

<p>Life Insurance KEESM 5430 (1) (15)</p>
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There are two categories of life insurance, term and whole life.

Term Life Insurance provides coverage for a specified term of years for a set premium. The policy does not accumulate a cash value. **These policies are exempt.** Code as **EL** on OTAP screen. Since there is no value attributed to these policies, if ownership is transferred there is no penalty.

Whole Life Insurance provides coverage until the policy matures or pays. This type of policy builds a cash value. A whole life insurance policy has a level premium and a cash value table included in the policy that is guaranteed by the company. **If the total face value of all countable insurance policies owned by one individual exceeds \$1,500, the cash surrender value is considered a resource.** Code as **LI** on OTAP screen.

TERMS	DEFINITIONS
Face Value	This is the amount of insurance purchased. For eligibility purposes, consider the original face value. Do not include interest, dividends, or paid up additional insurance. If there is an outstanding loan, this decreases the policy's face value.
Cash Surrender Value	The amount received if the policy owner decides to surrender the policy. For eligibility purposes do not include accumulated dividends/interest in determining the cash surrender value. You must decrease the cash surrender value if there is an outstanding policy loan.
Dividends	Policy earnings are known as dividends. Often these earnings accumulate and can be used to purchase additional life insurance coverage.
Death Benefit	The amount received upon death of the insured. It is possible for a death benefit to exceed the original face value of the policy due to interest or dividend earnings.
Beneficiary	Person who receives money upon the death of the insured .
Loan	Some insurance companies allow consumers to take a loan against their life insurance policy. If a person gets a loan, they have to work out a repayment agreement with the life insurance company. Agreements vary from lump sum repayment, installment repayments, or no repayment at all. Of course, if a person fails to repay a loan against the policy, it changes the cash or death benefit of the policy.

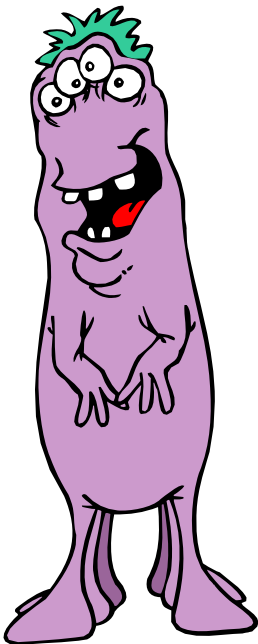
A consumer always has the option of using life insurance to pay for funeral arrangements. The policy can be assigned over to the funeral home or cash value can be surrendered to pay for the funeral arrangements.

Viaticals

Buying a viatical is purchasing the life insurance policy of a terminally ill person with less than a few years to live - at a substantially discounted price

The ill person gets needed money to help pay expenses and the investor gets the full face value of the policy when the person dies. For example, the ill person has a life insurance policy that will pay \$100,000 after death. The investor buys the policy for \$50,000, the ill person gets \$25,000, the viatical broker gets \$25,000, and when the person dies, the investor receives the full \$100,000. The 25,000 the ill person receives can be given in a lump sum or payments. A lump sum would be considered exempt in the month received and counted as a resource the following month. Payments are considered countable income.

NOTES



<p style="text-align: center;">Home KEESM 5331</p>
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The home where the consumer lives is exempt, including the home itself and all contiguous tracts of land upon which the home is located.

Three Ways to Exempt the Home

1. Dependent residing in the Home

Spouse

Minor Child

Other dependent family member

- ▶ Immediate family (KEESM 5331)
- ▶ Dependency can be of any kind (financial, medical, emotional)

2. Intent to Return

This can be indicated on the Medicaid application or Statement of Intent to Return Home form (Appendix M-1)

3. If one of the above do not apply, the home is exempt for 3 months from the date the consumer left the home.

Liens

The agency may place liens on real property owned by a Medicaid recipient who has received Medicaid funded NF care for at least 6 months. Liens only apply to institutional residents.

