



## **COMBINED MEDICAID 501-2 Native American Income**

**Supersedes:** MA & FMA 501-2 (01/01/08); Bulletins: MA 94, 98, 111a & 111b; FMA 53, 57, 68a & 68b

**Reference:** 20 CFR 416.1102, .1103, .1120, .1121; .1123; .1124; .1150; ARM 37.82.101, .703 and .903; P.L. 103-444, ARRA of 2009; P.L. 111-5

**Overview:** All income the household receives must be evaluated when determining eligibility. For Native American income, the source dictates whether the income is counted or excluded. Treat unearned Native American income as follows:

### **EXCLUDED SOURCES:**

1. All payments derived from leases or other uses of **individually-owned** trust or restricted lands.
2. Interest earned on Native American funds/resources.
3. Ownership interests in rents, leases, royalties or usage rights related to natural resources.
4. Income derived from the following settlements:
  - Cobell et al vs. Salazar (P.L. 111-5). Payments derived from this settlement are excluded as income and as a resource as long as the funds can be specifically identified as being from that source.
  - Nez Perce et al vs. Salazar (P.L. 111-5). Payments derived from this settlement are excluded as income and as a resource as long as the funds can be specifically identified as being from that source.
5. Judgment claim payments to or under:
  - Blackfeet, Gros Ventre and Assiniboine Tribes of Montana and Papago, Arizona Tribe (P.L. 97-408);
  - Alaska Native Claims Settlement Act (P.L. 92-203);
  - Navajo or Hopi Indians as financial or relocation assistance (P.L. 93-531, Section 22);
  - Grand River Band of Ottawa Indians (P.L. 94-540);

- Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation by the Indian Claims Commission (P.L. 95-433);
  - Passamaquoddy Tribe and Penobscot Nation pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420);
  - Turtle Mountain Band of Chippewas (P.L. 97-403);
  - Red Lake Band of Chippewa Indians (P.L. 98-123, Section 3);
  - White Earth Band of Chippewa Indians in Minnesota (P.L. 99-264);
  - Saginaw Chippewa Indian Tribe of Michigan (P.L. 99-346);
  - Puyallup Tribe of Indians Settlement Act to members of the Puyallup Tribe in Washington (P.L. 101-41);
  - Seneca Nation (P.L. 101-503, Section 8 (b));
  - Grand Coulee Dam Settlement Act to the Confederated Tribes of the Colville Reservation (P.L. 103-436, Section 7 (b));
  - Indian Child Welfare assistance (25 USCS 1931);
  - Old Age Assistance Claim Settlement Act. (P.L. 98-500, Section 8);
  - Seminole Nation of Oklahoma, Seminole Tribe of Florida, Miccosukee Tribe of Florida and independent Seminole Indians of Florida.
6. Payments derived from sub-marginal lands held in trust for the following tribes under P.L. 94-114:
- Assiniboine and Sioux Tribes;
  - Blackfeet Tribe;
  - Fort Belknap Indian Community;
  - Crow Creek Sioux Tribe;
  - Lower Brule Sioux Tribe;
  - Devils Lake Sioux Tribe;
  - Oglala Sioux Tribe;
  - Rosebud Sioux Tribe;
  - Shoshone-Bannock Tribes;
  - Standing Rock Sioux Tribe,
  - Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin;
  - Cherokee Nation of Oklahoma;
  - Cheyenne River Sioux Tribe;
  - Lac Courte Oreilles Band of Lake Superior; Chippewa Indians;
  - Keweenaw Bay Indian Community;
  - Minnesota Chippewa Tribe;
  - Navajo Tribe;
7. Per capita to enrolled members of the following tribes when distributed under:
- P.L. 98-124, Section 5**
- Assiniboine Tribe of the Fort Belknap Indian Community and Assiniboine Tribe of the Fort Peck Indian Reservation.
- P.L. 99-146, Section 6 (b), Docket 18S and 18U**
- Bad River Reservation;

- Lac du Flambeau Reservation;
- Lac Courte Oreilles Reservation;
- Sokaogon Chippewa Community;
- Red Cliff Reservation;
- St. Croix Reservation;
- Keweenaw Bay Indian Community;
- Fond du Lac Reservation;
- Grand Portage Reservation;
- Nett Lake Reservation;
- White Earth Reservation.

**P.L. 99-146, Section 6 (b), Docket 18C and 18T**

- Lac Courte Oreilles Band of the Lake Superior Bands of Chippewa Indians;
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation;
- Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians;
- St. Croix Chippewa Indians of Wisconsin.

**P.L. 99-377 Section 4 (b)**

- Chippewa of the Mississippi

**P.L. 94-189**

- Sac and Fox Tribe of the Mississippi, Iowa and Oklahoma

**P.L. 97-458, 93-134 and 98-64**

8. Senior Benefit payments received by the Crow elders under the Crow Boundary Settlement Act 1994 (P.L. 103-444).
9. The first purchase made with excluded Native American funds remains excluded.

**COUNTABLE SOURCES:**

1. Bureau of Indian Affairs (BIA) payments; unless otherwise excluded;
2. Tribal payments unless otherwise excluded;
3. Tribally managed gaming revenues distributed per capita (P.L. 98-64);
4. Transfers of countable monies from other Native American agencies.

**SEE REFRESHER TRAINING:** Course: IIM and Per Capita Training ([dphhselearn.org](http://dphhselearn.org))

**Effective Date:** June 01, 2016