Why do we use a Miller Trust?

- To get long term care Medicaid, you must be
  - INCOME eligible and
  - ASSET eligible.
- The State has arbitrarily said you are not INCOME eligible if your monthly income exceeds an INCOME CAP.
- In 2020, the CAP is $2,349.
- The State counts GROSS income from ALL sources.
- The Miller Trust lets us BYPASS the CAP and get Medicaid

Rule if Income is below the CAP

Income received from all sources goes into checking account

- Personal Needs Allowance
- Spousal Diversion
- Non-covered MEDICAL expenses
- Patient Liability Amount (paid to nursing home)

Typically the following deductions are allowed from GROSS Income:

- Mandatory income deductions (withheld taxes)
- Medicare premium until month following Medicaid approval
- Certain “Protected” income – Section 2553

Rule if Income is ABOVE the CAP

Income received from all sources goes into checking account

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QIT/Miller Trust Account (a 2nd Checking Account)

Note: The Miller Trust account becomes the operating account

- Personal Needs Allowance
- Spousal Diversion (if applicable)
- Non-covered MEDICAL expenses
- Patient Liability Amount (paid to nursing home)

Some Additional Rules

- Only INCOME may go in a Miller Trust. If you put resources (e.g., savings) into the trust, then the trust doesn’t work.
- Dollars are only income during the month received – if retained to the following month, they are resources:
  - This means the Miller Trust must be funded MONTHLY.
- Disbursements must be made MONTHLY
- Once income goes into the trust, it can only be used for the permitted payments.
- All funds remaining in the trust after the Medicaid recipient dies must be paid to the State.