EES worker is responsible for:

- ▶ Obtaining the ES-3152 (Medical Assistance Lien Physician Verification) from the consumer at the time of approval. It must be completed by the resident's attending or admitting physician.
- ▶ If the physician indicates the individual will not return home, the worker will notify ERU. ERU will request a copy if a lien is pursued.
- ▶ If the physician indicates the individual will return home, an estimated absence must be reported on the ES-3152. A new form is obtained at the expiration period.
- ▶ A statement of Intent to Return Home is not negated by information on the ES-3152.

Substantial Home Equity

Those applying for LTC assistance on or after 1/1/06 with equity interest in the home in excess of \$500,000 are ineligible for LTC assistance (institutional, HCBS, PACE). The maximum amount of home equity a person can own is \$500,000.

Three Exceptions to Equity Limit

1. Per KEESM 5331.1 (a), the home equity limit does not apply if one of the following individuals resides in the home:
 - ▶ spouse
 - ▶ child who is blind or disabled
 - ▶ child under age of 21

2. The equity limit does not apply to parts of a home considered exempt under the income producing provisions. For example if the home property is valued at \$600,000 and 100 acres of farmland rented totals \$200,000, the value of the home would be \$400,000.

3. Individuals denied LTC payment due to the home equity limit can request a hardship waiver. Hardship procedure is outlined in KEESM 5725. Hardship can be considered if:
 - ▶ the person is living in the home
 - ▶ those with home modifications to accommodate a disability or impairment

When determining the equity amount use the following equation:

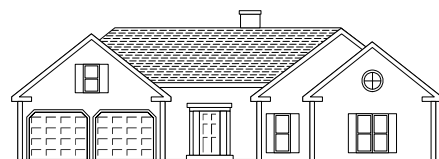
$$\text{Fair Market Value} - \text{Encumbrances} = \text{Equity}$$

$$\text{\$700,000 (FMV)} - \text{\$400,000 (loan)} = \text{\$300,000}$$

Equity in the home is below \$500,000 ,the total resource is exempt.

$$\text{\$700,000 (FMV)} - \text{\$0} = \text{\$700,000}$$

Equity in the home is more than \$500,000, the total amount \$700,000 is considered a countable resource only for those applying for LTC assistance.



Life Estates

KEESM 5333

Definition

Life estate is also referred to as a life interest. Someone with a life estate has a right to the use of the asset in which she or he has a life estate for her or his life. The right can also exist for the life of someone else. The right extends to the use of the asset and the income from it. Life estates first applied to real estate.

The holder of the life estate, called a life tenant, could farm the land, sell the crops and keep the proceeds. They could also live in any house on the land. A life tenant can sell their interest in the land but can not sell the land outright. The life tenant has the right to income, but not principal. For practical reasons, assets to be used by a beneficiary for life are usually put in a trust so a trustee has control over them with power to enforce the terms of the life tenancy.

Life Estates - Real Property

A life estate in real property usually entitles the holder to the use and occupancy of the property and to the income from it during the holder's lifetime. Ordinarily he is responsible for taxes and upkeep of the property.

Life Interest vs. Remainder Interest

Life Interest

- ▶ Owner of the life estate or life tenant
- ▶ Retains right to use, occupy and receive income from the property during their lifetime.
- ▶ Responsible for mortgage, taxes, and insurance on the property
- ▶ Can be established by transferring the property and retaining a life estate on the property OR receiving a life interest in property owned by another person.
- ▶ Value is determined by the life tenant's age

Remainder Interest

- ▶ Person who owns remainder interest does not have the rights to possess the property until the life estate is terminated.
- ▶ Person may have assumed the property through a transfer to him or transferring a life interest to another in property he owned.

Exempt

A life estate in property used as a home (KEESM 5340) or is income producing (KEESM 5332) may be exempt. If used as a home, it is coded **HO** on **OTAP**.

