

**General Assistance
And Medical
Assistance Program**

**County of Richardson,
Nebraska**

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COUNTY GENERAL ASSISTANCE AND MEDICAL ASSISTANCE PROGRAM

GENERAL BACKGROUND

1-001 LEGAL BASIS: The County Medical and General Assistance Program was established as a responsibility of the county boards under sections 68-104, 68-114, 68-115, 68-126 and 68-131 through 68-148, Reissued Revised Statutes of Nebraska, 1943. It is funded by county revenue.

1-002 PURPOSE: The purpose of County Medical (CM) and General Assistance (GA) is to provide the necessities of life to persons who meet the eligibility guidelines and to furnish medical services that may be required for the poor of each county. County Medical Assistance is also referred to as County Medical (CM). The program has the following guidelines.

1. GA provides a means to meet the needs of a household when these needs would not otherwise be met.
2. The need must not have arisen because the client or any other adult household member quit or refused employment (see 2-006.01).
3. GA is the program of last resort. Eligibility for all other appropriate private and public assistance programs must be explored before GA funds are used.
4. GA is designed to meet basic needs when the client –
 - A. is unable to meet these needs; or
 - B. is unable to alleviate the need by setting up a payment plan.
5. CM is the program of last resort. Any other resource potentially available to meet the client's medical needs must be exhausted before CM funds are used. An individual who is eligible for a categorical program which provides medical services is ineligible for CM.
6. CM must not be used when a payment plan can be negotiated with the provider.
7. The term of coverage for each individual under GA/CM will be as needed on a case-by-case basis.
8. Elective procedures are not covered.
9. Any service not allowed by the Nebraska Medical Assistance Program (NMAP) is not allowed by CM.

10. Payment for all health care services must be prior approved (see 2-009.01). Payment will be approved for treatment already provided only if:
 - a. The medical review of the case shows that it was an immediate life trauma situation;
 - b. Only medically necessary services (see 2-009.01A.1) were given;
 - c. All eligibility criteria were met; and
 - d. Proper notice (see item 12) was given.
11. The Richardson County Board of Commissioners have 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:
 - a. Services have not been provided; or
 - b. Services have already been provided and the life trauma situation ends or after 48 hours whichever occurs first.
12. A hospital admitting a potentially indigent person for an immediate life trauma situation shall notify Richardson County of the admission by the next working day.
13. The county's obligation to pay for hospital and/or physician services is limited to the following periods:
 - a. The number of days approved by Richardson County based on medical documentation; or
 - b. The appropriate length of stay, which is determined by comparison with the average length of stay based on the appropriate percentile in the North Central Region length of Stay in Professional Activity Study (PAS) Hospitals.
14. All services must be given by appropriately licensed health care professionals and are subject to later review to ensure that only essential care was provided. Richardson County reserves the right to contract with individual hospitals for professional standards review.

1-003 ADMINISTRATION: The program is administered by Richardson County in accordance with state laws and with the rules, regulations, and procedures adopted by the Richardson County Board of Commissioners. Certain activities of the county assistance program may be contracted with the Department of Social Services.

1-004 DEFINITIONS:

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.

Contribution: A verified payment which is made directly to a client(s) and which is not wages. Examples of contributions include but are not limited to individual donations or funds raised by a community.

Continuing Assistance: Assistance which may be provided over a three month period of time if it appears that there will be no immediate change in the client's circumstances. Examples of continuing assistance cases are the long term unemployed, applicants for Supplemental Social Security, and individuals whose income producing potential is unlikely to change in the next 90 days.

Life Trauma Situation: Any medical condition which in the opinion of a licensed or registered health care professional, requires that the individual receive emergency treatment to prevent probable mortality.

Medical Need: A verified medical need created by an immediate life trauma situation or by a lack of medication or medical treatment whose absence would lead to an immediate life trauma situation requiring hospitalization. (2-004, 2-005).

Short Term Assistance: General assistance shall be provided for no longer than four (4) months in a twelve month period of time.

Vendor Payment: A payment made on behalf of the client(s) to another party. Examples of vendor payments include but are not limited to rent or utility bills paid by a relative or friend who is not in the assistance unit.

1-005 COUNTY'S RESPONSIBILITIES: Richardson County has the responsibility to:

1. Ensure that any person who so desires has the opportunity to apply;
2. Determine medical need in accordance with the requirement set forth in these regulations;
3. Ensure that any client is given the right to appeal;
4. Notify hospital and other medical providers of the CM program policies and procedures and provider responsibilities;
5. Maintain confidentiality of client records as required by law;

6. 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; and
7. Seek reimbursement from the client for assistance received through fraud or willful misrepresentation of the client if such reimbursement is determined to be appropriate and necessary.

1-006 CLIENT RESPONSIBILITIES: The client has the responsibility to:

1. Provide complete and accurate information. State law provides penalties including a fine, imprisonment, or both for persons found guilty of obtaining assistance or services for which they are not eligible by making false statements or failing to report promptly any changes in their circumstances;
2. Report a change in circumstances no later than five days following the change. This includes information regarding:
 - a. Monthly income and expenses;
 - b. Resources or other financial matters;
 - c. Employment status;
 - d. The composition of the household;
 - e. Living arrangements
 - f. Address;
 - g. Incapacity or disability status;
3. Cooperate with Richardson County in exploring all other sources of available aid;
4. Apply for and accept any available aid to meet their needs;
5. Sign any release of information forms which will help establish eligibility; and
6. Cooperate with Richardson County in outlining and following through with actions that she/he must take in any attempt to alleviate the current crisis and prevent a reoccurrence of the crisis (see 2-010).

