

**BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA
RESOLUTION ADOPTING GENERAL ASSISTANCE AND MEDICAL ASSISTANCE
GUIDELINES**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, Section 68-133 RRS 1943 requires the County standards to be reviewed to ensure that all such standards reflect changes in living standards and costs-of-living; and

WHEREAS, the Sarpy County General Assistance and Medical Assistance Guidelines have been reviewed and updates have been made as reflected in the attached documents.

NOW, THEREFORE, BE IT RESOLVED By the Sarpy County Board of Commissioners that the attached General Assistance and Medical Assistance Guidelines are hereby approved.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 20th day of February, 2012.

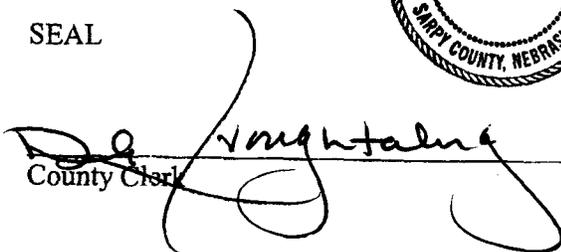


Sarpy County Board Chairman

Attest:

SEAL





County Clerk



Sarpy County Human Services
General Assistance Program Guidelines

General Assistance
Medical Indigent
Cremation Assistance

Revised and Reissued
2012

GUIDELINE CHANGES
SARPY COUNTY GENERAL ASSISTANCE GUIDELINES
Revised 2012

Table of Contents

STATEMENT OF PHILOSOPHY	3
PURPOSE	4
DEFINITIONS	4-5
ELIGIBILITY CRITERIA	6
GOODS AND SERVICES PROVIDED	10
INELIGIBLE APPLICANTS	13
MAINTENANCE OF MINIMUM HEALTH AND DECENCY	14-15
BUDGETING PROCESS	15
PERIODIC OR LUMP SUM PAYMENTS	15-16
RECOVERY OF OVERPAYMENTS	16
CASE CATEGORIES	17
CLIENT AND AGENCY RESPONSIBILITIES	17-18
APPEAL PROCEDURES	18-19
COUNTY CREMATION/BURIAL	21-25

STATEMENT OF PHILOSOPHY

Pursuant to the mandates of Sections 68-131 to 68-148 R.R.S. Neb. 1943, the Sarpy County Board of Commissioners is committed to providing financial assistance to those individuals in the community, who are unable to secure and maintain employment, who are unable to obtain any other form of financial assistance, and who lack adequate income and resources to provide for their basic needs. In an effort to fulfill this commitment and insure that these individuals are provided a means to secure the basic necessities of life, the General Assistance Program is hereby established.

The attached regulations, which will govern this Program, are being adopted as a means of insuring the consistent and fair administration of the General Assistance Program and, at the same time, to provide a means of accounting for the expenses of this Program to the local taxpayers.

GENERAL ASSISTANCE ADMINISTRATION REGULATIONS

The following regulations are enacted by the Sarpy County Board of Commissioners pursuant to and in compliance with Section 68-131 through Section 68-148 R.R.S. Neb 1943 (1983 Supp.). These regulations establish the General Assistance eligibility criteria: a schedule of goods and services provided: and the procedures used to deliver these goods and services to eligible persons.

These regulations supersede and replace the Interim Regulations previously adopted by this Board and will apply to all applicants for General Assistance.

- 77-000 **Purpose:** The purpose of General Assistance is to provide the necessities of life to persons who meet the eligibility guidelines.
- 77-010 **Definitions:** The following definitions will apply, unless the context would indicate otherwise.
- 77-020 **Adequate Notice:** Notice of case action which includes a statement of the action taken by the worker, the reason for the action taken, and the specific regulation that supports the action taken, or a change in state law and/or the County regulation which requires the action taken.
- 77-030 **Appeal:** A request for a hearing by an applicant to have the General Assistance Office's action or inaction of their case reviewed. An appeal may be requested by contacting the General Assistance Office in writing or in person.
- 77-040 **Applicant:** An individual/married couple who applies for any program administered by Sarpy County Human Services.
- 77-050 **Application:** A written form(s) prescribed by the County and signed by the applicant, which indicates the applicant's desire to receive General Assistance. An application will not be considered complete until all required documentation and information is received from the client.
- 77-060 **Application Date:** The date the client signs the application form.

- 77-070 **Authorization Period:** All eligibility factors and benefits provided will be determined on the basis of a calendar month and constitutes the authorization period. Such authorization period will be the month in which an application is filed.
- 77-080 **Client:** Anyone who has applied for, or is receiving General Assistance.
- 77-090 **Contributions:** Verified payments which are paid to, or paid on behalf of an individual or married couple.
- 77-100 **Emancipated Minor:** A child under the age of nineteen is considered an adult because he/she has married and or moved from the parent's home, and has been providing for their own needs.
- 77-110 **Household:** Individual or married couple, who has applied for or is receiving general assistance.
- 77-120 **Poor Person (Indigent):** One whose income and resources are below the General Assistance Guidelines as outlined in Section 77-270., who does not have a parent, stepparent or spouse supporting him or her, and who is unable to provide for his/her own needs through any other source.
- 77-130 **Potential or Contingent Resources:** Income and/or resources which are not in the immediate possession and control of the applicant, but to which the applicant may be entitled.
- 77-140 **Request Date:** The date the applicant, or someone on his/her behalf, contacts the General Assistance Office and schedules an appointment to apply for benefits.
- 77-150 **Resources:** Personal and real property in which the applicant has a legal interest.

- 77-160 **Vested Right to Income:** The applicant is deemed to have a vested right to income if:
- a) The applicant or spouse has been approved to receive benefits under a state or federal program for the calendar month in which General Assistance has been requested or applied for, and will be received by the applicant within 30 days following the application date:
 - b) The applicant or spouse has earned income in the calendar month in which General Assistance has been requested or applied for and such earnings will be paid to the applicant within 30 days following the application date.
 - c) The applicant or spouse has been approved to receive benefits from a private employer; such as pensions, disability, severance pay, etc. in the calendar month in which General Assistance has been requested or applied for, and will be received by the applicant or spouse within 30 days following the application date.

77-170 **Eligibility Criteria:** In order to be eligible for General Assistance, the applicant must come within the definition of a poor person as set forth in Section 77-120.

77-180 **Residency:** An applicant must reside within the geographic boundaries of Sarpy County in order to make application through the Sarpy County Office. Individuals residing outside Sarpy County should be referred to the appropriate county office for General Assistance. If an individual is not permanently residing in Nebraska and/or Sarpy County, temporary assistance may be granted, if all other eligibility criteria are met.

- 77-190 **Citizenship Requirements:** Recipients of assistance must qualify as either:
- a) A citizen of the United States; or
 - b) A registered alien lawfully admitted to the United States who can substantiate legal entry by means of documentation that they are not deportable.

- c) All applicants/clients are required to have on file with this office a US Citizenship Attestation Form.

