

# My Choice Trust Services

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## Supplemental Needs Trusts (SNTs) & Community Trust I

*Maintain benefits for the supports you need.  
Keep your assets for the life you **choose**.*



**Charlotte Filipovich, Director of Trust Services**

[Charlotte.Filipovich@ccany.org](mailto:Charlotte.Filipovich@ccany.org)

# WHAT ARE SUPPLEMENTAL NEEDS TRUSTS?

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# WHAT ARE SUPPLEMENTAL NEEDS TRUSTS (SNTs)?

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**A Supplemental Needs Trust (or “Special Needs Trust”) holds and manages funds for the benefit of a person with disabilities, allowing them to receive supplemental needs (e.g., medical expenses not covered by public programs, education, recreation, transportation, housing, etc.) that go beyond what “means-tested” government assistance (i.e., Medicaid, SSI) provides.**

By keeping excess assets in the trust, the beneficiary’s countable assets remain below the limits set by Medicaid and SSI, preserving their eligibility for these vital benefits.



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# WHAT ARE SUPPLEMENTAL NEEDS TRUSTS (SNTs)?

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**A SNT establishes a relationship among three parties:**

- 1. Beneficiary-** who the trust benefits (*ONLY the member / person with a disability*)
- 2. Donor/ Granter** – who funds the trust (varies among type of trust)
- 3. Trustee** –administers the trust and manages the funds (varies among type of trust)

There are **three** main types of SNTs – First-Party, Third-Party, and Pooled...



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# WHAT ARE SUPPLEMENTAL NEEDS TRUSTS (SNTs)?

## First-Party SNTs

### Funding

Funded **only** with the beneficiary's own assets.

### Establishment

*In NYS:* Can be set up by the beneficiary (with ability to consent), parent, grandparent, legal guardian, or the court.

The beneficiary *must* have a qualifying disability as defined by the Social Security Administration

The trust *must* be irrevocable (unchangeable)

### Age Limit

The beneficiary must be **under age 65** at the time the trust is created and funded (established).

What happens to the funds upon the death of the beneficiary?

There is a Medicaid payback provision that **requires the trust to reimburse Medicaid** for expenses paid on behalf of the beneficiary from the funds remaining in the trust upon the beneficiary's death.

### Examples of when to use:

- Receiving a personal injury or medical malpractice settlement
- Inheriting money or property directly
- Owning assets that exceed Medicaid or SSI asset limits

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# WHAT ARE SUPPLEMENTAL NEEDS TRUSTS (SNTs)?

## Third-Party SNTs

### Funding

Funded by someone else that is **not** the beneficiary

### Establishment

Can be set up by anyone *other than* the beneficiary, including but not limited to: parent, grandparent, legal guardian, or the court.

The beneficiary *must* have a qualifying disability as defined by the Social Security Administration

### Age Limit

There is no age limit to establish.

What happens to the funds upon the death of the beneficiary?

Funds are distributed according to the trust's terms. Remaining assets can be directed towards individuals and/or charities.

**There is no Medicaid payback requirement.**

### Examples of when to use:

- Family member has inheritance they want the beneficiary to have
- Donor wants to help support a loved one with a disability
- Donor wants to manage an inheritance for the person with a disability

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# WHAT ARE SUPPLEMENTAL NEEDS TRUSTS (SNTs)?

## Pooled SNTs

### Funding

Funded by anyone, including the beneficiary

### Establishment

Can be set up by anyone, including the beneficiary (if able to consent), parent, grandparent, legal guardian, or the court.

**Trustee *must* be a not-for-profit organization;  
co-trustee *must* be financial institution**

The beneficiary *must* have a qualifying disability as defined by the Social Security Administration

### Age Limit

There is no age limit to establish.

What happens to the funds upon the death of the beneficiary?

Funds are retained by the trust and used to help other beneficiaries with disabilities.

**There is no Medicaid payback requirement\*.**

### Examples of when to use:

- Beneficiary/Donor wants access to professional trustees to manage the trust for them
- Receiving a sum of money (e.g., inheritance, settlement, etc)
- Used similarly to a bank with lower minimum costs to establish

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# WHAT ARE SUPPLEMENTAL NEEDS TRUSTS (SNTs)?

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Things to keep in mind if your member (or their family) is considering establishing a trust...

1. What type of assets are they using to fund the trust (i.e., lump sum, structured payment, property, etc)? Who's assets are they using (beneficiary or other)?
2. What do they want to happen to the funds after the member (beneficiary) passes away?
3. What do they prioritize in a trust (i.e., flexibility with managing trust, flexibility with remaining funds, quick and affordable to establish, access to professional trustees, etc.)?

