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INDIANA CHANGING THE WAY RESIDENTS WILL OBTAIN MEDICAID COVERAGE BEGINNING JUNE 1, 2014 - PART 2

Indiana's Family and Social Services Administration continues its efforts to communicate, address and refine questions and issues related to the upcoming Medicaid coverage changes.

On June 1, 2014, Indiana will change the way Indiana residents obtain Medicaid coverage in the age, blind or disabled categories. After June 1, 2014, Indiana residents will automatically be enrolled in Medicaid if the Federal Social Security Administration determines they are eligible for Supplemental Security Income. This transition will eliminate Indiana's Medicaid Spend Down Program.

Questions have arisen about how a Qualifying Income Trust (a "QIT" or a "Miller Trust") will be created for Indiana residents who are unable to handle their own affairs and decisions but do not have a power of attorney that appoints an agent to act or have a court appointed guardian in place.

Some Indiana residents who are applying for institutional or nursing home Medicaid or for home- and community-based services, and have an income that is greater than the Medicaid eligibility limit, will not be eligible unless their income, either part of their income or all of their income, goes into a QIT or Miller Trust, so the income can be disregarded for the Medicaid eligibility determination.

Indiana's Family and Social Services Administration website reports that over 3,200 Indiana nursing home residents will need to establish (or confirm that they have in existence) a QIT or a Miller Trust in order to maintain their Medicaid benefits.

Under Indiana's guardianship laws, emergency petitions can be filed with the court to appoint someone to act to create a Miller Trust and move funds. This is an option for residents who do not have anyone to act.

Indiana's Family and Social Services Administration, in a new frequently asked question response that is within PowerPoint slides for a recent Indiana Family and Social Services Administration presentation, writes that if an individual submits to Indiana a copy of a court petition requesting guardianship and the petition includes a Miller Trust that will be established for the individual by June 30, 2014, Medicaid eligibility should be continued. Once the court order is approved, it must be reported to Indiana.

Indiana's Family and Social Services Administration has a list of frequently asked questions and other resources available on its [website](#).

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