



Division of Medicaid & Medical Assistance Medicaid Long-Term Care



SNAPSHOT OF MILLER TRUSTS

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What is a Miller Trust?

A Miller Trust is an irrevocable trust that makes it possible for someone over the Medicaid income limit to become income eligible for Medicaid. It is also known as a Qualified Income Trust. This type of trust may only include income received by the individual.

Who needs a Miller Trust?

Any individual whose monthly income exceeds the State of Delaware's income limit for Long Term Care services (Nursing home, Elderly and Disabled Waiver, Developmental Disabilities Services Waiver, AIDS Waiver, Assisted Living or Acute Care) may benefit from establishing a Miller Trust. Delaware's income limit is 250% of the SSI standard.

How are administrative fees paid?

Administrative fees or bank fees would need to be paid out of the \$44.00 personal needs allowance. There are no other allowances for fees.

Miller Trusts
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What steps do I need to take to meet the Miller Trust requirements?

1. Go to a lawyer and have a Miller Trust created.

2. Set up a financial account (i.e., bank account) in which income will be deposited monthly. This bank account may only contain income such as private pensions, Social Security benefits, VA pensions, and any other income the individual is entitled to receive. The individual is permitted to first receive the income and then place it in the Trust account in the same month received.

The bank account must be designated as a trust account. Only income may be deposited in this account.

If a current account is to be converted to the designated trust account, the only funds that can be in the account are those that can be identified as income.

3. Provide the following information to appropriate DMMA case worker: copies of the Miller Trust document, financial instrument (bank statement), and verification of deposits made into account.

What should be done with the monthly income?

Each month the individual's income must be deposited into the trust account. The individual may decide to deposit all income or just the amount that is over the Medicaid income limit. Income deposited in the trust account will not affect eligibility.

Any income that is NOT deposited into the Miller Trust account will be compared to the income limit. Individuals may be over the income limit if income is not deposited in to the trust account upon receipt.

How should this money be used?

Each month, the income placed in the trust account must be paid out for the individual's medical care. Medical care includes nursing home payments. This means no funds other than the personal needs allowance should accumulate in the trust account.

How do you count income after Medicaid is approved?

All income received by an individual, whether placed in a Miller Trust or not, is subject to post-eligibility rules. The total monthly income received will be counted in the post-eligibility budgeting even though it is not counted in the income eligibility determination. Post-eligibility budgeting includes allowable deductions such as personal needs, health insurance premiums, and spousal income allowance. Any remaining income must be paid to the Medicaid provider on monthly basis.

What happens to the money in the trust?

Upon the death of the individual the state receives all amounts remaining in the trust account, up to the amount equal to the total medical assistance paid on behalf of the individual. The trust must have a provision to this effect.

This information is general. Please contact the local Medicaid Long Term Care Financial Unit for specific Information.

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