77-200 **Assets or Resources:** Equity value of all assets or resources in the immediate possession or control of the applicant, unless otherwise exempt, will be considered as income for purposes of eligibility. Such assets and resources include, but are not limited to:

- a) Bank accounts, stocks, bonds, time certificates, mutual funds, cash value of life insurance, trust funds, revocable burial funds, net proceeds available from the surrender/liquidation of stocks,401(k), retirement accounts, etc.:
- b) Personal property such as automobiles, boats, campers, motorcycles, etc.:
- c) Real estate
- d) Business equipment including all business property, fixtures and machinery, including farm machinery,:
- e) Life insurance with a cash/surrender value

77-210 **Equity Value:** The fair market value less any recorded liens or encumbrances.

77-220 **Fair Market Value Of Real Estate And Vehicles:** Unless evidence is presented to the contrary, the fair market value of real estate will be determined in accordance with the property's appraised value for tax purposes, and the fair market value of a vehicle will be determined in accordance with the wholesale values set forth in the most recent N.A.D.A. Used Car Guide.

77-230 **Exempt Resources:** The following resources will not be considered in determining an applicant's eligibility for General Assistance.

a) The home in which the client resides, unless the equity value exceeds \$35,000.00, in which case the applicant may be assisted for up to 60 days with utilities and/or non-food only, to allow the applicant time to arrange for sale or mortgage of such property:

b) Household furnishings:

c) An automobile which is presently being used to meet the applicant's transportation needs and which has an equity value of less than \$4,000.00. If the equity value exceeds \$4,000.00, the applicant may be assisted for up to thirty days to allow the applicant sufficient time to sell the automobile and secure a less expensive one. Proceeds from such sale will be considered income to the applicant at the time of the sale.

77-240

Potential Resources: In order to be eligible, all applicants will be required to seek alternative sources of income and/or resources to meet future needs. In order to comply with this provision, an applicant will:

a) Make application for any benefits to which he/she may be entitled, including but not limited to Prescription Assistance Programs, Social Security, Supplemental Security Income, Veterans Benefits, Aid to the Aged, Blind or Disabled, ,Temporary Assistance to Needy Families, Energy Assistance, SNAP, Unemployment Compensation, Worker's Compensation, Housing Assistance etc.:

b) Employable applicants shall make reasonable efforts to secure full or part- time employment:

c) Make reasonable efforts to obtain possession and control of resources or income in which the applicant has a legal interest.

77-250

Verification: For purposes of complying with the provisions mentioned in Section 77-240, the following documentation will be sufficient evidence that the applicant is seeking alternative sources of income to meet future needs:

- a) Provide verification from the appropriate agency that an application for benefits has been submitted, or an appeal has been filed, and/or the applicant has scheduled an appointment to apply for benefits.
- b) Provide verification that the individual is currently registered with the Nebraska Workforce, and is actively searching for employment.
- c) Provide verification that the applicant has made every effort within his/her means to secure possession and control of resources in which he/she has a legal interest.

77-260

Available Income: All income received by or vested in the applicant or related household member for the authorization period. In the case of earned income, the following items are allowable deductions from gross earnings:

- a) Withholding taxes,
- b) Social Security and Medicare (F.I.C.A.)
- c) Mandatory retirement,
- d) Premiums for health insurance.

The following income will be disregarded when determining the amount of assistance which the client is eligible to receive:

- a) Stipends received through the Job Training Partnership Act and/or the Vocational Rehabilitation Division of the Nebraska Department of Education. For the first three months of the Vocational Rehabilitation Training Program, all income from the program will be disregarded. If additional time is required after consultation with the appropriate agency, it can be extended up to one year, but in no event can the disregard be allowed beyond one year:
- b) Fifty percent of a client's gross earnings for a period not to exceed two months, beginning with the month the first check is received, provided the client has been unemployed and receiving General

Assistance for six consecutive months prior to the month employment began. In all other cases, the disregard shall not apply.

77-270 **Income and Resources:** Applicants with available income and resources equal to or in excess of the following standards, during the authorization period, are ineligible for General Assistance:

1 - Person Household	\$425
2 - Person Household	\$440

Provided that in those cases where the available income is deemed to be vested and would otherwise disqualify the applicant, General Assistance may be authorized within the applicable amount to prevent an eviction or a shut-off of utilities.

77-280 **Right of Reimbursement:** The applicant, in order to be eligible, will authorize the County to be reimbursed for relief granted, if the applicant is found eligible for a State or Federal Program which provides retroactive benefits to the applicant from the date of application, or the applicant has applied for replacement of a lost or stolen check which may be reissued.

77-290 **Goods and Services Provided:** The following items are payable or provided through the General Assistance Program:

- a) Food (See 77-350)
- b) Shelter - includes rent and utilities (no security deposits) (77-310)
- c) Medical expenses - (See 77-800)
- d) Non-Food necessities - (See 77-330)
- e) Clothing (See 77-380)
- f) Cremation expenses (See 77-630)

77-300 **Standards for Payment:** All General Assistance payments will be determined by household composition and the type of dwelling unit. The maximum payment shall not exceed the standard established for each category. All payments will be made directly to the vendor providing the goods or services. General Assistance will not be used to supplement any Federal or State categorical program(s), i.e., ADC, SSI, or Social Security. Also, no private pensions will be supplemented if they exceed the General Assistance guidelines.

77-310 **Maximum Shelter Payment per Month by Household:** Maximum shelter payment under the General Assistance Program is \$400.00. An individual or married couple may elect to have all or part of the shelter allowance applied to his/her rent or utilities, any combination of which cannot exceed the shelter rate. In no case will payment be authorized for an amount which exceeds the actual charges incurred. Telephone charges are not included. At no time will a rent or utility deposit be paid. Once a shelter voucher has been issued to the vendor, the client cannot receive payment for an alternate living situation, unless the voucher was issued in error, or the client is required to obtain a new living situation due to circumstances beyond his/her control. In no case will payments be authorized in any one month which would exceed the maximum shelter allowance specified herein. Rent will not be paid to a relative, unless the Sarpy County Human Service Office can verify this need through documented medical or psychological sources. If the client's rent and/or utilities exceed the maximum payment allowed, the client will have to pay the amount over and above the maximum. The Sarpy County General Assistance Program will participate one time only when the maximum will be exceeded and the client makes up the difference. Sarpy County General Assistance does not make house payments, because there is generally no eminent eviction in progress.

77-320 **Paid Shelters:** No single male or female adult will be put up in a paid shelter, if there are beds available in the Omaha Shelters.

77-330 **Non Food Necessities:** Non-food necessities are defined as items needed for personal hygiene and environmental cleanliness.

1 - Person household \$25.00

2 - Person household \$40.00

77-340 **Board and Room:** Licensed Rate as established by NHHS.

77-350 **Food:** All applicants will be required to apply for food stamps (SNAP) to meet this need. General Assistance will not be issued to supplement the food stamp allotment. No food vouchers will be granted when an eligible applicant is denied food stamps for any reason.

77-360 **Transportation within Sarpy County:** If there is a physical disability which precludes the use of the client's own transportation sources, the client should be referred to the NDSS for Title XX service provided transportation. If the client is not eligible for Title XX transportation service, then he/she must use their own resources to go to a desired location in the county. The Sarpy County General Assistance Program has no public or private transportation service at its disposal.

77-370 **Transportation Outside Of Sarpy County:** Families with Minor children requesting transportation must seek other appropriate resources. Bus transportation may be provided to individuals to locations outside of Sarpy County if the following condition is met:

- a) The individual has not resided in Sarpy County for six consecutive months and wishes to return to his/her place of residence, provided the individual has secured a place to stay upon his/her arrival and this information can be verified; or

- b) The individual has secured employment outside of Sarpy County, and the perspective employer can confirm this information.