1-007 CLIENT RIGHTS: The client has the right to:

1. Anyone who wishes to request and/or apply for GA/CM must be given the opportunity to do so. No one may be denied the right to apply for CM;
2. Reasonably prompt action on his/her application for GA/CM;
3. Adequate notice of any action affecting his/her GA/CM case;

4. Appeal any action or inaction by the Richardson County Board of Commissioners with regard to an application, the amount of the assistance payment, or failure to act with reasonable promptness;
5. Have his/her private information treated confidentially;
6. 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, handicap, religion, or political belief;
7. Have the program requirements and benefits fully explained;
8. Be represented and/or assisted in the application process by the person of his/her choice; and
9. Referral to other social or private agencies.

1-008 APPLICATION PROCESSING

1-008.01 Request: A request for assistance may be made in an interview or by letter or telephone and may be presented by the client, his/her guardian or conservator, or any other person authorized to act for the client. Richardson County shall afford the client the right to apply within 7 days of request.

1-008.02 Application: A written form prescribed by the county and signed by the recipient.

If the individual is incapable of completing the application, a responsible person may complete the application on behalf of the applicant.

1-008.02A Emergency Authorization: If a request for GA/CM is made after normal hours and the application form is not available the county commissioner chairman or vice chairman (if chairman is unavailable) may authorize assistance if the following minimum information is obtained:

1. Name
2. Date of birth
3. Social Security number
4. Address
5. A declaration of financial destitution
6. A declaration of emergency need

1-008.02B Alterations: The application, when completed and signed by the applicant or his/her representative, constitutes his/her own statement in regard to eligibility. If Richardson

County adds information received from an applicant to a properly signed application the following must be noted:

1. Request that the applicant initial the change, if the applicant is present or
2. Identify the source of the information, if the applicant is not present.

1-008-02C 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 belief.

1-008-02D Prompt Action on Applications: Richardson County shall act with reasonable promptness on all applications. Services must be furnished to all eligible individuals within seven (7) days of the submission of an application if the need is for short term assistance and within 30 days after the submission of an application if the need is for continuing assistance. If circumstances beyond the control of Richardson County prevent action within the allotted time frame, Richardson County shall record the reason(s) for the delay in the case record. Richardson County shall send a notice of finding (see 1-008.04), informing the applicant of the reason for the delay. This time period must not be used as a routine waiting period before granting assistance or a basis for the denial of assistance.

1-008.02E Place of Application: An individual makes application for assistance in the office of the Richardson County Clerk where he/she is living.

1-008.02F 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, he/she is ineligible. However, the failure or delay of outside parties to act upon Richardson County's request for information/verification must not be used to disqualify an applicant.

1-008-02G Procedures for Denying an Application: If an applicant is determined ineligible, Richardson County shall send a notice of finding to the applicant, giving the reason(s) for denial and listing supporting manual references. Richardson

County keeps one copy for the case file and sends one copy each to the applicant, the provider, and the county of financial responsibility.

1-008.02H Authorization for Investigation: For some sources of information, Richardson County asks the client to sign an authorization for an investigation form.

1-008.02I Eligibility Investigation: All applications are investigated in accordance with the eligibility requirements in 2-000. The client is the primary source of information. All information is documented in the case record.

1-008.03 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 resident.

1-008.03A Determination of Legal Settlement: Length of residence in a particular county does not affect eligibility for assistance, but does determine which county is ultimately financially responsible (see 1-005).

An individual acquires a county of legal settlement for assistance by:

1. Residing in one particular county for a period of 12 months continuously, or
2. Residing in the state for 12 months continuously and one particular county for 6 months continuously within the 12 month period.

The applicant applies in the county in which he/she resides.

A client who moves to Nebraska from another state begins obtaining legal settlement in the month that he/she moves to Nebraska, even if he/she is receiving assistance from the other state.

1-008.03A1 Students and Military Personnel: Students and military personnel are presumed to gain legal settlement in the county where they are attending school or 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.

1-008.03A1a Students Defined: For purposes of this provision, fulltime 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.

1-008.03A1b Full Time Defined: The term “full time” shall mean an individual registered for full attendance at and regularly attending an established school, college, or university or 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.

1-008.03A2 Legal Settlement of a Minor Child: A minor who is not emancipated or settled in his/her own right has the legal settlement of the parent with whom the child currently resides. If the child is not living with his/her parent, he/she has the legal settlement of the parent with whom he/she last resided.

The child of an illegal alien takes the legal settlement of the parent even though the parent is not eligible for assistance.

1-008.03A3 Department Wards: Wards of the Nebraska Department of Social Services do not gain legal settlement while they are wards. After a Department ward is no longer a ward, his/her county of legal settlement is determined by the legal settlement status before judicial determination.

1-008.03A4 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.

1-008.03A5 Temporary Absences: Temporary absences from the county (absences of less than 12 months) with the intent to return do not interrupt continuity of legal settlement. Temporary absences are not deducted when computing length of legal settlement in a new county.

1-008.03A6 Inability to Acquire Legal Settlement: A client does not acquire legal settlement during those months that he/she:

1. Lives in housing that is totally or partially subsidized through private charity or public expense (including subsidized public or private housing).

Exception: Individuals who are purchasing homes through the FHA-235 program do acquire legal settlement.

2. Lives in any non-profit facility (private or public) such as nursing home, institution, or other licensed alternate care facility.

3. Receives public assistance while living in any institution, nursing home or alternate care facility;

4. Receives relief from private charity or the poor fund of any county; or

5. Is an inmate of a penal institution

1-008.03A7 Loss of Legal Settlement in Nebraska:

Legal settlement in Nebraska is lost by:

1. Acquiring a new one in another state; or

2. Voluntary and uninterrupted absence from the state for one year with the intent to abandon residence in Nebraska.

1-008.03B Federal Reimbursement for Refugees: Persons who were eligible or would have been eligible for the Refugee Resettlement Program (RRP) are eligible to have their GA/CM costs paid for 18 months after RRP eligibility runs out. The federal government reimburses the county for the total cost of care for these persons. Claims for reimbursement are made using from RS-44. Forms are submitted to the Public Assistance division, Department of Social Services.