Countable

A life estate in property not used as a home or is not income producing is a countable resource. It is coded **LE** (Life estate, life lease) on **OTAP**.

Resource Value of Life Estate

A resource in a life estate must be evaluated in determining eligibility for assistance just as any other interest or equity in real property must be evaluated. You must determine the resource value of life estates of both **exempt** and **countable resources**. When evaluating the value of the estate consider the following:

1. Examine the deed to determine the specific rights and responsibilities of the holder of a life estate (Life Interest or Remainder Interest). The terms of the deed must be considered in arriving at the value of the equity in the life estate.
2. In the Appendix , **T-3 The Life Estate Valuation Table**, can be used as a tool for determining the probable value of a life estate. This table is used by multiplying the decimal equivalent of the current age of the applicant/recipient times the resource value of the property.

Example:

NF applicant is 83 yrs old. Based on the Life Estate Valuation Table, the percentage for age 83 is .21783. The home is valued at \$150,000.

$$\text{\$150,000 (value of property) x .21783 = \$32,674.50 (value of life estate)}$$

Remember:

- ✓ A life estate constitutes ownership in a portion of real property. This portion can be sold without the other owners selling their interest in the property. The transfer of any interest in real property without the consent of the agency might affect the eligibility of the holder of the life estate.
- ✓ If an applicant or consumer **purchases a life interest in another individual's home it is considered a transfer of property unless the applicant/consumer lived in the home one year before the date of purchase.**

Example:

Beverly moves in with her son, Scott. Beverly decides to purchase a life interest in the home her son owns to pay him back for allowing her to stay with him. She purchased the life interest before moving in with her son. She has been residing in the home for 5 months when she applies for LTC assistance. This would be considered a transfer of property as she has not lived in the home one year before the date of life interest purchase.

Reverse Mortgage **KEESM 6410(34)**

A reverse mortgage enables older homeowners (62+) to convert part of the equity in their homes into tax-free income without having to sell the home, give up title, or take on a new monthly mortgage payment. It is called reverse mortgage because the payment stream is “reversed.” Instead of making monthly payments to a lender, as with a regular mortgage, a lender makes payments to the homeowner.

The homeowner can choose to receive the money as a lump sum, fixed monthly payments for a set term or for as long as they live in the home or as a line of credit. Per **KEESM 6410(34)**, monies received from reverse mortgages are treated as loans, even if payments are regular and predictable. The amount of funds the homeowner is eligible to receive depends on age, appraised value, current interest rates, and lending limit in area. This income is considered exempt unearned income and is coded **LN** - Loan/ Exempt all programs on **UNIN**.

The same costs someone pays to obtain a home mortgage loan applies to a reverse mortgage. The various fees charged are origination fee, mortgage insurance premium, appraisal fee, closing costs, and service fee.

The loan is repaid when you cease to occupy your home as a principal residence. (Death, sell home or permanently move out) The amount owed can never exceed the value of the home. If the home is sold and proceeds exceed the amount owed on the reverse mortgage, excess money goes to the owner or owner’s estate.

FYI:

A reverse mortgage must be done by an approved institution for the income to be considered exempt.

How do I determine the value of the home with a reverse mortgage?

We have to keep in mind that the reverse mortgage reduces the home’s equity value. Let’s say an NF applicant has a reverse mortgage on a home valued at \$200,000 and they have received a total of \$50,000 from monthly payments. The equity value of the home would be \$150,000.

Income Producing Property
(KEESM 5332, 6313, 7122.1)

Property which produces income consistent with its fair market value is **exempt** in full, even if only used on a seasonal basis. This would include property such as land, timber or mineral rights, and farm property or other property which is rented and not actively managed by the consumer for at least an average of 20 hours per week per **KEESM 6313(1)**. Generally, income from such property would be considered as unearned income.