77-380 **Clothing:** The worker may authorize a clothing purchase not to exceed \$40.00 per person, if:

- a. The clothing is essential for health and safety; and
- b) The recipient has been referred to a public and/or private organization for clothing, and it has been verified that appropriate donated clothing is not available in the community; and
- c) The recipient has not been authorized for general assistance clothing allowance within the last six months.

77-390 **Cremation/Burials:** See Sections 77-630 through 77-720.

77-400 **Ineligible Applicants:** Applicants who meet the eligibility criteria may still be denied General Assistance if the lack of income and/or resources is a result of the client's own actions or inactions:

- a) For purpose of this provision, full-time students will be presumed to lack income and/or resources as a result of their own actions in restricting their ability to obtain full-time employment, unless sufficient evidence is presented to the contrary:
- b) The term full-time student will mean an individual who has registered at an established school, college, or university for 12 credit hours or more, and who has so attended during the most recent school term and intends to register for full attendance at the next regular term of the school, college, or university.

77-410 **Disposal of Resources:** If an applicant has disposed of, transferred or sold any resource at less than fair market value, the applicant will be ineligible for the period of time in which the asset or resource would have been available to meet the needs of the household. In the cases of sale, this is determined by comparing the fair market value of the asset at the time of sale to the value received for the

asset. The difference is the amount which would have been available to meet the needs of the household.

77-420

Reduction or Loss of Income: If an applicant has suffered a loss or reduction in income and such loss or reduction is a result of the voluntary actions or inactions of the applicant, General Assistance will be denied. Such actions or inactions include, but are not limited to the following:

- a) Failure to cooperate with any State, Federal, Municipal, or County agency or private entity providing benefits to the applicant and which non-cooperation results in the loss or reduction of benefits:
- b) Failure to work when employment is or was available within the last 90 days, or has been offered to the applicant, and it is or was within the applicants physical and mental ability to perform the type of work involved:
- c) The applicant has been denied or suffered a reduction of benefits due to fraud or misrepresentation in applying for or receiving benefits from a State or Federal agency:
- d) The applicant has through fraud or misrepresentation attempted to receive or did receive General Assistance to which they were not entitled in the month immediately preceding the month of application.

77-430

Vendor Payments: Payments on behalf of eligible clients can only be made if the vendor will accept a County payment and/or County voucher, and the vendor agrees to provide the goods and services through the authorization period.

77-440

Insuring Maintenance of Minimum Health and Decency: Even though an applicant is found eligible for General Assistance, payment will not be issued unless such payment will insure the maintenance of minimum decency and health for the client. Such situations include, but are not limited to the following:

- a) Utility shut-offs - the applicant has received a shut-off notice for nonpayment and the maximum rate allowable under current Sarpy County General Assistance guidelines is insufficient to prevent the shut-off from occurring:
- b) Foreclosure or eviction proceedings are pending and the maximum payment allowable under Sarpy County General Assistance guidelines is insufficient to prevent foreclosure or eviction:
- c) The applicant's residence does not meet the minimum provisions of the applicable health codes.

77-450 **Notice Of Eligibility but Non-Issuance of Payment:** In all cases in which the provisions of 77-440 apply, the client will be notified in writing.

77-460 **Budgeting:** In order to determine the amount of General Assistance that may be authorized, the worker will:

- a) Determine the total amount of income and resources available. If this figure equals or exceeds the amount established in 77-270, the applicant is ineligible:
- b) If the above figure is below the guidelines, the worker will then determine the basic needs of the household by adding together the actual housing and/or utilities cost, not to exceed the maximum set forth in 77-310, and the non-food necessities allowance established in 77-330, based on related household size.
- c) Subtract the available income and resources from the basic needs. The difference is the amount of General Assistance that may be authorized.

77-470 **Periodic or Lump Sum Payments:** If an individual receives regular periodic payments, from whatever source, the worker will determine the number of times each year such payment is received. This figure is then multiplied by the amount of each payment and divided by 12. This figure is the amount of monthly income to be shown in the applicant's budget each month.

If the applicant received a one-time lump sum payment, from any source, the worker will divide this amount by the standard of need for the household size to determine the number of months the household is ineligible for General Assistance, provided that if such a sum was received more than 90 days prior to the date of application and/or the applicant was not receiving General Assistance prior to receipt of the lump sum, the worker will determine the amount of the lump sum and the number of months which have expired since its receipt, in comparison to the reasonable needs of the household during this time. If the lump sum exceeds the reasonable needs of the household for the period in question, the applicant will be deemed to have deprived themselves of a resource within the meaning in (77-410), and its provisions will control.

77-480 **Recovery of Overpayments:** In the event a person received General Assistance benefits through fraud or misrepresentation, the worker will determine the amount that was overpaid and notify the client in writing that they are required to repay this amount. If the client reapplies for General Assistance and repayment has not been made and (77-420) does not apply, the worker will reduce the amount of General Assistance which would otherwise be issued, by 25%. The balance is the amount of General Assistance which may be authorized and issued. The unissued portion will be applied against the overpayment. This procedure will continue each month until the entire overpayment has been recovered.

77-490 **Short-Term Cases:** All applicants who are in the process of applying for Aid to the Aged, Blind or Disabled, Social Security Benefits, Veteran's Benefits, Unemployment Compensation, Retirement Benefits, Medicaid, etc. and has not resided in Sarpy County for 90 days, or any other case which does not fall within the definition of a continuous case will be deemed short-term and approved for one calendar month, if all eligibility factors have been met.

77-500 **Action on Continuous and Short-Term Cases:** General Assistance will be furnished to all eligible individuals:

- a) Within seven days after the submission of the application if the need is short-term:
- b) Within thirty days after the submission of the application if the need is continuous.

77-510 **Continuous Cases – Monthly Reporting:** Applicants who have been approved for General Assistance and who meet the definition of a continuous case will remain eligible based on the monthly office visit with the Sarpy County Human Service Office.

77-520 **Elements of Redetermination:** In order to re-determine eligibility, the applicant must:

- a) Complete and sign a new General Assistance application and have a face-to-face interview:
- b) Provide necessary verification on all points of eligibility.

77-530 **Client Responsibilities:** The client is required to:

- a) Provide complete and accurate information, sign all required documents and provide verification of eligibility:
- b) Report any change in circumstances no later than three days following the date of change. This includes information such as:
 - 1. An increase or decrease in monthly income and expenses
 - 2. An increase or decrease in resources.
 - 3. A change in employment status.
 - 4. A change in the composition of the household.

5. A change in address and/or living arrangements.
6. A change in incapacity or disability status.

c) Accept referral to any other public or private agency or organization which may be able to provide the requested assistance to the client.

77-540

Agency Responsibilities: At the time of initial application and redetermination, the worker will:

- a) Give an explanation of program requirements:
- b) Explain the eligibility factors that require verification:
- c) Obtain the client's written consent for needed verification:
- d) Explore current and potentially available income and resources with the client:
- e) Inform the client of his/her rights and responsibilities:
- f) Act with the reasonable promptness on the client's application for assistance as defined in 77-500:
- g) Provide adequate notice to the client of approval, rejection, termination, or any other case action which will affect the client's assistance payment.

