

EDGENTUS WEBINAR SERIES

COURSE SUMMARY

Drafting Medicaid Qualified Income Trusts (Miller Trusts)

This 1-hour advanced course covers in detail income limits for long-term care Medicaid eligibility and how to defeat those limits with the strategic use of a Qualified Income Trust (also known as a Miller Trust). The course will discuss the use, drafting and implementation of the QIT, as well as how to fund the trust and important timing issues. This course is applicable for practitioners in AL, AK, AZ, AR, CO, DE, FL, GA, ID, IA, IN, KY, LA, MS, NV, NJ, NM, OK, OH, OR, SC, SD, TN, TX and WY only.

Learning Objectives:

Through this course you will learn:

- What states are LTC Medicaid income-cap states and how the income cap is applied.
- How to determine the LTC Medicaid income cap.
- Strategies to defeat the income cap for over-income LTC Medicaid applicants.
- Authority for the use of a Qualified Income Trusts (aka Miller Trusts).
- Structure of Qualified Income Trusts.
- Drafting of Qualified Income Trusts.
- Funding of Qualified Income Trusts.
- Timing of Qualified Income Trusts.

Location: Online Webinar (Zoom Webinar Platform)

Hours: 1

Date: September 18, 2020

Time: 2:00 pm ET – 3:00 pm ET

Presenters: Michael Anthony, JD

Level: Advanced

Prerequisites: None. (Introduction to Medicaid Planning is strongly recommended.)

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COURSE OUTLINE

Drafting Qualified Income Trusts (Miller Trusts)

Date: September 18, 2020 Time: 2:00 pm ET – 3:00 pm ET

- I. LTC Medicaid Income Limits
 - a. What are they
 - b. What states adopt them?
 - c. How they work
 - d. How they are defeated
- II. LTC Medicaid Use of Qualified Income Trusts (QIT)
 - a. Federal Statutory Authority
 - b. Caselaw Authority (History of the term “Miller Trust”)
 - c. State Statutory and Administrative Authority
- III. Drafting a QIT
 - a. Key Elements of a QIT
 - b. Choosing a Trustee
 - c. Identifying Income Sources
 - d. Executing the Trust Document
 - e. Tax Treatment of the Trust/Trust Tax ID #
- IV. Funding the QIT
 - a. Direct Funding: Direct Deposit
 - b. Indirect Funding
 - c. How much income to place into trust
 - i. Just Enough States
 - ii. All-Income States
- V. Timing of the Trust
 - a. Timing of Execution
 - b. Timing of Funding