**Policy Clarification**

**Medicaid – Long Term Care**

**PMN-20730-450**

**Submitted: 12/27/2021 Agency: CAOs**

**Subject:** **Payments to victims of Nazi persecution and Medical Assistance (MA) Long-Term Care (LTC), including Home and Community-Based Services (HCBS)**

**Question:** **Are payments made to victims of Nazi persecution counted when**

**determining eligibility for MA LTC, including HCBS?**

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| **Response By: Division of Health Services** | **Date: 12/30/2021** |  |  |
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No. Enacted August 1, 1994, The Nazi Persecution Victims Eligibility Act of 1994 excludes from income and resources any payments made to individuals because of their status as victims of Nazi persecution. These payments are excluded in the Step 1 eligibility determination for LTC or for HCBS. These payments are also excluded in the Step 2 cost of care calculation for Non-money Payment and Medically Needy Only individuals.

These payments are also excluded for a spouse or dependent who receives this income when determining the spousal or dependent maintenance deductions.

This Policy Clarification will be obsolete once it is incorporated in the LTC Handbook.