At application and at review, when you determine if the property is producing income consistent with its fair market value, you may contact local realtors, tax assessors, the Small Business Administration, or other similar sources to determine the prevailing rate of return (e.g., square foot, acreage, rental, etc.) for similar usage of real property in the area. **You must also determine the value of the resource, even if it is exempt.**

If the property is **not producing income consistent with its fair market value** (for instance, the property is being leased for a token payment), such property would be **counted as a resource**. However, if the property was leased for a return that was comparable to other property in the area leased for similar purposes, it would be considered as producing income consistent with its fair market value and would not be considered a resource.

If the property is not in current use, it may be exempted under this provision as long as the individual expects its use to resume within one year of the date of last use. If the individual does not expect use of the property to resume, the property shall be counted in full.

Income producing property is an exempt resource, however you must count the income as either earned or unearned. When determining income remember to **allow the standard 25% cost producing deduction or the actual costs of doing business for both the earned and unearned income**. You must manually do this for unearned income on the **UNIN** screen, but can use the **SEEI** and **SEEW** screens for earned income. **KEESM 7122.**

A loss from self-employment cannot be deducted from other income nor can a net loss of a business be considered as an income producing cost.

EXCEPTION: For food stamps, a loss from farm self-employment can be deducted from other countable income. **KEESM 7122.1**

Mineral Rights/Oil Royalties

A legal claim to minerals (oil, gas, coal, salt) within a piece of land. With the right of mineral ownership is the right to explore for, develop, and produce the mineral resources. Most exploration and development is undertaken by companies or individuals having sufficient capital to finance such ventures.

Tax returns are used to establish income earned. An average is established based on the number of months reflected for the earnings reported. You must allow the cost producing deduction (25%) when determining income. **KEESM 7122.1(4)**.

Example:

Nancy Fancy resides at Pretty Patches Nursing Home. She receives oil royalties from the production of an oil well in Western Kansas. Based on her 2006 tax return she received \$267 from the production of the oil well and paid \$25.42 in taxes.

Since the 25% disregard is greater than taxes paid this amount will be subtracted from her earnings. $(\$267 - \$66.75 \text{ (25\% disregard)}) = \200.25

A 12 month average is calculated as the tax return reflected a full year of earnings. (Divide \$200.75 by 12 months = \$16.73 monthly oil royalty earnings).

UNIN		UNEARNED INCOME							
				MEDICAL				BUDGET METHOD: M	
CASE NAME: FANCY, NANCY				CASE NUMBER: 00011891				MONTH: 0207	
				MEDICAL		FREQ		NC	
NAME	REL	TY	SUB	DIVISOR	PAID	LS	AMOUNT	VR	PEND
01 NANCY	PI	IR	...		MO	.	16.73	HC
	

Be sure to document how you determined the oil royalty amount.

<p style="text-align: center;">Farmland (KEESM 5332,6313,7122)</p>
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Determining Resource Value of Farmland

When determining the value of farmland use fair market value not agricultural value. The **fair market value** is based on an appraisal that includes an evaluation of prices received by comparable properties in the area. The **agricultural value** of the land is based on the current value of the stream of income expected from the farm. We accept at face value what the county appraised the farmland. If the farmland is part of the home, request copy of deed that provides description.

Refer to the link below for a list of counties in Kansas that have online appraisal information.

<http://www.kansascounties.org/index.asp?ID=5>

Ownership of Farmland

Farmland can be owned by an individual or corporation. There are two types of corporation ownership.

- ▶ S corporation is a self employment enterprise if participating in production of income. Use tax statement to determine value.
- ▶ C corporation is a full blown corporation. Look at corporate assets, stocks, and salary. C corporations file with the Secretary of State office. When you receive one, please go to your supervisor or Medicaid Program Manager for guidance.

Determining Countable Income

The income received from farmland is considered self-employment income.