77-550

Right to Appeal: All applicants for General Assistance who have suffered a loss or reduction of benefits based upon the provisions of this chapter shall have the right to an appeal.

77-560

Appeal Procedure: Every applicant for or recipient of General Assistance has the right to appeal to Sarpy County for a hearing on any action or inaction in regard to the General Assistance Program. The appeal must be filed in writing within 30 days of the action or inaction. All requests will be referred to a Hearing Examiner, designated by the Sarpy County Board, for a fair hearing and the following procedures will apply:

- a) The client will have the right to:
 - 1. Examine his/her General Assistance file prior to and during the hearing.
 - 2. Be represented in the proceedings by a lawyer, friend, relative, or anyone else he/she may select.
 - 3. Present evidence.
 - 4. Confront and cross-examine witnesses.

- b) The Hearing Officer will:
 - 1. Record the hearing.
 - 2. Make a recommendation to the County Board, based upon the evidence.

- c) Upon the request of either party or the Hearing Officer's own motion, the hearing may be continued and the hearing record held open for a period not exceed 10 days, in order to obtain additional information or to verify new information.

- d) The County Board will:
 - 1. Make a decision within thirty days following the hearing.
 - 2. Make the decision based upon the evidence.
 - 3. Provide the client with a written copy of the decision setting forth findings and conclusions; and
 - 4. Preserve the tape of the hearing and all exhibits offered at the hearing for sixty days following entry of the County Board's decision.

77-570

Right to Judicial Review: Any person aggrieved by a decision rendered pursuant to 77-550 and 77-560, may obtain a review of such decision by filing a petition in the District Court of Sarpy County, Nebraska, within thirty days after the decision.

77-580 **Completed Application:** Sarpy County will assume no liability to provide program benefits to any individual who fails to complete a written application within the time specified by a program's requirement. A written request for assistance will not act as a substitute for such written application.

77-590 **Approved Vendors:** Even though an individual is qualified to receive program benefits, Sarpy County will not make payment for any service unless:

- a) The provider of the services is an approved vendor and complies with the appropriate program regulations.
- b) The vendor agrees to reimburse Sarpy County in the event of payment made for goods or services which are subsequently not provided. Such reimbursement shall be in whole or in part based upon actual goods or services provided.

77-600 **Landlords:** In order to be an approved vendor eligible to receive General Assistance Program payments, the individual or organization receiving payment must either be:

- a) The title holder of record of the real estate where the client resides; or
- b) The designated agent of the title holder of record of the real estate where the client resides; or
- c) The mortgage holder of record to the real estate where the client resides; or
- d) The buyer of real estate on Land Contract. If the title of record is still in the name of the seller or a trustee, a copy of the contract must be provided to the General Assistance Office.

77-610 **Board and Room Facilities:** In order to be an approved vendor eligible to receive General Assistance Program payments, the board and room facility must be licensed as such by the Nebraska Department of Health & Human Services.

77-620 **Location of Property:** In all cases, the real estate or board and room facility must be located within the geographic boundaries of Sarpy County.

77-630 **County Cremations:** If the estate of the decedent and/or the income and resources of responsible relatives are insufficient to meet the cremation expenses, as hereafter defined, Cremation Assistance may be authorized to meet these expenses. Under no circumstances shall the basic cremation provided by Sarpy County be supplemented by a private/non-profit payer.

77-640 **Cremation Assistance Guidelines:** Sarpy County will consider providing assistance for any person who dies or has legal settlement in Sarpy County. It is the policy of Sarpy County that cremation is the only option available. Exceptions to this policy are only for those situations where cremation is not an option due to legal considerations.

Cremation Fee Schedule

1) Mortuary	\$683
2) Crematory (Paid to Mortuary)	
Adult	\$158.00
Child	\$105.00
Infant	\$ 79.00
Max Payment	\$841

77-650 **Services Covered by County Cremation:** The following principal services are included within the above fee structure:

- a) Required preparation;
- b) Brief newspaper notice (name, age, and time of service);
- c) Simple container for cremated remains as selected by the mortuary/crematory;

- d) Transportation from the place of death to the mortuary and to the place of cremation if different from mortuary;
- e) Crematory fee.

77-660

Items not Covered by County Cremation: The following items are not included or provided in the assistance fee structure, and may not be purchased by the responsible relatives or any other party as an alternative to paying for the items defined as principal services. Violations of these conditions will forfeit the county's responsibility for participation in the cost of the services provided:

- a) Flowers
- b) Organist
- c) Pallbearer expenses
- d) Clergy fees
- e) Clothing
- f) Transportation for the family
- g) Memorial cards or record book
- h) Long distance telephone charges
- l) Transportation of the deceased outside of Sarpy County
- j) Funeral escort service
- k) Tents
- l) Headstone
- m) Urn
- n) Burial or inurnment of remains.

77-670

Burial Exception: If cremation is not an option due to legal considerations, the following maximum fees will be paid:

1) Mortuary, to include:

Required preparation

Brief newspaper notice (name, age, service)

Simple casket

Transportation from the place of death to the mortuary and from the Mortuary to the cemetery.

Adult* \$1,366.00

Child* \$ 368.00

Infant* \$ 210.00

*casket size

2) Cemetery (Paid to Mortuary)

Adult* \$ 420.00

Child* \$ 210.00

Infant* \$ 158.00

3) Additional items as required:

Oversized casket \$ 210.00

Disaster bag \$ 84.00

Outer casket receptacle (vault) \$ 300.00

Cemetery plot** \$ 420.00

**If the decedent did not own a burial plot at the time of death, or if a plot is not donated, internment will be arranged by the mortuary at a cemetery that will accept county burial fees as payment in full.

77-680 **Financial Eligibility Requirements:** In order to be eligible for County Cremation, the assets of the decedent's estate and/or the income and resources of responsible relatives cannot exceed allowable cremation expenses as previously defined.

77-690 **Financial Participation:** If the financial eligibility requirements are met, County Cremation may be authorized, but only to the extent that the cost of cremation exceeds the assets of the decedent's estate and/or income and resources of responsible relative.

77-700 **Responsible Relatives:** Includes spouse of the decedent and parents of a minor child.

77-710 **Other Eligibility Requirements:** In addition to meeting the financial eligibility criteria, any individual requesting County Cremation on behalf of the decedent must agree in writing to the following terms and conditions:

- a) That they will accept the services as previously outlined and understand that the funeral home **will not** provide additional items or services:
- b) That they have not made financial arrangements to provide for services not covered by the County:
- c) That they will cooperate with the funeral home in securing income and assets of the decedent to be applied to the cost of services.

77-720 **Agency Procedures:** All requests for County Cremation must be in writing and signed by the legally responsible person making the request.

- a) An appointment to complete an application may be scheduled Monday through Friday between 8:00 a.m. and 4:30 p.m., (excluding holidays) by contacting the Sarpy County Human Services Office at 402-593-4400.

- b) If arrangements have been made with the mortuary in excess of the County fee schedule, County assistance will be denied.
- c) Both the applicant and the mortuary will receive notice which will indicate whether the request is approved or denied.
- d) In cases where there are no known relatives or legal guardian, the request for County Cremation may be made over the phone by the mortuary.
- e) If funds from the estate exist which are to be applied to the cost of the County Cremation, and the financial institution holding such funds requires a certified copy of the death certificate, an additional cost may be paid to the mortuary.
- f) All the above procedures and requirements are also applicable to County Burials where cremation is not an option due to legal considerations.