Most importantly: it is *ALWAYS* a good idea to seek legal advice

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# WHAT ARE SUPPLEMENTAL NEEDS TRUSTS (SNTs)?

FIRST-PARTY	THIRD-PARTY	POOLED
Funded with beneficiary's assets	Funded by someone else that is <b>not</b> the beneficiary	Funded by anyone, including the beneficiary
Must be established before beneficiary turns 65	Can be established at any age	Can be established at any age
Trustees can be individual, professional (financial, trust company, attorney), or court appointed	Trustees can be individual (family members, friends), professional (financial, trust company, attorney)	Trustees must be a non-profit organization, co-trustee must be a bank
Upon death of beneficiary, remaining funds are typically paid back to Medicaid	Upon death of beneficiary, remaining funds can be directed towards individuals and/or charities	Upon death of beneficiary, remaining funds are retained by the trust

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# WHAT IS COMMUNITY TRUST I?

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# WHAT IS A COMMUNITY SUPPLEMENTAL NEEDS TRUST (SNT)?

Community Trust I (CTI) is a **Pooled Supplemental Needs Trust (SNT)**.

An SNT is a type of trust created to help people with disabilities set money aside to be used for life-enhancing activities.

An SNT is designed to allow individuals with disabilities to retain and shelter assets for personal use and enjoyment, without negatively impacting eligibility for asset-capped government benefits in New York State.

These funds are **protected**, and **will not be counted** towards SSI, NYS Medicaid, or any other “means-tested” NY government benefit eligibility requirements.

**A Pooled (SNT) establishes a relationship among three parties:**

- 1. Beneficiary-** who the trust benefits
- 2. Donor/ Granter** – who funds the trust
- 3. Trustee** – not-for-profit which administers the trust and manages the funds. Trustee is CCANY; co-trustee is Pathfinder Bank.

*A supplemental needs trust can pay for life-enhancing items and services that government benefits do not*



# WHAT IS A COMMUNITY SUPPLEMENTAL NEEDS TRUST (SNT)?

Community Trust I (CTI) is a **Supplemental Needs Trust (SNT)** (also known as a Pooled SNT). A SNT is a type of trust created to help people with disabilities set money aside to be used for life-enhancing activities.

## COMPONENTS OF A COMMUNITY SUPPLEMENTAL NEEDS TRUST

1. The trust must be created and administered by a not-for-profit organization, such as CCANY;
2. All disbursements of trust funds must be for the sole benefit of the beneficiary;
3. An account may be established by the individual, legal guardian, power of attorney, or legal decree;
4. Separate accounts are maintained for individual beneficiaries, but assets are pooled for investment and management purposes;
5. All trust accounts close upon the passing of the beneficiary; and
6. Any funds that remain in the account after the passing of the beneficiary must be retained by the trust for the sole purpose of supporting other individuals with disabilities



# WHO ADMINISTERS MY CHOICE TRUST?

Beneficiaries do **not** need to be a member of our CCOs to enroll in My Choice Trust Services

My Choice Trust is sponsored by Coordinated Care Alliance NY (CCANY), a Management Service Organization (MSO) born out of the collaboration of two NY State 501 (c)(3) non-profit Care Coordination Organizations – LIFEPlan CCO and Advance Care Alliance of NY (ACANY).

Together, these Care Coordination Organizations, also known as CCOs, provide responsive, high-quality Care Management Services and support for more than 50,000 individuals with intellectual and/or other developmental disabilities throughout 48 counties in New York State.

## WHAT DO WE DO?

As a trustee, CCANY administers pooled supplemental needs trusts for the income and resource (asset) protection of individuals with disabilities.

CTI shelters excess resources while making impactful distributions, so our beneficiaries have the freedom to live their most meaningful lives.



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# WHO DOES COMMUNITY TRUST I TRUST BENEFIT?

My Choice Trust Services can benefit people who have:

- 👤 Excess resources (assets), such as inheritances or settlements, as a lump sum or structured payments

There are **no age requirements**, no limits on contribution amounts, and no maximum holdings.

To participate in Community Trust I, the beneficiary must **have a qualifying disability as defined by Social Security**

*If the beneficiary is not yet receiving government benefits based on disability, they may need to request a disability determination through their physician.*



## HOW IT WORKS: Community Trust I

Caleb has Down Syndrome and received a \$40,000 inheritance from a relative who did not know Caleb would lose his benefits because of it.

