



- Limited admin expenses prior to reimbursement
- Expenses of last illness, funeral and burial AFTER reimbursement

Note: Important to pre-arrange funeral and burial!



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Power to Amend... Just in Case

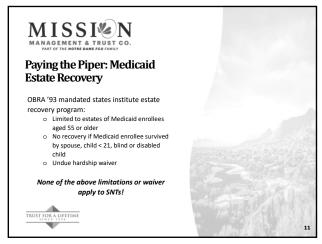
 $The \ SNT \ that \ passes \ muster \ today, \ will \ not \ tomorrow.$

- Limited not broad or general power to amend
- Give power to amend to someone other than beneficiary
- Limit power to amend so trust assets not considered available for maintenance and support

Drafting tip: Provide for amendments that ensure the SNT complies with the provisions of 42 U.S.C. \$ 1396p(d)(4), the POMS, and applicable state laws and regulations.











Paying the Piper: "Medical Assistance"

- Defined set of services (21 categories)
- · Excludes capitated payments unless estate recovery rules apply
- Transmittal 75: Premiums recoverable only if notice given

Practice tip: Make sure Medicaid's claim is only for the specific services enumerated and, if reimbursement of premium payments is sought, argue not permissible against SNT and confirm whether separate notice given.



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Conclusion: Counsel your Client!

- Right to reimbursement on termination at death and, possibly, during lifetime
- Dates back to when first eligible not to when the SNT established
- Consider what is included in "medical assistance"
- Confirm proper notice given if reimbursement of premium payments sought
- Consider which expenses are disallowed until after Medicaid is reimbursed



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