1-008.04 Notice of finding: Richardson County shall send adequate notice to the client of any action affecting his/her GA/CM case.

1-008.04A Types of Notices

1-008.04A1 Adequate Notice: An adequate notice must include a statement of what action(s) Richardson County 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). Richardson County shall send an adequate notice.

1-008.05 Adequate and Timely Notice: In cases of intended adverse action (action to discontinue, terminate, or reduce assistance), Richardson County shall give the client adequate and timely notice.

1-008.06 Situations Requiring Adequate Notice Only: In the situations outlined below, Richardson County may dispense with timely notice but shall send adequate notice no later than the effective date of action.

1. The office has factual information confirming the death of a client
2. The office receives a written and signed statement from the client:
 - a. Stating that assistance is no longer required; or
 - b. Giving information which requires termination or reduction of assistance, and indicating, in writing, that the client understands the consequence of supplying the information.
3. The client has been admitted or committed to an institution and no longer qualifies for assistance.
4. 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.
5. The client has been accepted initially for another form of assistance administered by NDSS that is intended to meet his/her medical needs.

1-008.06A Eligibility Determination: Once the client's eligibility has been determined, Richardson County will prepare a notice of finding. In addition to other information required in the notice, it must contain the dates of eligibility. The original is sent to the client, with one copy each to the provider, the county of residence, and the case file.

1-008.06B Notice for One-time Assistance: When assistance is authorized for one time only, Richardson County may notify the client at the same time of the approval and termination of benefits.

1-008.06C Waiver of Notice: If a client agrees to waive his/her right to a timely notice in situations requiring timely notice, Richardson County shall obtain a statement signed by the client to be filed in the case record.

The notice requirement may be waived if the client is provided with limited assistance by another designated agency after normal office hours.

1-009 RE-DETERMINATION OF ELIGIBILITY FOR CASES OF

CONTINUING ASSISTANCE: Richardson County may re-determine eligibility according to the schedules in the following subsections. Whenever there is a reported or suspected ineligibility of a client, Richardson County shall take immediate action.

1-009.01 Complete Re-determination: Richardson County may do
a

complete re-determination of eligibility every three months. At this time, Richardson County shall conduct a face to face interview with the recipient. A new application form is required.

1-009.02 Monthly Desk Review of Eligibility: Richardson County may conduct a monthly review of eligibility and need. Richardson County may require a face to face interview, or the review may be completed by telephone, and/or by collateral contact(s). Richardson County may review the following eligibility requirements:

1. Income
2. Resources;
3. Employment search activities.

(Completion of a new application is **not** necessary).

1-009.03 Review of Incapacity: If a household member is exempt from employability requirements because of incapacity, Richardson County may review the case when the incapacity is expected to end according to the statement by the physician, psychologist, or mental health agency.

1-010 APPEAL PROCEDURES: Every applicant for or recipient of GA/CM has the right to appear to the Richardson County Board of Commissioners for a hearing on any action or inaction in regard to the GA/CM program. The appeal must be filed in writing within 30 days of the action or inaction.

2-000 ELIGIBILITY REQUIREMENTS: In order to receive county assistance, the individual shall meet the following eligibility requirements:

1. Face to face interview (2.001)
2. Institutional Status (2.002)
3. Relative Responsibility (2.003)
4. Nebraska Residence and citizenship (2.004)
5. Potential Benefits (2.005)
6. Employment Requirement (2.006)
7. Resources (2.007)
8. Income (2.008)
9. Medical Need (2.009)
10. Drug Testing (2.010)
11. In Home Visits (2.011)
12. Replayment, when required (2.012)
13. Outline for Alleviation (2.013)

2-001 FACE TO FACE INTERVIEW: An individual wishing to apply for assistance is required to have a face to face interview with the Richardson County Board of Commissioners.

2-002 INSTITUTIONAL STATUS: Institutional status shall presume that immediate needs are being met by the institution. If it appears that the institutional stay is temporary, the application may be pended or the continuing assistance case held open. If the stay is expected to be of long duration, the application should be rejected or the case should be closed.

2-003 RELATIVE RESPONSIBILITY: Relative responsibility for GA/CM includes:

1. Spouse for spouse unless there is a bona fide separation, legal separation or divorce; and
2. Parent (natural, adoptive, or step) for child if the child is age 18 or

younger, still considered part of the household, and not emancipated.

2-003.01 Emancipated Minor: An emancipated minor is a person below the age of majority who has:

1. Married; or
2. Left parental control, as evidenced by leaving his/her parents' home and providing for his/her own needs.

2-004 NEBRASKA RESIDENCE: An applicant must reside within the geographic boundaries of the County of Richardson, Nebraska in order to make application through Richardson County, Nebraska.

2-004.01 Citizenship and Alienage: Recipients of assistance must qualify as either:

1. A citizen of the United States; or
2. A registered alien or refugee lawfully admitted to the United States. Aliens and refugees must substantiate legal entry by means of documentary evidence that they are not deportable.

2-005 POTENTIAL BENEFITS: An applicant must apply for potential benefits within 15 days of the date of notification of this requirement, and accept any benefits to which he/she may be entitled. If the applicant refuses, he/she is ineligible.

2-005.01 Eligibility for Other Programs: An individual who is eligible for any other assistance program which provides the same benefits as county assistance is ineligible for county assistance. If it appears that a GA/CM client may be eligible for another assistance program, Richardson County shall refer the client to the place where an application may be taken.

2-005.02 Eligibility for Insurance Coverage: An individual who is eligible to receive health insurance benefits is ineligible for CM if the insurance is for a service covered by CM. Per diem payments from insurance to the individual are considered income. (see 2-008.02 and 2-008.04)

2-005.03 Reimbursement Authorization: Any GA/CM client who is referred to SSI by Richardson County or who has an SSI application pending shall sign a Reimbursement Authorization form. If the client refuses, he/she is ineligible.

The applicant, in order to be eligible, shall 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.

2-006 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.