1. **Tax Return Filed** - When a tax return has been filed, the average shall be based on the most recent year's income tax return filed. Provided the return reflects a full year of self-employment earnings, a twelve month average shall be established.
2. **Tax Return Not Filed or Does Not Contain Full Year's Earnings** - An initial average shall be established based on at least 3 calendar months of income which are reflective of the individual's income pattern. If the earnings reported on the tax return are representative, an average can be established based on that information dependent on the number of months reflected for the earnings reported.

The 25% standard deduction is subtracted from the gross earnings of a person who is self employed. An individual has the option of using actual income producing costs. If costs are greater than 25%, verification of actual costs must be provided but can not exceed gross earnings.

For earned self employment income the 25% standard, or actual income producing costs greater than the 25% are entered on the Self-Employment income worksheet screen using the 'E' code for expenses.

Farm Loss Provisions for Food Stamps and Medical

Food Stamps - Farm income loss is deducted from the consumer's other income.

Example:

Farmer Brown provides tax return information that reflects a loss of \$6000 for the year. Farmer Brown receives Social Security income of \$800 a month.

A 12 month average is calculated to determine the average monthly income loss. (Divide \$6,000 by 12 months = \$500 monthly farm income loss)

The monthly farm loss amount is deducted from the consumer's other income to determine the amount of countable income. The calculation is automatic in the KAECSES system when the **SEEI** screen is properly utilized.
(\$800 SS - \$500 monthly farm income loss = \$300 countable income)

Medical - Farm income loss is counted as zero.

Using the same example as above. If Farmer Brown reports a loss, the amount of farm income reflected on the **UNIN** screen will be \$0.00 and SSA income will be \$800.

Stocks/Bonds/Mutual Funds

Stock

In financial markets, stock is the capital raised by a corporation through the issuance and distribution of shares.

The website below allows you to determine current and historical stock prices for public stock only. Historical prices will be necessary with certain Spousal Impoverishment cases. You will have to find out the symbol for stock you're looking up. To determine the value of family or private stock (like in an S corporation) ask applicant/consumer for verification.

<http://finance.yahoo.com/>

Bonds

A bond is a loan and you are the lender. Who's the borrower? Usually, it's either the U.S. government, a state, a local municipality or a big company like General Motors. All of these entities need money to operate -- to fund the federal deficit, for instance, or to build roads and finance factories -- so they borrow capital from the public by issuing bonds.

When a bond is issued, the price you pay is known as its "face value." Once you buy it, the issuer promises to pay you back on a particular day -- the "maturity date" -- at a predetermined rate of interest -- the "coupon." Say, for instance, you buy a bond with a \$1,000 face value, a 5% coupon and a 10-year maturity. You would collect interest payments totaling \$50 in each of those 10 years. When the decade was up, you'd get back your \$1,000 and walk away.

The website below allows you to determine the value of bonds. You can print off the information and put in your file for verification.

<http://www.treasurydirect.gov/BC/SBCPrice>

Mutual Funds

A mutual fund is a form of collective investment that pools money from many investors and invests the money in stocks, bonds, short-term money market instruments, and/or other securities. In a mutual fund, the fund manager trades the fund's underlying securities, realizing capital gains or loss, and collects the dividend or interest income. The investment proceeds are then passed along to the individual investors. The value of a share of the mutual fund, known as the net asset value (NAV), is calculated daily based on the total value of the fund divided by the number of shares purchased by investors.

Legally known as an "open-end company", a mutual fund is one of three basic types of investment companies available in the United States.

A mutual fund, according to the Securities and Exchange Commission (SEC), "is a company that brings together money from many people and invests it in stocks, bonds or other assets." In other words, a mutual fund is like a basket, and that basket holds assets, like stocks. When you buy a mutual fund, you purchase a piece of the fund, or basket. You do not actually own any of the assets the mutual fund owns.

But while you may not own the assets themselves, they are important because the value of the fund is based on the value of the assets it holds. As the stocks, bonds and so on within the fund increase in value, the fund increases in value. Conversely, as the stocks, bonds and so on within the fund decrease in value, the fund also decreases in value.