GUIDELINE CHANGES
SARPY COUNTY MEDICALLY INDIGENT
GUIDELINES
Revised 2012

LEGAL BASIS	31
PURPOSE	31-32
ADMINISTRATION	32
DEFINITIONS	32
ALLOWABLE DRUG NEED	33
COUNTY DESIGNATED AGENT	33
LIFE TRAUMA SITUATION	33
MEDICAL NEED	33
MEDICAID MANAGEMENT INFORMATION SYSTEM	34
MEDICALLY ELIGIBLE	34
POOR PERSON	34
COUNTY RESPONSIBILITIES	34
ELIGIBILITY WORKER RESPONSIBILITIES	34-35
CLIENT RESPONSIBILITIES	35
CLIENT RIGHTS	35-36
PROVIDER RESPONSIBILITIES	36
EXCHANGE OF INFORMATION	36
REQUEST	37
APPLICATION	37
ALTERATIONS	37
SIGNING A BLANK APPLICATION	37
REASONABLE PROMPTNESS	37
PLACE OF APPLICATION	37
FAILURE TO COOPERATE	37
PROCEDURES FOR DENYING AN APPLICATION	38
AUTHORIZATION FOR INVESTIGATION	38
ELIGIBILITY INVESTIGATION	38
LEGAL SETTLEMENT	38
DETERMINATION OF LEGAL SETTLEMENT	38-39
MILITARY PERSONNEL	39
FULL-TIME STUDENTS DEFINED	39
CLIENT WITH A GUARDIAN OR CONSERVATOR	39
INABILITY TO ACQUIRE LEGAL SETTLEMENT	39-40
LOSS OF LEGAL SETTLEMENT IN NEBRASKA	40
NOTICE OF FINDING	40
ADEQUATE NOTICE	40
TIMELY NOTICE	40
ADEQUATE AND TIMELY NOTICE	40
SITUATIONS REQUIRING ADEQUATE NOTICE ONLY	40-41

ELIGIBILITY DETERMINATION	41
NOTICE FOR ONE-TIME ASSISTANCE	41
APPEAL PROCEDURES	41
CLIENT APPEALS	41
RIGHTS OF THE PARTY REQUESTING A HEARING	42
PROCEEDINGS OF HEARING AND ACTION	42
APPEAL OF COUNTY BOARD DECISION	42
RELATIVE RESPONSIBILITY	42
EMANCIPATED MINOR	43
ELIGIBILITY FOR OTHER PROGRAMS	43
ELIGIBILITY FOR INSURANCE COVERAGE	43
RESOURCES	43
RESOURCES CONSIDERED	43
AVAILABLE RESOURCES DEFINED	43-44
REAL PROPERTY AND MOTOR VEHICLES	44
REAL ESTATE	44-45
MOTOR VEHICLE OWNERSHIP	45
BANK ACCOUNTS	45
LIQUID RESOURCES	45
VALUE AND EQUITY	45
DETERMINATION OF VALUE	45
MOTOR VEHICLES DEFINED	45-46
VALUE OF REAL ESTATE	46
BURIAL LOTS	46
DEPRIVING SELF OF RESOURCES	46
VERIFICATION AND DOCUMENTATION OF INCOME AND RESOURCES ---	46
MEDICAL ELIGIBILITY	47
PAYMENT FOR MEDICALLY NECESSARY SERVICES	47
MEDICALLY NECESSARY SERVICES	47-48
MEDICAL REIMBURSEMENT RATE	48
JAIL INMATES	48
INCOME LEVEL FOR FAMILY UNITS	48-49
FEDERAL POVERTY GUIDELINES	49

77-800 **Legal Basis:** The Medical Services for the Medically Indigent Program was established by sections 68-104, 68-114, 68-115, 68-126, and 68-717 Reissue Revised Statutes of Nebraska. 1943. It is funded by County monies.

77-810 **Purpose:** The purpose of the Medical Services for the Indigent (MI) Program is to furnish medical services that may be required for the poor of the County based on eligibility criteria. The Program has the following guidelines:

- a) The Medically Indigent Program is the program of last resort. Any other resource potentially available to meet the client's medical needs must be exhausted before Medically Indigent funds are used. An individual who is eligible for a categorical program which provides medical services is ineligible for Medically Indigent Assistance.
- b) Medically Indigent funds must not be used when a payment plan can be negotiated with the provider.
- c) The term of coverage for each individual under the Medically Indigent Program will be as needed on a case-by-case basis.
- d) Elective procedures are not covered.
- e) Any service not allowed by the Nebraska Medical Assistance Program is not allowed by the Medically Indigent Program.
- f) Payment for all health care services, except an allowable drug need, must be prior approved. Payment will be approved for treatment already provided only if:
 - 1. A case medical review shows it was a life trauma situation.
 - 2. Only medically necessary services were given (77-1470);
 - 3. All eligibility criteria were met; and
 - 4. Proper notice (see Item i) was given;

- g) The Sarpy County Board of Commissioners has the right to contract with *one* or more physicians and other medical providers. Eligible clients may be required to receive necessary treatment from a County-designated provider when:
 - 1. Services have not been provided; or
 - 2. Services have already been provided and the life trauma situation ends, or after 48 hours, whichever occurs first.

- h) A hospital admitting a potentially indigent person for a life trauma situation will notify the COUNTY DESIGNATED AGENT (CDA) of the admission by the next working day.

- i) The County's obligation to pay for hospital and/or physician services is limited to the following period:
 - 1. The number of days approved by the CDA and based on a life trauma situation.

- j) All services must be given by appropriately licensed health care professionals and facilities, which are subject to a review to ensure that only care for a life trauma situation was provided.

77-820 **Administration:** The Medically Indigent Program is administered by the County Board in accordance with state laws and with the rules, regulations, and procedures adopted by the Sarpy County Board.

77-830 **Definitions:** The following definitions will apply, unless the context would indicate otherwise.

77-840 **Allowable Drug Need:** A medical need created by a lack of medication whose absence will lead to a medical condition requiring hospitalization, institutionalization, or residence in a long term care facility. This includes prescribed medications to meet medical and psychiatric needs. The medication will be authorized at the County contracted Pharmacy, in generic form with a 30 day supply. All applicants must apply for the Prescription Assistance Program.

77-850 **County Designated Agent (CDA):** The person selected by the County Board to:

- a) Receive information about MI cases from workers;
- b) Act as the County Board's representative in MI actions, including approval, rejection, or pending of cases; and
- c) Perform other required MI duties.

77-860 **Life Trauma Situations:** Any medical condition which, in the opinion of a duly licensed physician or designee, requires that the individual be:

- a) Admitted to an intensive care unit (ICU) and not specified as overflow; or
- b) Operated upon before the next working day for emergency (non-elective) procedure; or
- c) Designated an emergency admission because he/she requires hospital treatment to prevent possible mortality.

77-870 **Medical Need:** A verified medical need created by a life trauma situation or by a lack of medication or medical treatment whose absence would lead to a medical condition requiring hospitalization, institutionalization, or residence in a long term care facility. The medical or psychological need does not include physical, psychological, or psychiatric outpatient therapy.

