

Advanced Medicaid Strategies with Special Needs Trusts - 2022

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Guardian Trusts

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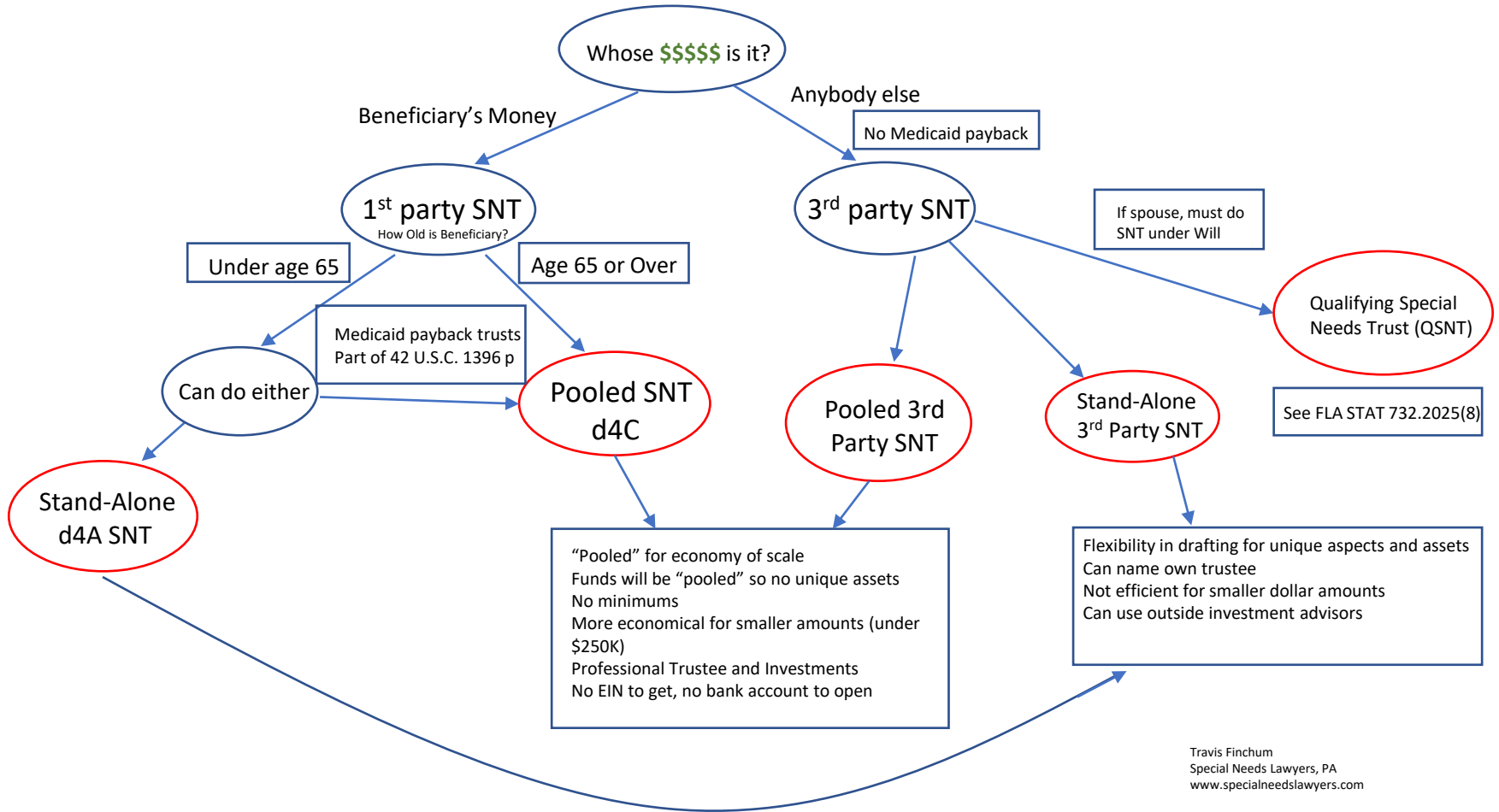
The Topics

