

## Qualified Medicaid Trust Guidelines and Forms

The following guidelines provide staff instructions for determining if a trust meets the criteria to be considered a qualified Medicaid income trust or a qualified Medicaid trust for disabled individuals under age 65 in accordance with the Omnibus Reconciliation Act of 1993.

The **qualified Medicaid income trust** is a legal instrument which meets criteria in 42 United States Code 1396 (p) (d) (4) (B) and which allows individuals with income over the institutional care program limits to qualify for institutional care services or for home and community based services assistance. (Refer to manual policy in Chapter 1840.)

The **qualified Medicaid trust for disabled individuals under age 65** is a legal instrument which meets criteria in criteria in 42 United States Code 1396 (p) (d) (4) (A) and which allows disabled individuals under age 65 to place assets and/or income into a trust to qualify for Medicaid assistance. (Refer to manual policy in Chapter 1640.)

The **qualified Medicaid pooled trust for disabled individuals** is a legal instrument which meets criteria in 42 United States Code 1396 (p) (d) (4) (c) and which allows disabled individuals to place assets and/or income into a trust to qualify for Medicaid assistance. (Refer to manual policy in Chapter 1640.)

Each guideline provides instructions and forms for the ESS and District Legal Counsel to review executed (signed and dated) trusts and determine if a trust meets the qualified Medicaid trust criteria. The trust review forms are not available in the warehouse and must be photocopied.

The ESS must review each executed trust, complete the answers to questions in the left-hand column of the appropriate review form, and route the form to their District Program Office. District Program Office staff will forward materials to the District Legal Counsel for a final decision.

The District Legal Counsel will review the trust, complete the right-hand column of the review form, and return the form with their final decision on the trust.

Questions regarding settlements of balances in approved qualified Medicaid trusts should be referred to the following address:

Agency for Healthcare Administration  
Medicaid Third Party Liability  
Post Office Box 12900  
Tallahassee, FL 32317-290