To determine the value of a mutual fund, request from the applicant/consumer a current statement from the company that manages the fund.

Promissory Notes
KEESM 5430,5722.6

A promissory note is a contract detailing the terms of a promise by one party (the debtor) to pay a sum of money to another party (the payee). The debt may arise from the repayment of a loan or from another form of debt.

The terms of a note typically include the principal amount, the interest rate, the terms of repayment, and the due date. Some notes will contain a provision about the payee's rights in event of default of payment.

Demand promissory notes are notes that do not carry a specific maturity date, but are due on demand of the lender. Usually the lender will only give the borrower a few days notice before the payment is due. The note will say "payable on demand."

A promissory note differs from an IOU. An IOU is a simple acknowledgment of a debt owed, but a promissory note contains an affirmative promise to pay the amount stated.

REQUIREMENTS

- Has to be in writing.
- Has to have an unconditional promise to pay.
- Has to be signed by the maker (debtor).
- Has to state the specific amount owed and the pay back terms.
- Has to say to whom the debt will be repaid.

Exempt Resource if:

- ▶ income consistent with FMV
- ▶ income consistent with repayment terms in written contract

If the debtor is not meeting the above requirements, the promissory note is considered a potential resource and the person must pursue recovery.

For those requesting LTC assistance, this contract must be evaluated under Transfer of Property provisions.

Actuarially Sound

If an individual or spouse receives a promissory note in exchange for the transfer of an asset, the repayment terms must be actuarially sound. If the note is not actuarially sound it will be considered as an uncompensated transfer. To be considered actuarially sound the note has to meet the following repayment terms:

- ▶ the full value must be expected to be received within the expected lifetime of the recipient or spouse. Expected lifetime is determined at the time of application using the Life Expectancy Table in KEESM appendix **T-4** and
- ▶ provides payment in equal amounts during the term of the loan , with no deferred or balloon payments; and
- ▶ balance of note cannot be cancelled upon death of lender (SKINS- self cancelling installment note)

If the note is not actuarially sound, the uncompensated value is determined by considering the expected payout in the individual's lifetime as well as the payments the individual has already received.

Let's say an NF applicant has a promissory note with an intitial value of \$10,000 with a 7 year term. In the last 2 years, he has received a total of \$1,000 from the debtor. The applicant is 95 years old and based on the life expectancy table has a life expectancy of about 2.5 years. Since the note is not actuarially sound, it is considered a transfer for inadequate consideration.

Based on the terms of the note, we expect he will receive \$1,500 during this time. The amount anticipated and the amount received are subtracted from the original value of the note. $\$10,000 - \$1,000 - \$1,500 = \$7,500$. This is the uncompensated value amount.

If there is **no repayment agreement**, the entire amount used to purchase the note is considered a gift and TOP provisions apply.



A contract in which a property title is transferred only after the buyer makes a certain number of monthly payments. The proceeds of a contract sale is considered income. The proceeds are exempt as a resource if the property was sold for or near fair market value. If the property was not sold for it's market value a transfer of property may exist.

- ✓ Please refer to actuarially sound section under Promissory note.

CONTRACTS FOR CARE
Transfers in Exchange for Service
KEESM 5722.7

Money transferred for exchange of services must be made under the terms of a contract otherwise a transfer of property may exist.

Family Members Provide Service

It is presumed that family provides services to other family members without any expectation of reimbursement. However, if payment is expected a written contract must:

- ▶ be created prior to service delivery
- ▶ must include specific services to be provided
- ▶ reimbursement rate and form of reimbursement
- ▶ contract amount is consistent with FMV (if no established rate use federal minimum wage)

If the contract does not meet the above conditions it is considered a transfer for inadequate consideration.

Non-Family Members Provide Service

Payment as part of a agreement to receive medical or assistive services from an unlicensed individual or entity are considered an available resources and subject to transfer of property provisions, unless the following criteria are met.

