

APRIL 24, 2014

INDIANA CHANGING THE WAY RESIDENTS WILL OBTAIN MEDICAID COVERAGE BEGINNING JUNE 1, 2014 - PART 3

On April 21, 2014, Indiana's Family and Social Services Administration ("FSSA") offered a webinar for nursing facilities to provide additional information on Indiana's Medicaid changes and Qualified Income Trusts (also known as Miller Trusts).

For individuals residing in nursing homes, or who are receiving Home and Community-Based Services ("HCBS") under a Medicaid waiver, the applicable income standard is \$2,163 per month. Later in 2014, individuals who exceed this amount will no longer be eligible for Medicaid unless the individual has a valid Miller Trust.

The [webinar](#) and [PowerPoint](#) slides have been posted on the FSSA's website.

The FSSA's website also contains a document that describes what families should tell the bank when they are [establishing a Miller Trust \(Qualified Income Trust\) account](#) at the bank.

The webinar's PowerPoint slides provide additional information on the following:

- If a resident does not have the ability to manage his/her own affairs and does not have (1) a court-appointed guardian or (2) an attorney-in-fact appointed in a power of attorney, he or she will need to have a court (a) appoint a legal guardian for him/her who will then create the Miller Trust or (b) issue a protective proceedings order to authorize the creation of a Miller Trust for that resident. The court process to obtain legal guardianship or a protective proceeding can take a long time and may extend beyond the June 30 deadline for submitting Miller Trust materials. If a court petition to obtain a legal guardianship and establish a Miller Trust has been submitted for the resident by June 30, 2014, the resident remains eligible during the process. Evidence of a court petition requesting court ordered legal guardianship and Miller Trust establishment must be submitted to the Indiana Division of Family Resources by June 30, 2014 to maintain eligibility for June 2014. Valid Miller Trust materials must be submitted soon after a court order is obtained.
- Indiana's Miller Trust template on the FSSA's website has been revised to adjust the description of the income deposited into the trust and naming of successor trustees.
- A resident can set up a Miller trust account with a financial institution or the nursing facility's Resident Funds Management System.
- A resident will continue to be eligible for the month of June 2014 and beyond as long as all Miller Trust materials are submitted to FSSA by June 30, 2014.

Should you have any questions, please contact Sean Fahey at 317.977.1472 or sfahey@hallrender.com or your regular Hall Render attorney.