2-006.01 Actions or Inactions Defined: Such actions or inactions include, but are not limited to the following:

1. Failure to cooperate with any state or federal agency providing benefits to the applicant and which non-cooperation results in the loss or reduction of benefits.
2. 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 applicant's physical and mental ability to perform the type of work involved.
3. 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.

2-006.02 Job Seeking Requirements: A client shall seek full-time employment unless he/she is:

1. Incapacitated (see 2-006.02A); or
2. Employed at least 25 hours a week.

Applicant for general assistance must apply at three (3) businesses per week and supply written verification by the three (3) businesses of such application.

The client is required to be currently registered with Job Service if there is a Job Service office in the area.

2-006.02A Incapacity Requirements

2-006.02A1 Definition: Incapacity is any physical or

mental illness, impairment, or defect which is so severe that it currently eliminates the client's ability to support himself/herself and/or the family. If the client is receiving RSDI or SSI based on disability, he/she is considered incapacitated.

2-006.02A2 Determination of Incapacity: The determination of incapacity is based on a narrative report or form DM-5 by a physician, psychologist, or mental health agency.

2-006.02A3 Incapacity Ended: An individual who was receiving GA/CM based on incapacity but who is no longer considered incapacitated based on a statement from a physician, psychologist, or mental health agency is then subject to job seeking requirements for continued GA/CM benefits. If a client is exempted from the employability requirements based on incapacity and if an administrative law judge's appeal SSA/SSI determines that the client is not considered disabled, Richardson County shall consider the incapacity ended. At this point all employability requirements must be met.

2-007 RESOURCES: The equity value of all available resources is considered in determining eligibility for GA/CM (see 2-007.03 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.

2-007.01 Resources Considered: All available resources of the applicant and the responsible relative(s) (see 2-003) will be counted in determining eligibility for CM.

2-007.01A 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:

1. In GA and CM cases up to \$5,000 equity in the home is exempt; equity in excess of \$5,000 will require the applicant/recipient to make reasonable efforts to explore the available liquidity of the real estate. Such exploration shall include contacts with real estate agents and financial institutions to determine if the property can be sold or mortgaged to meet the clients needs. (see also 2.007.03 for liquidation and 1-002, item 6 regarding payment plan.)
2. Goods of moderate value used in the home.
3. Equity of up to \$1,500 in one motor vehicle; and
4. Irrevocable burial trusts up to \$3,000 and any interest or dividends which are irrevocable as allowed by state law.

Richardson County shall determine that resources are currently accessible to the family before including the resources in the limit.

2-007.01A1 Jointly Owned Resources: As a general rule, the words and/or or or appearing on a title or other legal contract denote joint tenancy. This means that either owner (could sign and turn the resource to cash without the other; therefore, the total resource is considered available to either owner(s)).

The term "and" generally refers to "tenancy in common". This means that each owner holds an undivided interest in the resource without rights of survivorship to the other owner(s). Only the proportionate share based on the number of owners of the resource is available to each owner.

2-007.01A2 Real Property and Motor Vehicles: For cars and real estate, regardless of the term of ownership, only the proportionate share is counted as a resource.

2-007.01A2a Real Estate: Richardson County may

verify ownership of real estate through records in the office of the register of deeds. Richardson County shall verify the term 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. Richardson County consults 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.

2-007.01A3 Bank Accounts: Richardson County may verify the terms of the account with the bank. If any of the people on the account is 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.

2-007.01B 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.

2-007.02 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.

2-007.02A Determination of Value: Richardson County may use public tax records to determine the sale value of a resource. If there is a question as to the accuracy of the sale value determined by tax records, the client shall contact a real estate agent, car dealer, or other appropriate individual and provide verification to Richardson County.

2-007.02A1 Motor Vehicles: 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, Richardson County shall use the trade-in value listed in the most current Midwest Edition of the National Auto Dealer's Association (NADA) Used Car Guide. If the vehicle is not listed in the NADA Used Car Guide or if the client or Richardson County feels the value listed in the NADA Guide is inappropriate or not a true valuation of the vehicle, Richardson County may:

1. Have the client obtain the vehicle's value from a used car dealer.

Richardson County may obtain a Motorcycle Value Book for a small charge from Kelly Blue Book.

2-007-02A2 Real Estate: To determine the current market value of the client's real estate, Richardson County may use one of the following sources:

1. The property tax card from the county assessor's office.
2. The client's most recent property tax statement.

If there is a question as to the accuracy of the market value determined by tax records, Richardson County or the client shall contact a real estate agent or other appropriate person.

2-007.02A3 Business Equipment: Richardson County shall use the client's declaration of the value of all business equipment unless he/she has reason to believe this value is incorrect. Business equipment includes all business property, fixtures, machinery, including farm machinery.

2-007.02A4 Livestock, Poultry, and Crops: Richardson County shall use the client's declaration of the value of these unless he/she has reason to believe this value is incorrect. Alternate sources for valuation include auctioneers, county assessor, etc.

2-007.02A5 Burial Lots: Richardson County shall 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.

2-007.03 Liquidation of Resources: If the household has available non-liquid resources which are not immediately accessible to meet an emergency need, GA/CM benefit(s) may be provided for a period not to exceed 30 days pending liquidation of the resource.

If an individual has liquid or non-liquid resources which are not legally available, legal action must be initiated within 30 days to determine if the resources are available.

If the household reapplies within 90 days and has not initiated legal action to liquidate the resources, the household is not eligible.

2-007.04 Depriving Self of Resources: An applicant/client who deprives himself/herself of resources to qualify for GA/CM thereby becomes ineligible. Ineligibility continues for the time the value of the resource disposed of might reasonably be expected to meet the medical and maintenance needs of the individual(s).

2-007.05 Verification and Documentation of Resources: Richardson County may verify all countable resources unless verification cannot be completed in time to meet an emergency need. If the need is immediate, Richardson County shall presume that the applicant's resource declarations are correct and authorize GA/CM if all eligibility requirements are met. Non-exempt resources must be verified before GA/CM is provided again.

