

## RESOURCE LIMITS

Most assets (such as bank accounts, stocks, bonds, etc.) are considered as joint assets between a husband and wife under the Spousal Impoverishment Protection Law. It does not matter in whose name they are placed.

The spouse at home is entitled to keep at least half of all countable assets, within the following guidelines:

**MINIMUM:** at least \$29,724 in 2023

**MAXIMUM:** up to \$148,620 in 2023

### **CAUTION!**

**Persons who give away or transfer assets in order to get Medicaid help may end up waiting longer before Medicaid will help.**

## ASSESSMENT OF RESOURCES

The Department of Health and Human Services will complete an assessment form to find out the total value of the couple's combined finances during the month of admission to the nursing home.

This assessment will help decide the amount of assets the spouse at home may keep. One must be able to show proof of assets owned.

The spouse at home should contact ACCESSNebraska at 855-632-7633 to fill out the assessment form.

# ~~NEBRASKA~~ SHIP

Local help for Nebraskans  
with Medicare



## SHIP

State Health Insurance  
Assistance Program

## Navigating Medicare

Nebraska SHIP  
2717 S. 8th Street, Suite 4  
Lincoln, NE 68502

Phone: (800) 234-7119

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# ~~NEBRASKA~~ SHIP

## Spousal Impoverishment Protection Law



***A description of the  
law that helps  
protect your financial  
resources***

**2023**

***Q: If my spouse was not able to live at home anymore, would we have to spend all of our resources to pay for long-term care?***

***A: No, the Spousal Impoverishment Protection Law provides income protection.***

## **SPOUSAL IMPOVERISHMENT PROTECTION LAW (1989)**

**This federal law protects spouses of nursing home residents from losing all of their income and assets to pay for the nursing home spouse's care.**

**A couple's assets and income will be divided according to the Spousal Impoverishment Protection Law.**

### **INCOME GUIDELINES**

Under the Spousal Impoverishment Protection Law, the spouse who remains at home retains his/her personal income. This includes Social Security, pensions, interests, dividends, etc.

The spouse in the nursing home will be required to use his/her income to pay for his/her care, except for a personal allowance of \$50 per month (\$90 per month for veterans).

After the income has been split, if the spouse at home gets less than **\$2,289 every month**, he/she may keep part of the nursing home spouse's income, giving the spouse at home at least a monthly income of **\$2,289**.

If the spouse at home has to pay high rent, mortgage or utilities, he/she may be able to keep more of the nursing home spouse's income.

### **MEDICAID**

Medicaid is a government insurance program that helps people with limited incomes and resources. To qualify for Medicaid help for long-term care, the assets of an individual must be at \$4,000 or less. The Department of Health and Human Services administers and manages eligibility for Medicaid and Economic Assistance programs through ACCESSNebraska.

## **BETTY AND FRED**

Betty is unable to take care of Fred at home anymore, and he is admitted to a local nursing home. Due to the Spousal Impoverishment Protection Act, Betty would not have to spend all their money before the state would help pay for Fred's care.

Betty will keep all of her income. If her income is less than **\$2,289 each month**, she could keep part of Fred's income.

Checks made out in Fred's name would be considered his and would go to the nursing home to pay for his care, unless a portion is needed for Betty. Fred may have \$50 from his income each month as his allowance for personal needs. Fred will also continue to pay his Medicare supplement insurance premium with his income.



**For additional information on spousal impoverishment law, contact ACCESSNebraska at 855-632-7633 or online at [accessnebraska.ne.gov](https://accessnebraska.ne.gov)**  
**This information is provided for your guidance only.**