- SNT's for Sheltering Funds
- Using SNT's as Over Income Trusts
- Using SNT's for Other Medicaid Programs
- Miscellaneous Uses of SNT's
 - Assigning Alimony and Child Support
 - Irrevocable income only trusts
 - MSA's (Medicare Set Aside Accounts)

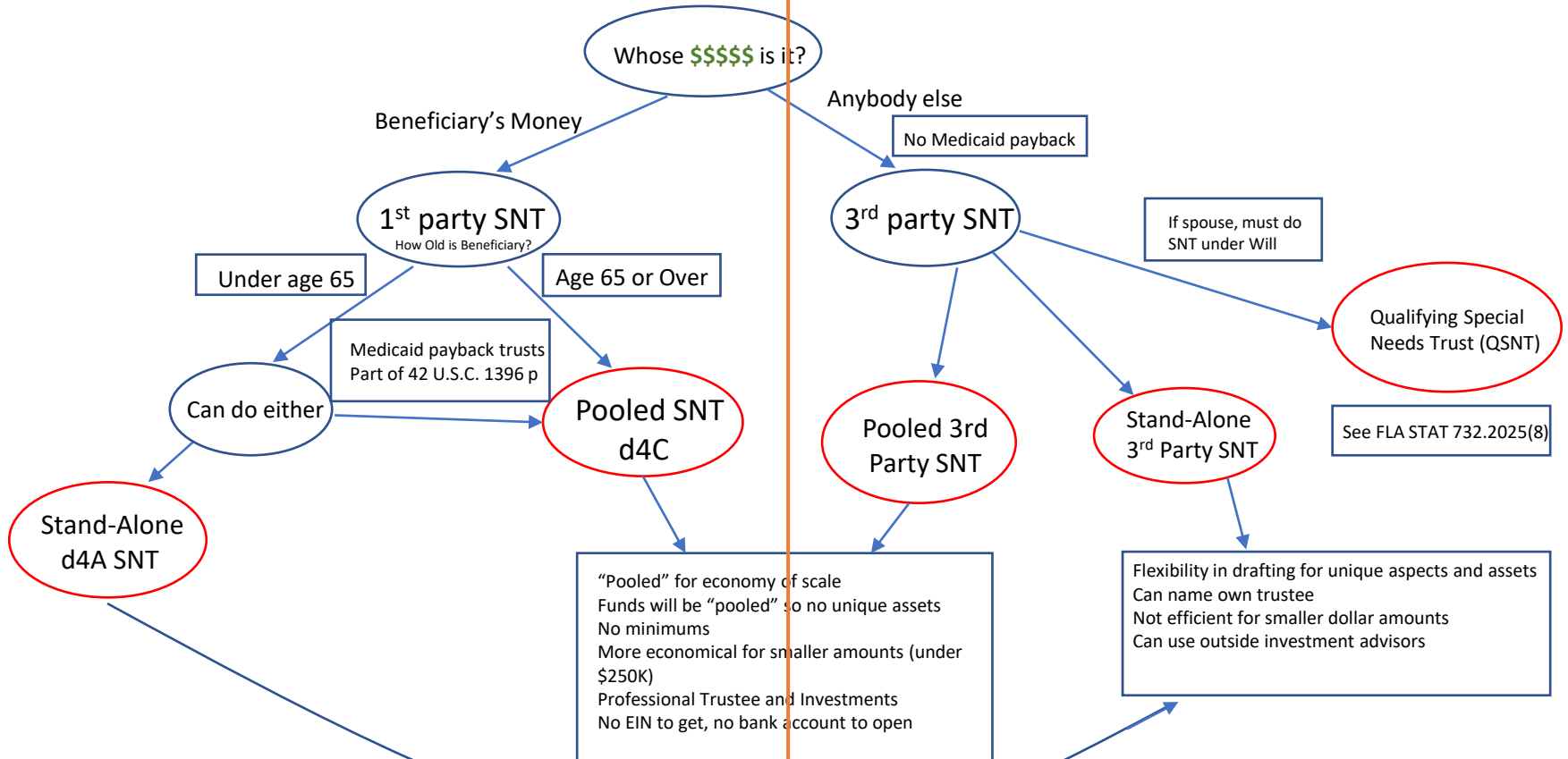
What Do We Mean by “Special Needs Trust”