All verification must be documented in the case record, and in cases where verification is delayed, the reason(s) for the delay must be documented in the case record.

2-008 INCOME: To be eligible for GA benefits, the applicant's income must be equal to or less than the following standards except for one-time emergency payments (5-000). Income standards for GA households who share living arrangements are based upon the size of the eligible GA unit.

Family Size	One-Month Income
1	\$ 225.00
2	\$ 280.00
3	\$ 350.00
4	\$ 420.00

5	\$ 490.00
Each add'l person	+ \$ 70.00

For income standards for CM benefits, see 4-001.

2-008.01 Income Considered: The available countable income of the client and responsible relative(s) must be considered in determining eligibility. The available countable portion of wages is the gross wage less mandatory deductions (such as FICA and State/Federal Income Taxes) and group health insurance premiums.

Note: In cases where available countable income equals the need standard and a need for medical or employment transportation exists, an allowance of 10 cents per mile up to a maximum of \$40.00 may also be included.

2-008.01A Disregarded Income: The following items must NOT be counted in determining eligibility:

1. Energy assistance payments;
2. The value of a family's food stamp allotment;
3. The value of any Title XX services a family is receiving;
4. Relocation assistance payments from the Individual Family Grant Program (except lump sum payments for homes, which are counted).
5. In-kind income;
6. Certain types of Indian income excluded by law including:
 - a. Revenues from the Alaska Native Fund paid under section 21(a) of the Alaskan Native Claims Settlement Act, Public Law No. 92-203;
 - b. Per capita judgment funds of up to \$2,000 distributed as per capita payments to members of Indian tribes or held in trust by the Secretary of the Interior, interest and investment income accrued on Indian Judgment funds while held in trust, and purchases made with the funds;
 - c. Receipts from land held in trust by the federal government and distributed to members of certain tribes; and
 - d. Revenues from the Maine Indian Claims Settlement Fund and the Maine Indian Claims

Land Acquisition Fund paid under Section 5 of the
Maine Indian Claims Settlement Act of 1980;

7. The Training Partnership Act program allowance paid to the applicant or vendor payments made to the providers for supportive services such as transportation, meals, special tools, and clothing; and
8. Any amount of a grant, loan, or scholarship that has been paid to a student and that has already been expended for tuition books, or fees.

2.008.01A1 Deductions for Self-Employed: Richardson County shall examine a self-employed applicant's profit and loss statement and/or income tax records to ensure that only allowable operating expenses are deducted from the gross self-employment income. Allowable operating expenses are those related to producing the goods or services and without which the good or service could not be produced. Allowable operating expenses do not include:

1. Depreciation;
2. Personal business expenses such as subscriptions, dues to professional organizations and unions, training courses, etc;
3. Personal transportation;
4. Purchase of capital equipment, land, or buildings;
5. Payments on the principal of loans; and
6. Business-related entertainment expenses.

2-008.02 Countable Income: All countable income is considered in determining eligibility. The following types of income are listed as an aid, even if a type of income is not listed it must be counted unless found at 2-008.01A.

Examples of countable income: Wages, self-employment income (see 2-008.0A1) welfare assistance payments; Supplemental Security Income (SSI); Retirement, survivors and disability income (RSDI, also known as Social Security); veterans' benefits; unemployment compensation; worker's compensation; railroad retirement; armed services dependent's allotments; union benefits; child support; alimony; retirement pensions; insurance settlements (including health insurance per diem payments to individuals, see also 2-008.04); government subsidies; income of Indians that is not the result of a per

capita distribution of an Indian Judgement Award (2-008.01A, item 7); loans, scholarships, or grants which have not already been expended for tuition, books, or fees; and income from investments and property (rent, interest, dividends, annuities, etc.).

Countable income shall also include any resources available through joint occupation of households or residences by applicant.

NOTE: Non-financial resources which may be available to meet the applicant's need, such as food baskets, or placement at a shelter or other appropriate referrals for services, should also be considered as available resources. Failure to take advantage of the resources will make applicant ineligible for general assistance.

2-008.03 Income in Month Received: Any item defined as countable income is considered income in the month it is received. Any amount remaining after the month of receipt must be considered a resource.

2-008.04 Treatment of Contributions: Contributions made to the client family must be counted as income unless these contributions are used to pay costs related to the verified medical need. Any portion of a contribution used to pay allowable CM charges must be deducted by the provider from billed charges.

2-008.05 Projecting Income: In determining eligibility Richardson County shall use an average of income received during the most recent three-month period to project the applicant's income for the coming month. When there has been a significant change in income within the past three months or when the client anticipates a significant change in the next two months, Richardson County shall use a period beginning with the month the change occurred. The following are examples of significant changes in income:

1. A job change which affects amount of income;
2. New employment;
3. Termination of employment;
4. Promotion;
5. Demotion;
6. A change in the number of hours worked that will continue;
7. Change in wages that will continue;
8. Any change in unearned income that will continue.

When a significant change is anticipated, Richardson County shall estimate income on the information available.

2-008.06 Potential Income: An applicant shall apply for any potential income to which he/she may be entitled within 15 days of the notification of the requirement. If the applicant fails to make the appropriate application(s) for potential income, he/she is ineligible.

2-008.07 Verification and Documentation of Income:

Richardson County may verify all countable income. Appropriate verification includes pay stubs, tax statements, and profit and loss statements from self-employed persons. Non-exempt income must be verified before GA/CM is provided again.

All verification must be documented in the case record, and in cases where verification is delayed, the reason(s) for the delay must be documented in the case record.

2-008.08 Recovery of Money Wrongly Expended Due to Delayed Verification:

The Richardson County Board has the right to take legal action against a client to recover the cost of services provided when:

1. Verification was delayed (see 2-007.05); and
2. Subsequent verification proves that client ineligible.

2-009 MEDICAL NEED: To be eligible for medical assistance, the client must have a verified medical need created by a life trauma situation or by a lack of medication whose absence will lead to a medical condition requiring hospitalization, institutionalization, or residence in a long term care facility.