- ▶ A written contract is executed prior to providing or paying any service. The contract must specify services to be provided and the rates of such services.
- ▶ The contracted amount paid for services is consistent with the market rate for such services. If there is no established rate, federal minimum wage is used.
- ▶ The provider of the services is reporting all income to the government as required by law.
- ▶ Any amount due under the contract are paid after the services are received.
- ▶ The agreement is revocable.
- ▶ Upon the death of the individual , the contract ceases.

Payment made in advance for services will be considered an available resource.

CONTRACTS FOR CARE

Continuing Care Retirement Community (CCRC) Entrance Fee

KEESM 5430.5

Payment to a licensed healthcare professional or facility including continuing care retirement community for the purpose of gaining entry into a facility or community, or securing services will be considered a resource unless the following conditions are met:

- ▶ The entrance fee can be used to pay for care under the terms of the entrance contract should other resources of the individual be insufficient; and
- ▶ The entrance fee, or remaining portion, is refundable when the individual dies or terminates the contract, if living in a facility or CCRC, leaves the facility; and
- ▶ The entrance fee does not confer an ownership interest in the business or CCRC.

If the above conditions are not met, the entire amount of the entrance fee or prepayment paid under the contract is countable. The countable value can be reduced by the cost of services received and paid by the entrance fee, if documented.

<p>Annuities (KEESM 5622,5722.4)</p>
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An annuity is a contract or device in which a business or other carrier, conveys a right to receive a fixed periodic source of income for a specified period of time.

Carrier	Writer of the annuity. Must be an organization authorized to write and issue an annuity contract such as life insurance company.
Annuitant	Person entitled to payments from the settlement option.
Owner	Person who can exercise the rights in the annuity contract during the life of the annuitant. This person can assign themselves or another as the annuitant, choose the settlement option, and name the beneficiary.
Remainder Beneficiary	Individual entitled to receive any payment following the death of the annuitant.

Two Phases

1. Accumulation - Annuity accumulates value through a lump sum payment or multiple payments.
2. Pay Out - Once the annuity has matured, it is annuitized and regular payment begins for the annuitant.

Two Settlement Options

1. Immediate Annuity - Annuitized within a year of purchase and usually are purchased with a lump sum.
2. Deferred Annuity - Starts payments at some future age of the annuity and are usually funded through periodic payments.

All annuities must be evaluated to determine if a transfer of property is applicable per KEESM 5720.

- ▶ Any annuity purchased or transferred by the LTC spouse or LTC community spouse on or after 2/8/06, must name Kansas Medicaid the first remainder beneficiary for the total of medical assistance paid by Medicaid. Failure to do this, results in an uncompensated transfer.
- ▶ If the LTC spouse has named Kansas Medicaid as the remainder beneficiary, the annuity will have to meet certain conditions or the annuity will be considered an uncompensated transfer per KEESM 5720.
- ▶ If the annuity is not considered an uncompensated transfer, refer to KEESM 5620 to determine if it is a countable resource.

There will be two annuity worksheets in the KEESM forms section. One is for the EES worker and the other will be given to the applicant/recipient in order for them to obtain annuity information from the company.

Trusts
(KEESM 5620, 5721.4,5722.1)

A legal arrangement in which an individual (the trustor) gives fiduciary control of property to a person or institution (trustee) for the benefit of the beneficiaries.

Each trust must be reviewed to determine the terms and conditions of the instrument. A full copy of each reported trust must be obtained from the applicant/recipient. Any pertinent information supporting either the establishment, funding mechanism or current value must also be obtained. The material is forwarded to **KHPA** eligibility staff for review and a decision regarding the status of the trust or annuity will be communicated to eligibility staff.

NOTE: Remember to make a copy of the entire trust. All trusts should have a Schedule A or a list of assets included in the trust. When requesting a trust from an applicant/consumer please remind them to include this.

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