- Under Age 65 Disabled Trust (d (4) (A)) – U65 Trust
- Pooled Trust (d (4) (C)) – Pooled Trust
- Qualified Income Trust (d (4) (B)) – QIT
- Third Party Special Needs Trust

SNT (Special Needs Trust) Analysis



SNT (Special Needs Trust) Analysis



Shelter Funds with SNT's

- Keeps the money for the ward
- Enhance life of ward
- Maintain a Home (or other exempt asset)
- Pay caregivers and other professionals

Using SNT's as Over Income Trusts

- Can an U65 or Pooled Trust be a QIT
 - CMS Medicaid Manual says yes
 - Florida DCF Program Policy Manual says yes

Using SNT's as Over Income Trusts

1640.0576.09 Treatment of Qualified Disabled Trusts (MSSI, SFP)

After the trust is approved by the Circuit Legal Counsel as meeting the criteria of a qualified trust for the disabled **under age 65** or **a pooled trust**, apply the following policies to determine the individual's eligibility for Medicaid benefits:

1. Do not consider the corpus of the exempt trust as an asset to the individual beginning with the month the assets are placed into an executed qualified disabled trust or pooled trust;
2. Do not consider the funding of a qualified disabled or pooled trust as a transfer of assets or income subject to imposition of a penalty period, provided the trust purchases items and services at fair market value for the sole benefit of the disabled individual (refer to 1640.0609.06);

Using SNT's as Over Income Trusts

1640.0576.09 Treatment of Qualified Disabled Trusts (MSSI, SFP)

3. Do not count any income deposited into the trust as income to the individual when determining the individual's eligibility;
 4. Do not consider disbursements from the trust to third parties as income to the individual;
 5. Do not consider any income earned by the trust which remains in the trust as income to the individual;
 6. Count any payments made directly to the individual as income to the individual;
 7. Count all income placed into the trust (along with countable income outside the trust) when computing patient responsibility.
- Standard spousal impoverishment policies apply.

Using SNT's as Over Income Trusts

- Limitations of QIT

1840.0110 Income Trusts (MSSI)

The following policy **applies only to** the Institutionalized Care Program (ICP), institutionalized MEDS-AD, institutionalized Hospice, Home and Community Based Services (HCBS) and PACE. It does not apply to Community Hospice.

Using SNT's as Over Income Trusts

- Limitations of QIT

No such Limitations in 1640.0576.09 so applies to all MSSSI programs. What are they?