77-880 **Medicaid Management Information Systems (MMIS):** A computer support System that endorses Nebraska Medical Assistance Program (NMAP) procedure and payment policies.

77-890 **Medically Eligible:** Qualified to participate in the MI Program based on the standards given in Section 77- 1470.

77-900 **Poor Person(Indigent):** An individual who does not qualify for other medical assistance programs and who meets the eligibility standards set forth in this chapter.

77-910 **County Responsibilities:** Sarpy County has the responsibility to:

- a) Ensure that any person who so desires has the opportunity to apply;
- b) Determine medical need in accordance with the requirements set forth in these regulations;
- c) Inform the client of his/her rights and responsibilities;
- d) Notify hospitals and other medical providers of the MI Program policies and procedures and provider responsibilities;
- e) Maintain confidentiality of client records as required by law; and
- f) Provide funds for the services and assistance provided for under these regulations and to seek reimbursement from the county of legal settlement for assistance issued if the recipient has legal settlement in another county.

77-920 **CDA Responsibilities:** At the time of initial application, the CDA will:

- a) Inform the client of all potential sources of medical help and refer to one or more of these sources if appropriate;
- b) Provide an explanation of the program requirements;
- c) Collect and review information entered on the application;

- d) Explain the eligibility and payment factors that require verification;
- e) Obtain the client's written consent for needed verification and for release of information to the provider;
- f) Explore current and potentially available income and resources with the client.
- g) Inform the client of his/her rights and responsibilities;
- h) Maintain the client's information confidentially;
- i) Provide services to the client without regard to race, sex, religious creed, national origin, physical disability, color, or political beliefs;
- j) Verify residency in compliance with state statutes;
- k) Explain the appeal process.

77-930

Client Responsibilities: The client is required to:

- a) Provide complete and accurate information, sign all documents and provide verification of eligibility; give consent for Sarpy County Human Services to make whatever contacts are necessary to determine eligibility for its programs, payer of last resort status and potential eligibility for any other assistance programs. This includes information regarding:
 1. Increase or decrease in monthly income and expenses,
 2. Increase or decrease in resources or other financial matters,
 3. Change in employment status,
 4. Change in marital status,
 5. Change in address or living arrangements,
 6. Proof of employment search, as required,
 7. Change in incapacity or disability status, including application for federal/state disability benefits,

77-940

Client Rights: The client has the right to:

- a) Apply; anyone who wishes to request and/or apply for MI will be given the opportunity to do so.

- b) Reasonably prompt action on his/her application for MI.
- c) Adequate notice of any action affecting his/her MI case.
- d) Appeal any action or inaction by the CDA with regard to an application, the amount of the assistance payment, or failure to act with reasonable promptness.
- e) Have his/her private information treated confidentially.
- f) Have his/her civil rights upheld. No person may be subjected to discrimination on the grounds of his/her race, color, national origin, sex, age, disability, religion, or political belief.
- g) Have the program requirements and benefits fully explained.
- h) Be represented and/or assisted in the application process by the person of his/her choice; and
- i) Be referred to other social or private agencies.

77-950 **Provider Responsibilities:** Each MI provider has the responsibility to:

- a) Follow the requirements set forth in this chapter.
- b) Submit an initial diagnosis, treatment plan and prognosis to the appropriate MI office for patients who appear to be eligible for MI.
- c) Accept the amount established by Nebraska Medical Assistance Program (NMAP) as the maximum allowable, regardless of whether the client is required to pay a portion of that bill or the full bill is paid by MI.

77-960 **Exchange of Information:** Any information collected in a MI case may be freely exchanged between state and county workers without a release of information from the client.

- 77-970 **Requests:** A request for assistance may be made in an interview, letter or telephone and may be presented by the client, his/her guardian or conservator, or another person authorized to act for the client. The client must apply within 14 days of the request.
- 77-980 **Application:** A written form prescribed by the CDA and signed by the applicant. If the individual is incapable of completing an application, a responsible person may complete an application on behalf of the applicant.
- 77-990 **Alterations:** The application, when completed and signed by the applicant or his/her representative, constitutes his/her own statements in regard to eligibility. If the CDA ads information received from an applicant to a properly signed application, the CDA will date and initial the change.
- 77-1000 **Signing a Blank Application:** The applicant must not be asked to sign a blank application. In signing the application, the applicant states that the information contained in it is correct to the best of his/her knowledge and belief.
- 77-1010 **Reasonable Promptness:** The CDA will notify the applicant of the status of his/her case no later than 30 days from the application date. If eligibility is still undetermined, the worker will give the reason(s) for the delay in the notice.
- 77-1020 **Place of Application:** An individual makes application for medical assistance in the office of County residency. Applications may be taken in the office, the applicant's home, or another place that is convenient for the applicant. The office which receives the application is responsible for the determination of eligibility/ineligibility.
- 77-1030 **Failure to Cooperate:** An application may be held pending for up to 30 days to allow an applicant time to provide all information needed to make an eligibility determination. . If the applicant fails to provide this information within 30 days of the application, she/he is ineligible.

- 77-1040 **Procedures for Denying an Application:** If an applicant is determined ineligible, the CDA will send a notice of the finding to the applicant, giving the reason(s) for denial and listing supporting manual references. The CDA keeps one copy for the case file and sends one copy to the applicant, and the County of financial responsibility.
- 77-1050 **Authorization for Investigation:** For some sources of information, the CDA will ask the client to sign a release form.
- 77-1060 **Eligibility Investigation:** All applications are investigated in accordance with the eligibility requirements. The client is the primary source of information. All information is documented in the case record.
- 77-1070 **Legal Settlement:** If the applicant has established a County of legal settlement, that County is responsible for assuming financial responsibility through reimbursement to the County of the client's residence.
- 77-1080 **Determination of Legal Settlement:** Length of residence in a particular County does not affect eligibility for MI assistance, but does determine which County is ultimately financially responsible. An individual acquires a County of legal settlement for MI assistance by:
- a) A client is considered a resident of a Nebraska County for MI purposes when he/she has established a permanent residence in the County for 1 year. (Permanent residence does not include vacations, visits, business trips, institutionalization, educational residence, etc.) If the client has not lived within the County that long, the CDA will determine in which Nebraska County (if any) the client last lived for the 1 year period. This County has financial responsibility.
 - b) When a client has not lived in any Nebraska County for 1 year, MI financial responsibility falls on the County where the life trauma situation or prescription drug need occurs.

- c) A client does not gain MI residency in another County when:
 - 1. The medical need which caused the client to apply for MI has been diagnosed in that County; and
 - 2. The client travels to and resides in that County to receive medical services for the life trauma situation or prescription drug need.
- d) The applicant applies in the County in which he/she resides.
- e) A client who moves to Nebraska from another state begins obtaining legal settlement in the month that she/he moves to Nebraska.

77-1090 **Military Personnel:** Military personnel are presumed to gain legal settlement in the County where they are stationed, unless they intend to return to the original County where they maintain a home. Some evidence of where the client intends to maintain his/her home includes his/her voter registration, motor vehicle license, or home ownership.