*By depositing this money into Community Trust I, Caleb can maintain eligibility for his benefits and the trust funds can pay for life-enhancing things that his benefits do not provide, such as assistive technologies and tuition for his college classes.*



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# BENEFITS OF COMMUNITY TRUST I: SPEND ON WHAT MATTERS

Trust funds can be used for items and services not covered by governmental benefits, such as:

- 🤝 Medical and dental care
- 🤝 Education and assistive equipment
- 🤝 Transportation
- 🤝 Entertainment and recreation
- 🤝 Home modifications
- 🤝 Rent\*, utilities\*, household items
- 🤝 Medicaid-eligible funeral arrangements\*\*

\*SSA may count these items as In-Kind Support and Maintenance (ISM), which could reduce the beneficiary's SSI payment.

\*\* Funeral expenses cannot be paid for by the trust. Medicaid-eligible includes burial fund and arrangements made prior to the death of the beneficiary. The beneficiary's trust account closes directly upon their death.



## HOW IT WORKS: Community Trust I

Valarie has autism and is working at a local grocery store while attending college. She recently received a bonus at work, and her personal account has grown beyond her government benefit asset limit. She has been saving up for assistive equipment to help with her classes but is faced with spending her bonus as to not jeopardize her benefits.

*By depositing her bonus into Community Trust I, Valarie can maintain eligibility for her benefits and can build her trust funds to pay for life-enhancing assistive equipment to help her with her college classes.*



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# BENEFITS OF COMMUNITY TRUST I: EASY & AFFORDABLE

## 1. Quickly established as documents are approved by NYS Medicaid and the Social Security Administration (SSA)

This makes it straightforward and inexpensive to set up and maintain. **A typical enrollment can be accomplished in as little as seven business days.**

## 2. Managed by professionally trained not-for-profit entity staff that understands Medicaid and SSI rules

Receive personalized service from a dedicated team that acts as your trustee.

## 3. Low minimum funding requirements

**Open an account with as little as \$250.**

\$100 covers the one-time enrollment fee, with monthly fees as published in the fee schedule. No hidden fees.

## 4. Easy funding options

Fund your trust electronically and/or by check.

Funds may also come directly from court settlements, escrow accounts, or individuals.



# SETTING UP AN ACCOUNT

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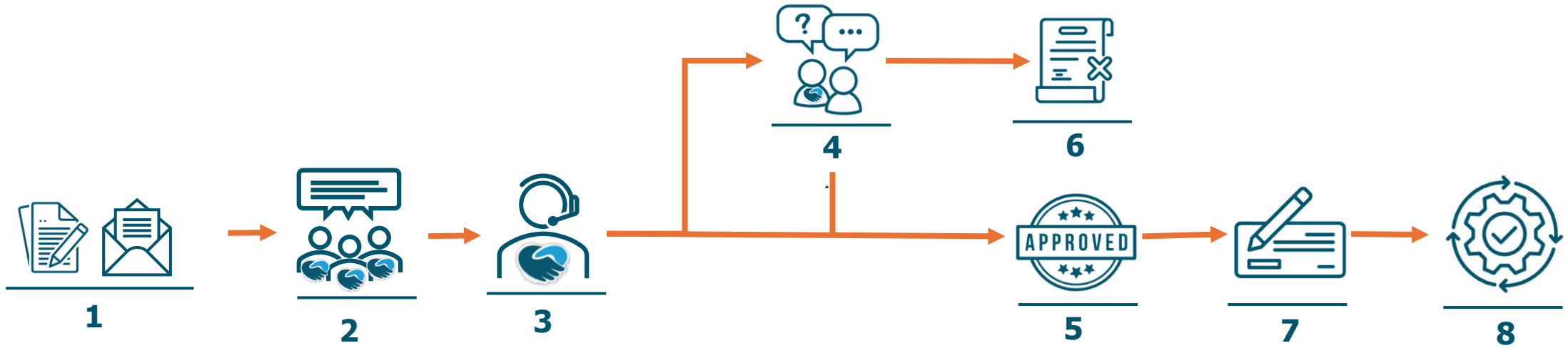
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# HOW TO ENROLL: ENROLLMENT PROCESS



1. Completed and notarized application and supporting documentation mailed or emailed (intake@MyChoiceTrust.org) to My Choice Trust
2. Director of Trust Services receives packet and sends to Board of Trustees for review
3. Trust Representative will reach out to applicant and inform them of the application's progress
4. If additional information is needed, the Director of Trust Services will review the necessary materials with the applicant