2-009.01 Medical Eligibility: The determination of medical eligibility for CM benefits must be based on medical documentation supplied by the clients physician. The information must be contained in the medical provider's request for prior authorization and must include the diagnosis, treatment plan, and prognosis. The request for prior authorization is sent to the office which administers CM for that applicant.

If the Richardson County Board has selected or retained a county designated health care professional, Richardson County may send the request for prior authorization to the county-designated health care professional. The health care professional shall determine medical eligibility and annotate the request for prior authorization either "approved" or "denied", then return the request to Richardson County. If the client is medically ineligible, Richardson County shall deny the application.

Alternate resources for prescription medications must be first sought out, such as a medicine assistance program by a drug manufacturer and/or Internet sites set up by drug manufacturers.

2-009-01A 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.

2-009.01A1 Medically Necessary Services: Medically necessary services are those which:

1. Meet Medicaid standards as described in Title 471 of the Nebraska Administrative Code; and
2. Meet the medical needs created by:
 - a. An immediate life trauma situation; or
 - b. A lack of medication or medical treatment whose absence will lead to immediate life trauma situation requiring hospitalization.
3. Payment is limited to medication required within a 30 day period unless eligibility has been determined.
4. The following are generally not considered medically necessary for CM unless recommended and justified by the county-designated physician or health care professional:
 - a. Dental services;
 - b. Home health care;
 - c. Nursing services provided out of the hospital;
 - d. Podiatry services;
 - e. Chiropractic services;
 - f. Clinic services as defined by Medicare;
 - g. Speech pathology and audiology;
 - h. Alcohol/Chemical dependency;
 - i. Long term care services; and
 - j. Routine visual care services.

2-009.01A2 Non-Emergency Treatment Associated with a Life Trauma Situation:

CM will pay for care which is not considered emergency treatment if the care is appropriately associated with recovery from an immediate life trauma situation in the opinion of Richardson County. Payment for such care will not exceed 15 days.

2-009.01A3 Modified Treatment Cases: In cases which are pending because the medical eligibility review suggests that a treatment Plan be modified, Richardson County may contact the provider within three (3) working days to discuss possible modification. If the provider agrees to the recommended change, he/she shall submit an appropriately amended request for prior authorization to the local office for normal processing. If the provider refuses to make the recommended change, the county-designated health care professional shall notify Richardson County to reject the case. Richardson County shall notify the client/applicant of what services and payment amounts are allowable.

2-010 DRUG TESTING: To be eligible for General Assistance or Medical Assistance all applicants may be required to a drug screening for illegal drugs.

2-010.01 Drug Testing Purpose: To insure that both the public moneys are expended for their intended purposes and that those moneys not be spent in ways that will actually endanger the public.

2-010.02 Initial Test: All applicants requesting General Assistance or Medical Assistance, prior to approval of benefits, may be required to submit to a chemical test of their urine to determine if a concentration of illegal drugs is present in their system.

2-010.02A Periodic Testing: approved applicants may be required to submit to chemical testing every 30 days or as directed during the period of time they are receiving assistance.

2-010.03 Denial: Denial of an application or current assistance shall occur if the applicant or recipient:

- a. fails to submit to a chemical test
- b. presence of illegal drugs is found in the applicants or recipient's system.
- c. attempts to provide false tests
- d. fails to appear for testing at appointed time.

2-011 IN HOME VISITS: To be eligible for General Assistance or Medical Assistance applicants may be required to submit to an in home interview.

2-011.01 Purpose: to provide for visual inspection and resource assessment.

2-011.02 Scheduling Interview: The in home interview shall be scheduled the day of the applicant's interview before the Board of Commissioners of the County of Richardson, Nebraska and shall be carried out no later than 48 hours after the face to face interview.

2-012 REPAYMENT, WHEN REQUIRED: A recipient may be required to do community service in order to reimburse the County of Richardson for assistance funds that were obtained through misrepresentation or fraud. The county may require reimbursement for interim general assistance granted pending a determination of an applicant's eligibility for any supplemental security income program or other program of categorical assistance or pending the issuance of a lost or stolen categorical warrant.

2-013 OUTLINE FOR ALLEVIATION: If appropriate for the situation, the client shall cooperate with Richardson County in outlining the client's actions that are necessary to try to alleviate the current crisis and prevent a reoccurrence of the crisis. The outline would include requirements such as:

1. Following up on referrals to other agencies or departments;
2. Conducting an employment search;
3. Participating in budget counseling; or
4. Looking for less expensive housing.

Richardson County shall ensure the outline contains reasonable requirements of the client. Client failure to follow through without good cause shall result in ineligibility for 30 days.

3-000 BENEFITS: GA/CM consists of vendor payments made directly to a provider for part or all of the benefits covered by the program. The GA/CM program may provide one or more of the items listed in 3-001 through 3-008, if needed.

3-001 SHELTER COSTS

3-001.01A Rent: Richardson County may authorize GA payment for rent if needed, however rent shall not be paid to a landlord who is also a family member. Richardson County shall negotiate with the landlord to pay the lowest possible rent amount. Richardson County may authorize a monthly maximum for shelter of:

Household Size	Maximum Rate
1	\$210.00
2	\$250.00

3	\$290.00
4 or more	\$330.00

This maximum includes rent/mortgage and utilities. The amount of payment may be applied to both or either. The maximum payment for GA households who share living arrangements shall not exceed the maximum rates here nor shall they exceed the GA unit's proportionate share of the household obligation.

3-001.01B Utilities: Utilities are included in the basis shelter allotment. Before authorizing payment, Richardson County may investigate with the applicant his/her eligibility for the Low Income Energy Assistant Program (see Nebraska Administrative Code title 476). GA must not be used to pay utility deposits.