77-1100 **Full- Time Student Defined:** For purposes of this provision, the term "full-time student" will mean an individual who is registered at an established school, college, or university for 12 credit hours or more, thus restricting his/her ability to obtain full-time employment.

77-1110 **Client with a Guardian or Conservator:** When a client has a court-appointed guardian or conservator, the client's County of legal settlement is determined by where the client resides. Where the guardian or conservator resides is not considered.

77-1120 **INABILITY TO ACQUIRE LEGAL SETTLEMENT:** A client does not acquire legal settlement during those months that she/he:

- a) Lives in housing that is totally or partially subsidized through private charity or public expenses (including subsidized public or private housing).

- b) Lives in any non-profit facility (private or public)
Receives public assistance while living in any institution, nursing home, or alternate care facility;
- c) Receives relief from private charity or the indigent fund of any County; or
- d) Is an inmate of a penal institution.

77-1130 **Loss of Legal Settlement in Nebraska:** Legal settlement in Nebraska is lost by:

- a) Acquiring a new one in another state: or
- b) Voluntary and uninterrupted absence from the state for one year with the intent to abandon residence in Nebraska.

77-1140 **Notice of Finding:** The CDA will send adequate notice to the client of any action affecting his/her MI case.

77-1150 **Adequate Notice:** An adequate notice must include a statement of what action(s) the CDA intends to take, the reason(s) for the intended action(s), and the specific manual reference(s) that supports or the change in state law that requires the action(s). The CDA will send an adequate notice to arrive no later than the date of action.

77-1160 **Timely Notice:** A timely notice must be mailed at least five calendar days before the date that action would become effective.

77-1170 **Adequate and Timely Notice:** In cases of intended adverse action (action to discontinue, terminate, or reduce assistance), the CDA will give the client adequate and timely notice.

77-1180 **Situations Requiring Adequate Notice Only:** In the situations outlined below, the CDA may dispense with timely notice, but will send adequate notice no later than the effective date of action:

- a) The office has factual information confirming the death of a client:
- b) The office receives a written and signed statement from the client

1. Stating that assistance is no longer required: or
2. Giving information which requires termination or reduction of assistance, and indicating, in writing, that the client understands the consequences of supplying the information:

- c) The client has been admitted or committed to an institution and no longer qualifies for assistance:
- d) The client's whereabouts are unknown and office mail directed to the client has been returned by the Post Office indicating no known forwarding address:
- e) The client has been accepted initially for another form of assistance administered by another resource which is intended to meet their needs.

77-1990 **Eligibility Determination:** Once the client's eligibility has been determined, the CDA will prepare a notice of finding. The original is sent to the client, with one copy each to the County of residence, and the case file.

77-1200 **Notice for One –Time Assistance:** When assistance is authorized for one time only, the CDA may notify the client at the same time of approval and termination of benefits.

77-1210 **Appeal Procedures:** Every applicant for or recipient of MI has the right to appeal to the County for a hearing on any action or inaction in regard to the MI Program. The appeal must be filed in writing within 30 days of the action or inaction.

77-1220 **Client Appeals:** An MI client may file an appeal on the following:

- a) His/her application was denied:
- b) His/her application was not acted upon with reasonable promptness: or
- c) His/her payment for medical services is reduced or terminated.

77-1230 **Rights of the Party Requesting a Hearing:** Such person requesting a hearing before the County Board or hearing officer has the following rights:

- a) To examine the MI file pertaining to his/her case prior to and during the hearing:
- b) To be represented in the hearing by a lawyer, friend, or relative, or anyone else he/she may select:
- c) To present evidence:
- d) To confront and cross-examine witnesses.

77-1240 **Proceedings of Hearing and Action:** The County Board or its hearing officer will use the following procedure for all hearings:

- a) Tape record the hearing:
- b) Make a decision within 30 days following the hearing:
- c) Provide the claimant a written copy of the decision setting forth findings and conclusions; and
- d) Preserve the tape of the hearing and all exhibits offered at the hearing for a minimum of sixty days.

77-1250 **Appeal of County Board Decision:** Any person not satisfied by the decision of the County Board may institute proceedings in the District Court of the County where the decision was rendered.

77-1260 **Relative Responsibility:** Relative responsibility for MI includes:

- a) Spouse for spouse unless there is legal separation, or divorce: and
- b) Parent (natural, adoptive, or step) for a child if the child is age 18 or younger, still considered part of the household, and not emancipated.

77-1270 **Emancipated Minor:** An emancipated minor is a person below the age of majority who has:

- a) Married: or
- b) Left parental control, as evidenced by leaving his/her parents' home and providing for his/her own needs for a minimum of 3 months.

*Applications made on behalf of emancipated minors must be treated as applications made on behalf of adults in determining family size.

77-1280 **Eligibility for other Programs:** An individual who is eligible for any other assistance program which provides the same benefits as MI is ineligible for County assistance. If it appears that a MI client may be eligible for another assistance program, the CDA will refer the client to the office where an application may be taken.

77-1290 **Eligibility for Insurance Coverage:** An individual who is eligible to receive health insurance benefits is ineligible for MI. Per diem payments from insurance to the individual are considered income.

77-1300 **Resources:** The equity value of all available resources is considered in determining eligibility for MI (see 77-1320 for liquidation).

Equity value is the amount the resources are worth at current market values, minus any encumbrances and any fees required to liquidate the resources. Resources include items such as cash on hand, bank accounts, certificates of deposit, savings bonds, stocks, bonds, mutual fund shares, promissory notes, mortgages held by the applicant, cash value of insurance policies, real property, personal and other property and motor vehicles.

77-1310 **Resources Considered:** All available resources of the applicant and the responsible relative(s) will be counted in determining eligibility for MI.

77-1320 **Available Resources Defined:** Available resources include every type of property or interest in property that the family owns and may convert to cash, with the exception of:

- a) In MI cases, up to \$35,000.00 equity in the home is exempt. Equity in excess of \$35,000.00 will require the applicant/recipient to make reasonable efforts to explore the available liquidity of the real estate. Such exploration will include contacts with real estate agents and financial institutions to determine if the property can be sold or mortgaged to meet the client's needs:

- b) Goods of moderate value used in the home:

- c) Combined equity values of items such as cash, bank accounts, certification of deposit, savings bonds, stocks, bonds, mutual fund shares, promissory notes, cash value of insurance policies, real property, personal and other property cannot exceed:
 - 1. \$1,500.00 for a family size of one,
 - 2. \$2,500.00 for a family size of two or more.
 - 3. Equity of up to \$4,000.00 in one motor vehicle: and
 - 4. Irrevocable burial trusts and any interest or dividends which are irrevocable as allowed by state law.

The CDA will determine that resources are currently accessible to the family before including the resources in the limit.

77-1330 **Real Property and Motor Vehicles:** For cars and real estate, regardless of the terms of ownership, only the proportionate share is counted as a resource.

77-1340 **Real Estate:** The CDA will verify ownership of real estate through records in the offices of the Register of Deeds or County Clerk. The CDA will verify the terms on which property is held in cases of joint ownership.

Records of the County Court have information in regard to estates which have not been settled or which are in probate. The CDA will consult the records of the County Court if the property has come to the holder as a part of an estate: if by joint purchase, the facts will appear in the record of the deed.