5. If all requirements are met and everything is in order, the application is approved
6. If requirements are not met, the application will be denied
7. Director of Trust Services will guide the beneficiary through the steps to fund the account with a minimum of \$250
8. Director of Trust Services will review trust functions with the beneficiary, including deposits and disbursements or payments, and answer any questions



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# HOW TO ENROLL: SUPPORTING DOCUMENTATION

In addition to the completed and notarized Enrollment Application (Joinder Agreement), the applicant will need to submit the following documents:

- 👤 Copy of Beneficiary's Social Security Card
- 👤 Copy of SSA Award Letter, or SSA 1099 (if receiving SSI or SSDI)
- 👤 If not yet receiving Medicaid or SSI, documentation of a disability determination that meets Social Security Administration (SSA) requirements must be provided

Beneficiaries **do not** need to be enrolled in Medicaid or SSI benefits to qualify for CTI. They **do** need to have a qualifying disability.

- 👤 Copies of Guardianship or POA paperwork, if applicable
- 👤 If the account creation is due to a court order, submit a copy of the order



**MY CHOICE TRUST SERVICES** **COMMUNITY TRUST ENROLLMENT APPLICATION (JOINDER)**

This is a legal document and agreement pertaining to a supplemental needs trust created pursuant to 42 United States Code §1396. We encourage you to seek independent, professional advice before signing.

The undersigned hereby adopts, enrolls in and establishes an account under the Coordinated Care Alliance NY, Inc., Master Trust dated May 2024. This Trust is Irrevocable.

This paperwork pertains to the Trust Services only. It is the responsibility of the beneficiary or their authorized representative to submit any required documents to Medicaid or any of the other appropriate governmental agencies related to benefit eligibility.

*\*\*Note: All questions must be answered, or your application will be delayed*

Disabled Beneficiary/Donor: \_\_\_\_\_  
(First, Middle, Last Name)

Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_ County: \_\_\_\_\_

Birthplace: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Home Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Mobile: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email Address: \_\_\_\_\_

Gender: \_\_\_\_\_ Marital Status:  Single  Married  Widowed  Divorced

If Married, Maiden Name: \_\_\_\_\_ Spouse's Name: \_\_\_\_\_

Does the Beneficiary have a Guardian?  Yes  No (if yes, please include documents)

If yes, Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address: \_\_\_\_\_

Enrollment Application and additional documents are located in the "Documents Library" on our website!



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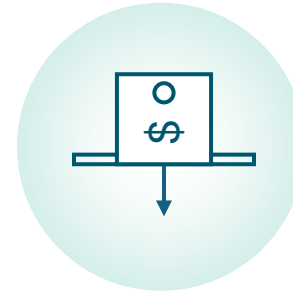


# HOW TO MAKE DEPOSITS & WITHDRAWALS

All documents and forms can be found in our Document Library at [www.MyChoiceTrust.org](http://www.MyChoiceTrust.org)



Set up automatic deposits and/or withdrawals



Set up one-time or monthly deposits



Download withdrawal and deposit forms from our website



New Account Deposit slip to fund account by check



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# HOW TO MAKE DEPOSITS & WITHDRAWALS

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Withdrawals and payments, also known as disbursements, should be requested for direct payment to third parties for life-enhancing items not otherwise covered by government benefits.

Individuals cannot directly withdraw funds from the trust or use trust funds to benefit people other than the beneficiary, as it could endanger the beneficiary's eligibility for Medicaid and/or SSI.

Complete the Withdrawal Form and submit it with appropriate supporting documentation to our headquarters at:

**My Choice Trust Services  
258 Genesee St,  
Mezzanine Level,  
Utica NY 13502**

or email to: **[request@MyChoiceTrust.org](mailto:request@MyChoiceTrust.org)**

All withdrawal requests will be reviewed on an individual basis. Approval is at the discretion of the trustees.