Payment for the following items may be authorized:

1. Electricity;
2. Fuel for heating;
3. Water; and
4. Garbage removal.

3-001-01B1 Billed Under Another Name: Richardson County may authorize payment for utilities billed under a name other than the applicant's if Richardson County can establish that:

1. The applicant's household is the sole beneficiary; and
2. The utilities are not included in the rent payment.

3-001.01C Board and Room: Payments for board and room in a licensed facility may be made to alleviate a crisis situation. Richardson County shall negotiate the lowest possible rate which does not exceed the licensed board and room rate paid by the Department of Social Services on behalf of categorically related clients per month if it is apparent to Richardson County that the client is in need of this type of shelter. Payment may be for a full or partial month.

3-001.01D Emergency Shelter: GA may provide payment for emergency shelter for up to seven nights.

3-002 FOOD, EMERGENCY SUNDRIES AND LAUNDRY: Eligible applicants will receive a food order only if the household is without food, and money or food stamps are not available to purchase food. Certain necessary nonfood items may be authorized within a food order. These include

housing supplies and personal care items. Richardson County may also authorize payment for laundry if laundry facilities are not available at no cost through family or friends.

Payment for food and emergency sundries is limited as follows:

1. Richardson County may authorize payment for food for the number of days needed too alleviate the crisis. Payment may be authorized up to the amount of the prorated food stamp allotment that a family of the same size with no income would receive.
2. The payment for housing supplies and personal care items must not exceed \$15.00 per month for an individual, up to a maximum of \$30.00 for a household.

Family Size	Amount
1	\$15.00
2	\$20.00
3	\$25.00
4 or more	\$30.00

3-003 TRANSPORTATION: GA may provide fuel, motor oil, minor car repairs, or tokens/tickets for travel by means other than car to allow the client to:

1. Receive necessary medical care;
2. Seek employment (this may be continued only until the client receives his/her first full paycheck);
3. Get to and from employment (this may be continued only until the client receives his/her next paycheck)
4. Travel to general assistance appointments; or
5. To acquire necessary food and non-food items.

3-003.01 Transients: Bus fare may be authorized for transients who request assistance in reaching a particular location outside of the county or state. Transients who are passing through the county with their own transportation but are stranded because of lack of funds to continue may be assisted with fuel, oil, and minor repairs.

3-004 CLOTHING: Richardson County may authorize a clothing purchase only if:

1. The clothing is essential for health and safety; or
2. Appropriate donated clothing is not available in the community.

3-005 BURIALS: If the estate of the decedent and/or the income and resources of responsible relatives are insufficient to meet the burial or cremation expenses, General Assistance may be authorized to meet these expenses if the provider of mortuary provides the services in accordance with the provisions of the General Assistance Guidelines.

Cremation must be approved by nearest of kin or responsible party. The county of residence or the county where an individual dies, is responsible for providing burial for a deceased person when:

1. The body has not been claimed for burial and a financial commitment made to pay for burial expenses by the individual(s) claiming the body;
2. The body has not been accepted by the State Anatomical Board; and;
3. The deceased does not have sufficient available resources to provide for burial.

NOTE: Requests for burial of honorably discharged veterans should first be referred to the County Veterans Service officer for benefits which might meet all or part of the county allowable for burial.

Each county board shall be responsible for making the arrangement with the funeral home(s) to cover the cost of burial expenses. The county board is also responsible for seeking reimbursement for these costs from the county of legal settlement.

3-005.01 Allowable Expenses: In order to determine if the assets of the estate and/or the income and resources of the responsible relative are insufficient to meet burial or cremation expenses, the following maximum fee schedule shall apply:

Flat fee for Cremation or Burial services: \$1200.00

3-005.02 Transportation Exceptions:

1. A reasonable payment will be allowed to transport a Richardson County resident from place of death outside the county (e.g. University Hospital) back to Richardson County. (see 7-004)

2. Transportation of deceased from Richardson County to a funeral home and/or cemetery in another county or state where other family members live or are buried will also be allowed when reasonable (e.g. to allow burial next to spouse). Cost for

transportation will be paid as billed, not to exceed the lesser of \$.50/mile or \$100.00 (200 miles).

3. If the initial transportation of the decedent is done by any mortuary other than the one selected to provide the services covered by the County, an additional transportation fee of \$100.00 will be paid for this service.

3-005.03 Financial Eligibility requirements: In order to be eligible for County services, the assets of the decedent's estate and/or the income and resources of responsible relatives cannot exceed allowable expenses as defined previously.

3-005.04 Financial Participation: If the financial eligibility requirement are met, county services may be authorized, but only to the extent that the of cost of services exceeds the assets of the decedent's estate and/or income and resources of responsible relatives.

Example:	Amount
1. Cost	
Cremation	\$ 850.00
2. Assets of decedent	
Cash	\$ 100.00
Life Insurance	\$ 200.00
Total	\$ 300.00
3. Total Cost	\$ 850.00
Less Assets	- \$ 300.00
County Payment Authorized	\$ 550.00

3-005.06 Responsible Relatives: Includes spouse of decedent and parents of minor child.

3-005-07 Other Eligibility Requirements: In addition to meeting the financial eligibility criteria, any individual requesting County services on behalf of the decedent must agree in writing to the following terms and conditions:

1. They will accept the services as outlined above and understand that the funeral home will not provide additional items or services;

2. They have not made nor will they make financial arrangements to provide for services not covered by the county.

3. They will cooperate with the funeral home in securing income and assets of the decedent determined to be a set off against the county's responsibility; Violations of these conditions will forfeit the County's responsibility for participating in the costs of the services provided.