**SSI-RELATED MEDICAID COVERAGE GROUPS
FINANCIAL ELIGIBILITY STANDARDS: JANUARY 2022**

Coverage Group	Income Limit	Asset Limit
*ICP/HCBS/Hospice- Individual (300% FBR)	\$ 2,523	\$ 2,000
*ICP/HCBS/Hospice – Couple	\$ 5,046	\$ 3,000
*HCBS/Working People w/Disabilities – Individual (WPwD) (550% FBR)	\$ 4,626	\$ 2,000 \$13,000 Disregard
*HCBS/Working People w/Disabilities – Couple (WPwD)	\$ 9,252	\$ 3,000 \$24,000 Disregard
**MEDS-AD/ICP-MEDS/Individual (88% FPL)	\$ 945	\$ 5,000
**MEDS-AD/ICP-MEDS/Couple	\$ 1,278	\$ 6,000
Medically Needy, MNIL-(I)-No income limit	\$ 180	\$ 5,000
Medically Needy, MNIL-(C)-No income limit (Subtract from gross income)	\$ 241	\$ 6,000
**QMB Individual (100% FPL)	\$ 1,137	\$ 7,970
**QMB Couple	\$ 1,538	\$ 11,960
**SLMB Individual (120% FPL)	\$ 1,364	\$ 7,970
**SLMB Couple	\$ 1,845	\$ 11,960
**QI1 Individual (135% FPL)	\$ 1,534	\$ 7,970
**QI1 Couple	\$ 2,076	\$ 11,960
**Working Disabled Individual (200% FPL)	\$ 2,274	\$ 5,000
**Working Disabled Couple	\$ 3,075	\$ 6,000
**Low Income Subsidy (LIS)- Individual (150% FPL)	\$ 1,705	\$ 15,510
**Low Income Subsidy (LIS)- Couple	\$ 2,307	\$ 30,950
**Medicare Part B Premium	\$ 170	
**Medicare Part A Premium	\$ 499 (Free for most)	N/A
Personal Needs Allowance (PNA) (eff 01/01/22)		
NH-ICP/HCBS/Hospice/PACE	\$ 130	
Hospice (Community) 100% FPL	\$ 1,137	
ALF-PACE/SMMC-HCBS	R&B+ 20% FPL (Individual \$227) / (Couple \$454)	
Community/Budget	\$ 2,523	
Maintenance Needs Standards / Other (eff 01/01/22)		
Standard Disregard	\$ 20	
Earned Income Disregard	\$ 65 + ½	
Student Earned Income Disregard Limit	\$ 2,040 monthly, Maximum \$8,230 per calendar year	
Spouse Deeming = ½ FBR	\$ 420	
Child Allocation	\$ 420/child (Difference between the couple and single FBR)	
Substantial Gainful Activity(SGA)	\$ 1,350 per month <i>non blind</i> \$2,260 <i>blind</i>	
Spousal Impoverishment (eff 07/01/21)		
Minimum Monthly Maintenance Needs Allowance (MMMNA)	\$ 2,178	
CSMIA	\$ 3,260	
Excess Shelter Standard**	\$ 654	
CSRA	\$137,400	
Home Equity Interest Limit	\$ 636,000	
Transfer of Asset Divisor (eff 03/21)	\$ 9,703	
Community Hospice Allocations:		
Spouse only=	FBR (\$841)	
Spouse + Dependents or Dependents Only =	CNS Standard	

* These Standards change effective January 1 of each year in accordance with federal law.

** These Standards change effective April 1 of each year in accordance with federal law

SSI-RELATED MEDICAID

FACT SHEET



This Fact Sheet provides a general description and a brief overview of information about the coverage groups for individuals who are aged, blind, or disabled. The Department of Children and Families (DCF) determines eligibility. Federal regulations, Florida Statutes and Florida Administrative Rule contain specific policies for eligibility.

Note: The income standards generally change effective January and April of each year.

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Using SNT's as Over Income Trusts

1. SSI Eligible Individuals (SSI-DA),
2. Institutional Care Program (ICP),
3. Eligible Individuals under SOBRA - Aged or Disabled (MEDS-AD),
4. Protected Medicaid (PM),
5. Medically Needy (MN),
6. Emergency Medicaid for Noncitizens (EMN),
7. Hospice,
8. Home and Community Based Services (HCBS),
9. Modified Project Aids Care (MPAC),
10. SSI-Related Programs for Refugees (RAP),
11. Qualified Medicare Beneficiaries (QMB),
12. Working Disabled (WD),
13. Special Low Income Medicare Beneficiary (SLMB),
14. Qualifying Individuals I (QI1), and
15. Program of All Inclusive Care for the Elderly (PACE)

Miscellaneous Uses of SNT's

- Alimony Payments
- Child Support
- Income Only Trusts
- MSA's

Thank you!

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