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# FAQs

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	FIRST	THIRD	POOLED
<b>Who established the account?</b>	Beneficiary, parent, grandparent, legal guardian, or court order.	Donor; parent, grandparent, or legal guardian. Not the beneficiary.	Beneficiary, parent, grandparent, legal guardian, or court order.
<b>Who funds the trust?</b>	Beneficiary	Anyone <i>other than the beneficiary</i> can contribute to the beneficiary's account	Anyone can contribute to the beneficiary's account
<b>What assets can fund the trust?</b>	Sums of money that belonged to the Beneficiary (e.g., inheritance, settlement, work-related bonus, back payment, lottery, etc)	Sums of money that DID NOT ever belong to the beneficiary (e.g., inheritance, gifts, etc)	Sums of money (e.g., inheritance, settlement, work-related bonus, back payment, lottery, etc)
<b>How much money does it take to start the trust?</b>	Varies on the trust – many financial institutions require large deposits	Varies on the trust – many financial institutions require large deposits	Varies on the trust (e.g., at My Choice, all documents are drafted so it takes \$250 to start).
<b>When can the trust be established?</b>	Before beneficiary turns 65	Any age, including over 65	Any age, including over 65
<b>Who are the trustees/ manages the account?</b>	Varies – corporate trustees, financial institutions, individuals	Varies- can be layperson (individual) or professional	Non-profit organization must be trustee; bank must be co-trustee
<b>What happens to the assets upon the death of the beneficiary?</b>	Payback to Medicaid	Varies- no Medicaid payback requirement. Can be directed towards individuals and/or charities	Account closed and funds retained by the trust. No Medicaid payback.

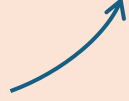
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# FAQs

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<https://www.ssa.gov/ssi/spotlights/spot-able.html>

Visit here for more information 

## WHAT IS THE DIFFERENCE BETWEEN A POOLED TRUST AND AN ABLE ACCOUNT?

An Achieving a Better Life Experience (ABLE) account is a tax-advantaged savings account to which contributions can be made to meet the qualified disability expenses of the owner, or designated beneficiary. ABLE accounts receive favorable treatment and are excluded from resources in whole or in part, for purposes of certain means-tested Federal programs.

### Funding

Any person (an individual, trust, estate, partnership, association, company, or corporation). SSI benefits can be deposited.

### Establishment

Can be established by the beneficiary or someone on their behalf (POA, legal guardian/conservator, spouse, parent, rep payee, etc). States administer ABLE programs.

### Age Limit

Individual with a SSA defined **disability that began before age 46**

### What happens to the funds upon the death of the beneficiary?

A portion or all of the balance remaining in the ABLE account must be paid back to Medicaid. More info on the website listed above.

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## WHAT IS THE DIFFERENCE BETWEEN A POOLED TRUST AND AN ABLE ACCOUNT?

ABLE Accounts and Community SNTs both offer a way to safeguard resources and preserve financial eligibility for benefits.

Beneficiaries can have an ABLE Account from a different agency and a Community SNT at the same time to maximize resources available.

	Community SNT	ABLE Account
<b>Enrollment and Set-Up</b>	<ul style="list-style-type: none"> <li>• Easy enrollment and can be set up with as little as \$250</li> </ul>	<ul style="list-style-type: none"> <li>• Very easy and inexpensive to set up</li> </ul>
<b>Managing the Account</b>	<ul style="list-style-type: none"> <li>• Beneficiary or authorized representative</li> <li>• Non-profit organization/trustee to manage disbursement, trust laws, and tax records related to disbursed taxable income</li> </ul>	<ul style="list-style-type: none"> <li>• Beneficiary or an authorized representative</li> </ul>
<b>Age Requirement</b>	<ul style="list-style-type: none"> <li>• No age requirement – must meet the social security disability requirement</li> </ul>	<ul style="list-style-type: none"> <li>• Disability onset prior to the age of 26, beginning in 2026 the age is increased to 46</li> </ul>
<b>Number of Allowed Accounts</b>	<ul style="list-style-type: none"> <li>• May have multiple SNTs</li> <li>• May also have an ABLE account</li> </ul>	<ul style="list-style-type: none"> <li>• Only one ABLE account per individual</li> <li>• May also have an SNT</li> </ul>
<b>Maximum Contribution Limits</b>	<ul style="list-style-type: none"> <li>• No limits to the contribution amount</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Limited to Federal Gift Tax annual exclusion amount which is currently \$20,000</b></li> </ul>
<b>Maximum Holdings</b>	<ul style="list-style-type: none"> <li>• No maximums</li> </ul>	<ul style="list-style-type: none"> <li>• <b>\$520,000</b></li> </ul>
<b>Benefit Impacts</b>	<ul style="list-style-type: none"> <li>• Amounts do not impact benefits</li> </ul>	<ul style="list-style-type: none"> <li>• <b>SSI will be suspended if account exceeds \$100,000</b></li> </ul>
<b>Debit Card Use</b>	<ul style="list-style-type: none"> <li>• Treated as income (see website for more details)</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to utilize a debit card for the account</li> </ul>

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# FAQs

## WHERE DO I FIND MORE INFORMATION?

Our website has TONS of information about Community Trust I, as well as resources for legal (including lawyers that can help with trusts), benefits, and disability determination!