- 77-1350 **Motor Vehicle Ownership:** The CDA will verify ownership of a motor vehicle.
- 77-1360 **Bank Accounts:** The CDA will verify the terms of the account with the bank. If any of the people on the account are able to withdraw the total amount, the full amount of the account is considered the client's. If all signatures are required to withdraw the money, the proportionate share must be counted toward the client.
- 77-1370 **Liquid Resources:** Liquid resources are any property owned by the applicant which can be converted to cash, excluding the applicant's clothing and personal items of little value.
- 77-1380 **Value and Equity:** Equity is the actual value of an item (the price at which it could be sold) less the total of encumbrances against it (mortgages, mechanic's liens, other liens and taxes, and estimated selling expenses). If the encumbrances against the property exceed or equal the price for which the property could be sold, the property is not an available resource.
- 77-1390 **Determination of Value:** The CDA will use public tax records to determine the sales value of a resource. If there is a question as to the accuracy of the sale value determined by tax records, the client will contact a real estate agent, car dealer, or other appropriate individual and provide verification to the worker. If the client is unable to secure the necessary information, the worker will assist.
- 77-1400 **Motor Vehicles Defined:** Cars, trucks, vans, motorcycles, recreational vehicles, motor boats, and planes are included in the category of motor vehicles. To determine the fair market value of vehicles, the worker will use the trade-in value listed in the most current Midwest edition of the National Auto Dealers Association (NADA) Used Car Guide.

If the vehicle is not listed in the N.A.D.A. Guide, or if the client or the CDA feels that the value listed in the N.A.D.A. Guide is inappropriate or not a true valuation of the vehicle, the CDA may:

- a) Contact the County Clerk's Office for the assessed value:
- b) Use the client's most recent vehicle tax statement: or
- c) Have the client obtain the vehicle's value from used car dealers.

77-1410 **Value of Real Estate:** To determine the current market value of the client's real estate, the CDA will use one of the following resources:

- a) The County Assessor's Office: or
- b) If there is a question as to the accuracy of the market value determined by tax records, the CDA or client will contact a real estate agent or other appropriate person.
- c) The client's most recent property tax statement.

77-1420 **Burial Lots:** The CDA will accept the client's declaration regarding the value of available burial lots unless he/she has reason to believe this value is incorrect. The cemetery in which the lot is located can also provide information.

77-1430 **Depriving self of Rights:** An applicant/client who deprives himself/herself of resources to qualify for MI benefits thereby becomes ineligible. Ineligibility continues for the time the value of the resource disposed of might reasonably be expected to meet the medical needs of the individual(s).

77-1440 **Verification and Documentation of Income and Resources:** The CDA shall verify all income, ownership and value of all resources declared by the applicant/recipient. All verification must be documented in the case record prior to approval.

77-1450 **Medical Eligibility:** The determination of medical eligibility for MI benefits must be based on medical documentation supplied by the client's physician, or hospital. The CDA will determine medical eligibility authorization either "approved" or "denied",. If the client is medically ineligible, the CDA shall deny the application.

77-1460 **Payment for Medically Necessary Services:** Payment will be made only for medically necessary services provided to eligible clients under the standards established in these regulations.

77-1470 **Medically Necessary Services:** Medically necessary services are those which:

a) Meet the medical needs created by:

1. A life trauma situation: or
2. A lack of medication or medical treatment whose absence will lead to a medical condition requiring hospitalization, institutionalization, or residence in a long term care facility (i.e. insulin, heart medications, psychotropic medications, etc).

b) Payment is limited to medication required within a 30 day period.

c) The following are generally not considered medically necessary for MI.

1. Dental Services:
2. Home health care and related medical supplies, i.e. oxygen, wheel chairs, walkers, hospital beds, etc.:
3. Nursing services provided out of the hospital:
4. Podiatry services:
5. Chiropractic services:

6. Clinic services as defined by Medicare:
7. Speech pathology and audiology:
8. Alcohol/chemical dependency:
9. Long term care services:
10. Routine visual care services:
11. Prosthesis services and devices:
12. Psychiatric treatment, i.e., no out-patient therapy:
13. No acute medical out-patient therapy.

d) If the client is deemed eligible under the Sarpy County Medical Indigent Program guidelines, all prescribed medications verified by the client's physician will be authorized by the Sarpy County Medical Indigent Program, except as follows: over the counter medication, brand name medications, and only prescribed narcotics for the management of pain associated with immediate post-surgical discomfort, trauma and/or terminal illness.

77-1480 **Medical Reimbursement Rate:** Reimbursement for authorized services will be made at the established Sarpy County Medical Indigent Program rate in effect at the time services are provided. The amount paid by the Medically Indigent Program for those claims submitted for payment will be considered payment in full and no additional payment will be claimed. If any additional payment is received or will be received from any other source, that amount will be deducted from the amount charged MI. Payment received after payment by MI will be remitted to the County for credit. A provider will not attempt to recover any amount over this maximum from the client.

77-1490 **Jail Inmates:** All claims for medical care for inmates of the County jail not otherwise covered by this program will also be paid at the County Medical Rate.

77-1500 **Income Levels for Family Units:** The client's net income for a six month period must be equal to or below 80% of the current Federal Poverty Guidelines for 100% coverage for allowable medical services. If the family unit's income exceeds the 80% level, but is equal to, or below, the current Federal Poverty

Guidelines (77-1510), the unit may be eligible for partial Medical Indigent Program benefits.

77-1510 **Federal Poverty Guidelines:** If the family unit's income exceeds the income levels specified in Section 77-1500, but is equal to or below the current Federal Poverty Guidelines, the family unit may be eligible for partial financial assistance with a current approved medical need.

Adjustments to the Federal Income Poverty Guidelines, as issued yearly by the Office of Management and Budget, shall become effective on the first day of the month following the month of publication in the Federal Register. The guidelines in effect at the time of application will govern eligibility. Retroactive eligibility determinations will utilize the Federal Income Poverty Guidelines in effect on the date of hospital admission.

*Sarpy County Human Service Office
1261 Golden Gate Dr. Suite 5E
Papillion, NE 68046-2884
Phone: 402-593-4400/Fax: 402-593-4489*

MEMORANDUM

TO: Sarpy County Board Commissioners; Rusty Hike, Jim Nekuda, Jim Warren, Jim Thompson and Tom Richards

FROM: Sharon Boehmer, Director Human Services

DATE: February 10, 2012

SUBJECT: Changes to the Sarpy County GA/Medical Indigent Guidelines

Per the Neb. Rev. Stat 68-134 – Counties must review their standards every 2 years to insure that such standards reflect changes in living standards and costs of living.

Per the Neb. Rev. Stat 68-135 – Prior to the changes, the county must hold a public hearing and notice published prior to the hearing. (Public Notice published in local newspapers on February 1, 2012.)

Prior to the notice, copies were sent to Kerry Schmidt (County Attorney) and Brian Hanson (Fiscal Administrator) for approval.

Many of the changes warranted after formal review were minor such as: grammar, punctuation, and redundancies throughout the guidelines. However, changes were also made to areas in the guidelines such as income, rent and allowable drug need to ensure that Sarpy County is comparable to Douglas County.

I will be able to address questions and the County Board will be able to receive public comments at the public hearing on February 14, 2012. After considering public and County Board input, the guidelines will be placed on the February 28, 2012 Board agenda for formal approval.