3-005.08 Treatment of Income of Responsible Relatives:

In cases where the responsible relative has income, the following guidelines will apply:

- Amount of Monthly income
- Actual cost of housing, utilities and food or ADC standard of need, whichever is greater
- +Liquid Resources
- =Amount to be applied to county services

3-005.09 Agency Procedures: All requests for County cremation/burial must be in writing to the Richardson County Clerk and signed by the person making the request:

1. If arrangements for services have been made with the mortuary in excess of the county fee schedule, County Assistance will be denied;
2. Both the applicant and the mortuary will receive written notice which will indicate if the request for County services is approved or denied and, in the case of approvals, notify the mortuary and cemetery of the amount of the payment to be made by the County;
3. In cases where there are no known relative or legal guardian and the State Anatomical Board does not want the body, burial services will be provided;
4. If funds exist which are to be applied to the cost of the services and the financial institution holding such funds requires a certified copy of the death certificate, an additional fee may be paid to the mortuary to cover this expense based on charge established by Department of Health.

3-005.10 Unusual Circumstances: When necessary to expend monies in excess of the amount cited previously, approval shall be

obtained from the supervisor, and the special circumstances documented in the case narrative. Situations may arise which require supervisory approval and documentation and which must be negotiated on a case-by-case basis due to the infrequency of such requests. A reasonable payment may be allowed for unusual circumstances not to exceed \$250.00.

3-006 MEDICAL REIMBURSEMENT RATE: The reimbursement rate determined in accordance with the policies of NMAP will be the full and complete reimbursement rate for the services provided. The amount paid by the County Medical 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 CM. Payment received after payment by CM, payment will be remitted to the county for credit. A provider shall not attempt to recover any amount over this maximum from the client. (The amount that the client must pay, if any, is determined by Richardson County as outlined at 4-001).

3-006.01 Jail Inmates: All claims for medical care for inmates of the county jail NOT OTHERWISE COVERED BY THIS PROGRAM SHALL ALSO BE PAID AT THE COUNTY MEDICAL RATE.

4-000 INCOME ELIGIBILITY FOR CM

4-001 INCOME LEVELS: The income level varies by unit or family size. In determining the income level, the following individuals are considered:

1. Client
2. Spouse; and
3. Minor child(ren)

The income levels are:

Family Size	Net Income Six Month Base	Gross Income Six Month Maximum Allowable
1	\$1700.00	\$2680.00
2	\$2250.00	\$3620.00
3	\$2700.00	\$4560.00
4	\$3150.00	\$5500.00
5	\$3600.00	\$6440.00
Each Add'l Person	\$ 450.00	\$ 940.00

Step 1: If the 6 month gross income exceeds the maximum allowable for family size, the family is ineligible for CM. If the 6 month gross income is less, go to Step 2.

Step 2: If the 6 month net income:

- a. is equal to or less than the base, the client is eligible for CM; or
- b. is between the base and maximum allowable, the client may be eligible for CM with an excess income obligation. The excess income is determined by comparing the actual income to the base level.

4-002 EXCESS INCOME CASES: if the net income exceeds the specified amounts given in 4-001 a client may be determined eligible for CM if:

1. A medical need exists or can reasonably be anticipated which meets or exceeds the excess income;
2. The client has paid or obligated the excess income amount for medical care or services for himself/herself, his/her spouse, or his/her minor child; and
3. Obligations or expenditures are substantiated in the case record.

If services have been provided, the client and Richardson County determine on which medical bill(s) the excess will be obligated. If services have not been provided Richardson County shall send a notice of find showing that the case is approved and the amount of excess income which must be paid or obligated before CM payments are authorized. Richardson County may wish to send a letter with the client's copy of the notice, advising the client of the following requirements for excess income eligibility.

In cases where an eligible applicant has excess income and services have not yet been rendered, the applicant shall contact his/her provider to determine whether the provider will render services under the excess income provisions. If the provider refuses, the applicant shall notify Richardson County, and Richardson County may encourage the applicant to investigate other providers. If another provider is not found in 30 days, Richardson County shall close the case. If the provider agrees to render services under the applicable provisions, the applicant shall notify Richardson County who shall arrange for prior authorization and send a copy of the notice to the client and the provider, with a copy of the case file.

5-000 AMENDMENTS: The county board may choose to expand the scope of this program by increasing the maximum payments or making certain exceptions to the income standards for unusual circumstances or one-time

needs. Such circumstances might also include utility or rental deposits in situations of eviction or utility disconnects.

6-000 APPEAL PROCEDURE: If the applicant or recipient is not satisfied with the hearings or review, he or she may request an Appeal Hearing before an appeal officer within thirty (30) days of review. Said appeal officer shall, if possible, be an attorney who shall not be a member of the office of the Richardson County Attorney, but solely for purposes of R.R.S. 68-139 1943 shall be considered an employee of the county. Said officer shall be appointed by motion of the Board of Commissioners. The findings of the appeal officer shall be in writing and may be appealed by either party to the Richardson County District Court as prescribed by law.

The following criteria or safeguards will be observed in the Appeal Process:

6-001: The applicant-appellant shall have a right to examine the county general assistance file pertaining to his/her case prior to and during the hearing.

6-002: the applicant-appellant may be represented in the proceedings by a lawyer, friend, relative or anyone else he/she may select.

6-003: The applicant-appellant may present evidence at the appeal hearing.

6-004: The applicant-appellant may confront and cross-examine witnesses appearing at the hearing.

6-005: All appeal hearing will be tape recorded.

6-006: The tape recording of the hearing and all exhibits will be preserved for a period of not less than six (60) days following entry of the hearing decision. If an appeal is undertaken, the county clerk shall prepare and submit all documents to the Richardson County District Court pursuant to R.R.S. 68-142 1943.

6-007: The County Clerk or Deputy County Clerk shall operate the tape recording device at all appeal hearings and shall be the custodian of the recordings and all other exhibits.

6-008: The hearing officer shall make a decision based on the evidence adduced and the law. This decision must be made and a written copy of the decision prepared setting forth findings and conclusions within thirty (30) days following the hearing.

6-009: The claimant-appellant shall be provided a written copy of the decision setting forth the findings and conclusions of the hearing officer.