

## Qualifying Income Trust Additional Frequently Asked Questions

14. If an existing Medicaid beneficiary does not set up a QIT by September 17, 2003 when would they lose eligibility? October 1, 2003?

*A Medicaid beneficiary who is affected by the Qualifying Income Trust initiative must submit a Trust document, or a letter of intent to establish the trust, to the local DCBS office by September 19, 2003, to ensure that there is no lapse in Medicaid coverage.*

15. In example above, what if the Medicaid beneficiary sets up a QIT at some date in the future? Can they regain eligibility? If so, please explain the time frame for when eligibility would be restored.

*If either the trust or the letter of intent is received by September 19, 2003, the individual's Medicaid Eligibility will continue for October, 2003, without disruption.*

*If either the trust or the letter of intent is received during the period of September 20 - September 30, 2003, the individual's Medicaid Eligibility will be reinstated for October, 2003, however, there will be a delay in receipt of the Medical Card.*

*If neither the trust nor the letter of intent is received by September 30, 2003, the individual's Medicaid Eligibility will be discontinued effective October 1, 2003. A notice of discontinuance will be sent advising the individual that they have thirty days to appeal, and that if they appeal within ten days and request continued benefits, then benefits will continue during the appeal process.*

*Individuals who submitted letters of intent in September must submit the trust to the local DCBS office by October 22, 2003, for Medicaid Eligibility to continue for November, 2003, without disruption.*

*For individuals who submitted letters of intent in September, if the trust is received during the period of October 23 - 31, 2003, the individual's Medicaid Eligibility will be reinstated for November, 2003, however, there will be a delay in receipt of the Medical Card.*

*If an individual submitted a letter of intent by September 30, 2003, but the trust is not received by October 31, 2003, the individual's Medicaid Eligibility will be discontinued effective November 1, 2003. A notice of discontinuance will be sent advising the individual that they have thirty days to appeal, and that if they appeal within ten days and request continued benefits, then benefits will continue during the appeal process.*

*If there is a lapse in Medicaid coverage, depending on the circumstances and the time frames, coverage may be retroactively applied. The individual will be Medicaid ineligible until the Trust is established, due to excess income.*

16. Someone is admitted to a nursing facility on or after October 1 and goes down to apply for Medicaid and realizes at that point they only qualify if they set up a QIT. Assuming they immediately set up a QIT does their eligibility go retroactive? If not, when would they become eligible?

*The individual would become Medicaid Eligible upon establishing of an approved Trust.*

17. When a Medicaid beneficiary sets up a QIT do they put only the amount of income above \$1,656 in the trust? Does this mean all Medicaid beneficiaries with QITs will have a continuing income amount of exactly \$1,656?  
*Medicaid requires that income in excess of \$1,656 be placed in the QIT. Any amount over and above the \$1,656 that is placed in the trust is at the option of the individual. The establishment of a trust does not change the amount of an individual's income.*
18. What happens when an eligible Medicaid recipient with a QIT leaves the nursing facility? Do they continue to put all income above \$1,656 into the trust each month? Do they put any amount into the trust if they are now back in the community and in need of the income for living expenses? Can they simply quit paying into the trust?  
*If an individual becomes ineligible for Medicaid, they are no longer required to fund the Trust.*
19. If someone becomes an eligible with a QIT what, if anything, gets put in the trust during a Medicare stay? What if they have a Medicare supplement policy that pays Medicare co-insurance? How much, if any, goes to the trust each month?  
*To become Medicaid eligible, and to maintain Medicaid eligibility, an individual must fund the trust with at least the income in excess of the special income standard.*
20. Is a template of a QIT or Miller Trust available for individuals to use? When will this become available?  
*Medicaid does not have a Trust template. Legal services programs have developed tools to assist individuals, we suggest that individuals contact legal services for assistance.  
The toll free intake numbers for the four regional legal services programs in Kentucky are:  
Appalachian Research and Defense Fund (east and southeast KY) - 1-866-277-5733  
Kentucky Legal Aid (Bowling Green and west) - 1-866-452-9243  
Legal Aid of the Bluegrass (Lexington, Covington, northeast KY) - 1-800-928-4556  
Louisville Legal Aid Society (Louisville and surrounding counties) - 1-800-292-1862*  
  
*Two web sites are also available to assist in determining which office to contact:  
[www.accesstojustice.org](http://www.accesstojustice.org) or [www.kylawhelp.org](http://www.kylawhelp.org)*
21. Who at Medicaid is to approve a QIT? Should this be presented to the local caseworker or directly to an individual at DMS?  
*The Qualifying Income Trust should be submitted to the local DCBS office. DCBS will forward the trust to Medicaid.*
22. Who should be named trustee of the bank account?  
*There are no Medicaid requirements related to the trustee.*
23. CHS letter dated 8/22/03 indicated that allowances for community spouse to bring community spouse's income up to \$1,515 and for allowable shelter costs up to \$2,260 would have to be disbursed from the trust account. Who would handle these transactions, since the trustee must consult with Medicaid on all withdrawals from the trust under both federal and state law?  
*The trustee of the QIT makes the disbursements.*
24. If the responsible party is unavailable to assist the patient in setting up the Trust and bank account, can the facility assist them? If they continue to send the continuing income to the facility in excess of the \$1,656, can the facility write a check for the difference to the individual's QIT?  
*We suggest that legal services be contacted. The contact numbers and web sites are listed in the response to question #20.*
25. Is the "gross income" reference (over \$1656) the same as the "total income" line on the MAP 552?  
*Gross income means all income before any deductions.*

26. If a Medicaid beneficiary appeals the “notice of adverse action” within the prescribed 10-day period, does this extend the time to establish a QIT? Do Medicaid benefits continue to be paid?  
*A recipient has a right to request a hearing on any negative action. For active cases, if a hearing request is made within 10 days, the individual may request continuation of benefits.*

27. Will Medicaid notify providers of which residents will be affected by the QIT?  
*Providers have been notified.*