

MAP-007 COMMONWEALTH OF KENTUCKY
Cabinet for Health and Family Services
Department for Medicaid Services

Qualifying Income Trust

A Qualifying Income Trust (QIT) is also known as a Miller Trust. This type of trust allows someone whose income is over the standard to become eligible for Medicaid when Nursing Facility or Waiver Services are needed. To establish a QIT contact an attorney or Legal Aid. Income put in a QIT is not counted in determining Medicaid eligibility. But it is counted in determining the amount someone must pay toward the services they receive.

The Department for Community Based Services (DCBS) must review and approve each QIT. Department for Medicaid Services (DMS) must review all payments other than patient liability, valid medical expenses, and/or community spouse income allowance from the QIT before the payment is made.

To be approved as a QIT, the trust must include the following:

1. It must be established in Kentucky.
2. It must be irrevocable. This means that when the money is put in the trust, someone cannot change their mind later and take the money back.
3. Income above the special income standard must be put in the trust.
4. No resources, such as a checking account or savings account, can be put in the trust.
5. A new account must be set up for the member. This means a bank account they already have cannot be used for the trust.
6. The trustee must consult with DCBS on expenditures from the trust before they are made to assure that those expenses are allowable under the federal and state law.
7. Upon death, Medicaid will receive all amounts remaining in the trust, up to the amount that was spent on that person's care.

Criteria for QIT can be found in the Social Security Act Section 1917, the State Medicaid Manual Section 3259, and 907 KAR 20:030.

