

EDGENTUS WEBINAR SERIES

COURSE SUMMARY

Drafting Medicaid Asset Preservation Trusts

This 2-hour advanced course covers an overview of all trusts related to Medicaid eligibility planning and provides a detailed, in-depth analysis of standard Medicaid Asset Preservation Trusts. These trusts are considered divestment-causing trusts and will be differentiated with trusts that do not cause divestment. The practical uses of Medicaid Asset Preservation Trusts will also be discussed in great deal. This course is applicable for practitioners in all states except California.

Learning Objectives:

Through this course you will learn:

- Key LTC Medicaid trust-related nomenclature.
- Categories of trusts and treatment under LTC Medicaid rules.
- Difference between a divestment trust and a non-divestment trust.
- Impact of revocable living trusts on planning.
- Key structure of Medicaid Asset Preservation Trusts.
- Framework of a standard Medicaid Asset Preservation Trust.
- Optional provisions in a Medicaid Asset Preservation Trust.
- Choosing Trustees for a Medicaid Asset Preservation Trust..
- Explaining Medicaid Asset Preservation Trusts to your client.
- Executing and funding a Medicaid Asset Preservation Trust.
- Busting Medicaid Asset Preservation Trusts.

Location: Online Webinar (Zoom Webinar Platform)

Hours: 2

Date: November 24, 2020

Time: 2:00 pm ET – 4:00 pm ET

Presenters: Michael Anthony, JD

Level: Advanced

Prerequisites: None. (Introduction to Medicaid Planning and Understanding Medicaid Divestment Rules are strongly recommended.)

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COURSE OUTLINE

Drafting Medicaid Asset Preservation Trusts

Date: November 24, 2020 Time: 2:00 pm ET – 4:00 pm ET

- I. Medicaid Asset Protection Trusts
 - a. Overview of LTC Medicaid
 - b. History of the LTC Medicaid spenddown
 - c. Basic LTC Medicaid divestment rules
 - d. Inclusion of certain trusts in the Medicaid divestment
- II. Medicaid Treatment of Trusts
 - a. Treatment of Revocable Trusts
 - b. Treatment of Irrevocable Trusts
 - c. Funding the Trust and Divestment
 - d. Availability of Assets in Trust
- III. Trusts that do not cause LTC Medicaid divestment
 - a. Testamentary Trusts
 - b. Income Trusts
 - c. Third-Party Special Needs Trusts
 - d. Self-Settled Special Needs Trusts
- IV. Trusts that do cause LTC Medicaid divestment (Medicaid Asset Preservation Trust)
 - a. No-Access Irrevocable Trusts
 - b. Limited Access Irrevocable Trusts
 - c. Evaluating the pros and cons of No-Access and Limited Access Trusts
- V. Basic Structure of Irrevocable
 - a. Identifying the Grantor(s)
 - b. Establishing the Trustee(s)
 - c. Choosing the Lifetime and Death Beneficiaries
 - d. Preserving Grantor Rights and Access
 - e. Choosing the tax status of a Medicaid Asset Preservation trust

- VI. Executing Medicaid Asset Preservation Trusts
 - a. Explaining Medicaid Asset Preservation Trusts to your client
 - b. Signing the Medicaid Asset Preservation Trust documents
 - c. Funding the Medicaid Asset Preservation Trust
 - d. Busting an irrevocable trust
- VII. Common Uses of Medicaid Asset Preservation Trusts
 - a. Divest-and-Wait Strategy
 - b. Modern Half-a-Loaf