

**Service Chapter: Medicaid 510-05****Effective Date:** January 01, 2026**Overview**

Updating policy to provide the 2026 Home Equity Limits.

Updating Policy to provide the 2026 Asset Limits for the Medicare Premium Assistance Program.

Updating Policy to include that monies that belong to an individual who has passed away will no longer be included in the calculation for a DQT.

Updating Policy to include that a 529 college savings plan is an available asset for the account holder.

Updating the Community Spouse Asset Allowance.

Updating the average cost of nursing facility care.

**Description of Changes****1. Home Equity Limit 510-05-70-27- Change**

Updating the policy to the Home Equity Limit for 2026.

**2. Asset Limits for the Medicare Premium Assistance Program 510-05-60-20 – Change**

Updating the policy to the Asset Limits for the Medicare Premium Assistance Program for 2026.

**3. Exceptions to Disqualifying Transfer Provision 510-05-80-25 - Change**

Monies belonging to an individual who has passed away will no longer be included in the calculation for the Disqualified Transfer (DQT).

**4. Asset Considerations 510-05-70-10 - Change**

Update policy to state that a 529 college savings plan is an available asset for the account owner. Contributions made by a non-owner may be a Disqualifying Transfer (DQT).

**5. Community Spouse Asset Allowance 510-05-65-20 - Change**

Updating the policy to the Community Spouse Asset Allowance for 2026

**6. Disqualifying Transfers 510-05-80/Definitions 510-05-80-05 - Change**

Updating policy to include the current average cost of nursing facility care and removing the rate table from 1994-2014.

**Policy Section Updates****1. Home Equity Limit 510-05-70-27**

(N.D.A.C. Section 75-02-02.1-27)

Applicants or recipients who apply for Medicaid coverage on or after January 1, ~~2025~~  
2026 are not eligible for coverage of nursing care services (which include HCBS) if the individual's equity interest in the individual's home exceeds ~~\$730,000~~ \$752,000  
(\$730,000 in 2025). The applicant or recipient may, however, be eligible for other Medicaid benefits.

This provision does not apply if one of the following individuals lives in the home:

1. A spouse;
2. A son or daughter who is under age twenty-one; or
3. A son or daughter of any age who is blind or disabled.

**2. Asset limits for the Medicare Premium Assistance Program 510-05-60-20**

(N.D.A.C. Section 75-02-02.1-26 and N.D.A.C. Section 75-02-02.1-22(5))

No person may be found eligible for the SSI Buy-In unless the total value of all non-excluded assets does not exceed the limit at Section 05-70-15.

No person may be found eligible for the Medicare Savings Programs unless the total value of all non-excluded assets does not exceed the limit established for the Medicare Part D Low Income Subsidy. This amount changes annually.

Effective with the benefit month of January ~~2025~~2026, the limits are:

1. ~~\$9,660~~ \$9,950 for a one-person unit (~~\$9,430 in 2024~~ \$9,660 in 2025); or
2. ~~\$14,470~~ \$14,910 for a two-person unit (~~\$14,130 in 2024~~ \$14,470 in 2025).

**3. Exceptions to Disqualifying Transfer Provision 510-05-80-25**

(N.D.A.C. Section 75-02-02.1-33.1 and 75-02-02.1-33.2)

7. Transfer of money to a person who is now deceased will not be counted in the disqualifying transfer amount (DQT).

**4. Asset Considerations 510-05-70-10**

(N.D.A.C. Section 75-02-02.1-25)

Assets, not otherwise excluded, that are available to an applicant or recipient and that are in excess of the Medicaid asset limits are considered to be available to meet the medical needs of the applicant or recipient and cause ineligibility for Medicaid. An asset is any kind of property interest, whether real, personal, or liquid.

1. All assets which are actually available must be considered in establishing eligibility for Medicaid. Assets are actually available when at the disposal of an applicant, recipient, or anyone acting on behalf of an applicant or recipient; when the applicant, recipient, or anyone acting on behalf of an applicant or recipient, has a legal interest in a liquidated sum and has the legal ability to make the sum available for support, maintenance, or medical care; or when the applicant, recipient, or anyone acting on behalf of an applicant or recipient, has the lawful power to make the asset available, or to cause the asset to be made available. Asset availability is also as follows:
  - k. A 529 college savings plan counts as an asset for the person who owns the account. Money that someone else puts into the account may be a Disqualifying Transfer (DQT).

**5. Community Spouse Asset Allowance 510-05-65-20**

(N.D.A.C. Section 75-02-02.1-24(2)(3) and (7))

2. The community spouse asset allowance is determined by first establishing a spousal share. The spousal share is an amount equal to one half of the total

value of all countable assets owned (individually or jointly) by the institutionalized, HCBS, or community spouse.

**Example:**

If the couple's countable assets are:	The community spouse share is:
\$31,584 <u>\$32,532</u>	\$15,792 <u>\$16,266</u>
\$90,000	\$45,000
\$250,000	\$125,000

From the spousal share, the community spouse asset allowance is established, and is an amount that is equal to the community spouse share, but not less than ~~\$31,584~~ \$32,532 and not more than ~~\$157,920~~ \$162,660 effective January 2025 2026 (~~\$30,828~~ \$31,584 and ~~\$154,140~~ \$157,792 effective January 2024 2025).

**Example:**

If the Spousal share is:	The community spouse asset allowance is:
\$12,500	\$31,584 <u>\$32,532</u> (at least the minimum)
\$45,000	\$45,000
\$180,000	\$157,920 <u>\$162,660</u> (one-half is more than the maximum allowed, so the community spouse gets the maximum)

**6. Disqualifying Transfers 510-05-80**

**Definitions 510-05-80-05**

(N.D.A.C. Sections 75-02-02.1-33.1 and 75-02-02.1-33.2)

8. The average cost of nursing facility care is:

Year	Daily Rate	Monthly Rate
<u>2026</u>	<u>442.22</u>	<u>13,450.86</u>

2025	401.74	12,219.59
2024	404.19	12,263.70
2023	366.68	11,153.18
2022	352.42	10,719
2021	313.08	9522.85
2020	302.95	9214.73
2019	280.4	8530.05
2018	270.71	8234.10
July - Dec 2017	265.35	8071.06
Jan 2017	257.90	7844.46
2016	258.78	7871.23
2015	249.79	7595.04
2014	238.94	7268
July-Dec 2013	231.39	7038
Jan-2013	223.30	6792
2012	213.82	6504
2011	205.07	6238
2010	195.55	5948
2009	179.27	5453
2008	165.59	5037
2007	159.96	4865
2006	152.33	4633
2005	144.48	4395
2004	137.59	4185
2003	129.71	3945
2002	127.05	3864
July-Dec 2001	120.08	3652

Jan-June 2001	109.98	3345
2000	104.94	3192
1999	97.68	2971
1998	94.31	2869
1997	89.00	2713
1996	85.00	2562
1995	80.00	2419
1994	74.00	2339