We also post our presentation slides under the "Resources" tab!



The screenshot shows the website's navigation menu on the left and a "Helpful Resource Links" section on the right. The "Resources" tab in the navigation menu is circled in orange, with an orange arrow pointing to it from the text below. The "Helpful Resource Links" section is organized into four columns: LEGAL, BENEFITS, DISABILITY DETERMINATION, and OTHER. Each column lists various resources such as bar associations, legal information, and government services.

**MY CHOICE TRUST SERVICES**

- Home >
- About Us >
- Overview >
- Where To Begin >
- FAQs
- Resources**
- Document Library
- Contact Us

**GET IN TOUCH:**

### Helpful Resource Links

**LEGAL**

- NY Statewide Bar Associations
- NYS Bar Association
- Albany Law School Guardianship Information

**BENEFITS**

- Office for People with Developmental Disabilities
- Centers for Medicare and Medicaid Services
- Medicaid
- Social Security Administration
- SSI Eligibility Info Sheet
- OPWDD Benefit Resource Toolkit
- NYC Benefits and Support

**DISABILITY DETERMINATION**

- Medicaid Disability Determinations
- NYS Disability Determination Form (multiple languages)
- OPWDD Eligibility

**OTHER**

- Olmstead Rights – NY Disability Resources and Advocacy
- NYS Department of Social Services by County
- NY State Office for the Aging
- National Council on Aging
- Office of Disability Employment Policy
- NY Connects
- MY NY ABLE

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# FINAL THOUGHTS

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**Encourage members to start financial planning and protecting their assets as soon as possible!**

## **NY Medicaid 30- Month Look Back**

The law governing long-term nursing home or institutional care Medicaid eligibility requires the government to look back over a period of five years to review any transactions the Medicaid applicant made in which they sold, transferred, or gifted valuable financial assets for less than full value.

If a Medicaid applicant did conduct a “disqualifying transaction” Medicaid imposes a penalty period during which the applicant is not eligible for Medicaid benefits that is equal to the number of months the asset that was transferred impermissibly would have covered the cost Medicaid would pay for the services the applicant is seeking coverage for.

<https://ejrosenlaw.com/update-on-ny-community-medicaid-30-month-look-back/>



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# Questions?

Please reach out to Charlotte Filipovich,  
Director of Trust Services, with any  
questions or referrals!

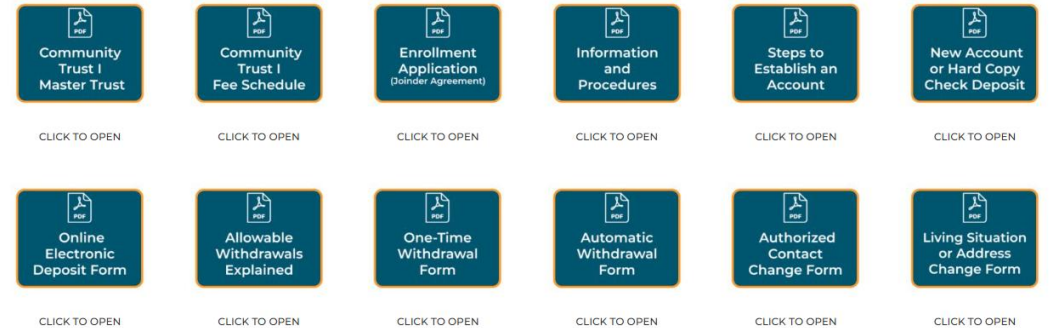
Email (Trust): [ContactUs@MyChoiceTrust.org](mailto:ContactUs@MyChoiceTrust.org)

Email (Personal): [Charlotte.Filipovich@ccany.org](mailto:Charlotte.Filipovich@ccany.org)

Phone: (866) 427-3575

## Document Library

Please click the tiles below to download the document. Once downloaded, you can either fill in electronically and save with a new name to your hard drive or print the document to complete by hand in hard copy. Documents requiring signatures and notarization will need to be printed, signed and notarized. From there, you can either scan and upload for electronic submission or mail in the hard copy.



Check out our website!  
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