support services payments made by the Department or another state;
27. Lump sum SSI benefits in the month in which the benefit is received (subject to the asset limits in the months thereafter);
28. German reparation payments made to survivors of the holocaust, and reparation payments made under sections 500 through 506 of the Austrian General Social Insurance Act;
29. Assistance received under the Disaster Relief and Emergency Assistance Act of 1974 or some other federal statute, because of a presidentially declared major disaster (including disaster assistance unemployment compensation), and interest earned on that assistance. Comparable assistance received from a state or local government, or from a disaster assistance organization is also excluded;
30. Refugee cash assistance or grant payments;
31. Payments from the Child and Adult Food Program for meals and snacks to licensed families who provide day care in their home;
32. Extra checks received by individuals who are paid weekly or bi-weekly. The check may be from earned (but not self-employment) or unearned income. The last check received in the month is always considered the extra check. For individuals paid weekly, it is the fifth check and for individuals paid bi-weekly, it is the third check. Bonus checks, or checks for any other reason, are not considered extra checks;
33. All income, allowances, and bonuses received as a result of participation in the Job Corps Program;
34. Payments received for the repair or replacement of lost, damaged or stolen assets;

35. Homestead tax credits;

36. Training stipends provided to victims of domestic violence by private, charitable organizations, such as the Seeds of Hope Gift Shop, or the Abused Adult Resource Center, for attending their educational programs;

37. Allowances paid to children of Vietnam veterans who are born with Spina Bifida, or to children of women Vietnam veterans who are born with certain covered birth defects;

38. Netherlands Reparation payments based on Nazi, but not Japanese, persecution during World War II, Public Law 103-286;

39. Radiation Exposure Compensation, Public Law 101-426;

40. Interest or dividend income from liquid assets;

41. Additional pay received by military personnel as a result of deployment to a combat zone;

42. Occasional small gifts;

43. Money received by Indians from the lease or sale of natural resources, and rent or lease income, resulting from the exercise of federally-protected rights on excluded Indian property, is considered an asset conversion and is therefore not considered as income (even if the money is taken out of the IIM account in the same month it was deposited into the account). This includes distributions of per capita judgment funds or property earnings held in trust for a tribe. This does not include local Tribal funds that a Tribe distributes to individuals on a per capita basis, but which have not been held in trust by the Secretary of Interior (e.g., tribally managed gaming revenues - which is countable income);

44. Medicare Part D premiums, co-payments, and deductibles refunded by prescription drug plans;

45. For periods after October 1, 2008, all wages paid by the Census Bureau for temporary employment related to census activities will be disregarded as income;

46. The first \$2,000 received by an individual age 19 and over as compensation for participation in a clinical trial for rare diseases or conditions meeting the requirements of Section 1612(b)(26) of the Act. This disregard is only allowed if approved by the Medicaid Eligibility Unit.

47. Monthly food coupons distributed to individuals age 55 and over from the Sisseton-Wahpeton Oyate Lake Traverse Reservation Food Distribution program.

48. Payments distributed by the Emergency Rent Assistance Program (ERAP).

49. Reimbursements from an employer, training agency, or other organization for past or future training, or volunteer related expenses are disregarded from income. Reimbursements must be specified for an identified expense, other than normal living expenses, and used for the purpose intended.

Examples of disregarded reimbursements include:

- a. Reimbursements for job or training-related expenses such as travel, per diem, uniforms, and transportation to and from the job or training site;
- b. Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.

50. Disbursements from The People's Fund and General Disbursements to members of the Mandan, Hidatsa, Arikara (MHA) Nation also known as Three Affiliated Tribes (TAT) come from natural resources (oil and gas royalties), therefore are disregarded income.

9. Income Deductions 510-05-85-35

5. Except in determining eligibility for the Medicare Savings Programs, the cost of remedial care for an individual residing in a specialized facility is limited to the difference between the recipient's cost of care at the facility (e.g. remedial rate in a basic care facility) and the regular medically needy income level may be deducted.

10. Income Levels 510-05-85-40

2. Medically needy income levels.

b. Nursing care income level. The nursing care income level is ~~\$400~~ \$115 per month and must be applied to residents receiving psychiatric or nursing care services in nursing facilities, the state hospital, Prairie Saint John's, a Psychiatric Residential Treatment Facility (PRTF), or receiving swing bed care in a hospital.

c. ICF-ID income level. The income level for a resident of an Intermediate Care Facility for the intellectually disabled (ICF-ID), is ~~\$135~~ \$150 effective July 1, 2023

2025

- d. Community spouse income level. The income level for a community spouse who is eligible for Medicaid is subject to the categorically needy, medically needy, or poverty level income levels. The level for an ineligible community spouse is ~~\$2555~~ \$2644, or a higher amount if ordered by a court or hearing officer.
- e. Family member income level. The income level for each ineligible family member in a spousal impoverishment case is ~~\$852~~ \$881 effective July 2024 2025 (~~\$763~~ \$822 effective July 2022 2023, ~~\$822~~ \$852 effective July 2023 2024).