

Spousal Impoverishment Protection Law



1. List all resources: You may use the Spousal Division of Resources Worksheet, available at the Aging Partners office. This worksheet is not a Nebraska Department of Health and Human Services (DHHS) form and is optional to help you organize your financial and asset information. List all of your assets and balance for the month your spouse went into the nursing home, hospital or special living arrangement. Include account numbers and owners. You will need to provide written verification as proof. You must show the current cash and face value of life insurance policies, which you can obtain from the issuing company.

2. Consult an attorney: You may want to discuss questions with your attorney about how the Spousal Impoverishment Division relates to your specific financial situations and assets. If you do not have an attorney, and you live in Lancaster County, you can meet with Aging Partners Elderlaw Attorney, Mary Wilson. There is no charge for this one-time consultation. Your attorney may consult with Mrs. Wilson if they have any questions about the program. Call 402-441-7070 or 1-800-247-0938 to make an appointment.

3. Meet with DHHS: When your asset list is prepared and legal questions answered, call DHHS and ask to schedule an appointment for an “Assessment of Resources.” DHHS will set up an appointment to review resources or assets, call 402-471-9413.

You will need to complete a Medicaid application at the time you request the assessment.

4. Spend down assets: The DHHS worker will determine the amount you will be allowed to keep and how much you need to spend. The spend-down can be used to meet the needs of either spouse. You need to keep a record of your expenditures. You cannot give the money away. Doing so is considered a deprivation of resources and can cause disqualification for Medicaid.

5. Apply for Medicaid: Once your spend-down is complete, fill out a Medicaid application on paper or on-line at accessnebraska.ne.gov and send it to your local DHHS office. They will request current proof of assets, income and expenses. You will be notified when the Medicaid case is approved, and how much to pay for your spouse’s care. Once the case is open, you will have 90 days to change the ownership of any jointly owned accounts or property.

6. Further questions: If you need additional information regarding the Spousal Impoverishment worksheet or assistance with the Medicaid application, you may contact the Aging Partner office at 402-441-7070 or 1-800-247-0938. However, your Medicaid eligibility worker is your best resource to have your questions answered. The care managers at Aging Partners cannot advise you on the Spousal Impoverishment Law and do not determine your eligibility.

Where do I apply?

All counties in the Aging Partners service area (Butler, Fillmore, Lancaster, Polk, Saline, Saunders, Seward and York) will need to apply.

Medicaid Program—ACCESS Nebraska
P.O. Box 98933, Lincoln, NE 68508-5801

Hours: 8 a.m. to 5 p.m.

Phone: 1-855-632-7633 (Statewide)

Phone: 402-473-7000 (Lincoln only)

Fax: 402-471-9209

Helpline: 800-254-4202

Apply on-line: www.accessnebraska.ne.gov

This fact sheet is distributed to help you obtain information regarding available community services and is not an inclusive list of providers. The information is subject to change following publication.

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