

# Why Would I Need a Payback Special Needs Trust?

Presented By Logan K. Philipps



# MEDICAID

1. Why so important, isn't it just health insurance for poor?
2. Health Coverage
  - \*\*Better coverage than most parents/families expect
3. Medicaid Waiver
  - \*\*Frequently misunderstood by families

# Eligibility for DD Waivers

## What is a Waiver?

- History Matters

## DD SYSTEM Waivers

- Level 1 Waiver (big changes)
- SELF Waiver
- Individual Options (IO) Waiver

# MEDICAID WAIVER ENROLLMENT

Not an Entitlement

- Old Method – Waiting List

- New Method – Pass an Assessment and then.....Waiting List



# SOCIAL SECURITY

VERY CONFUSING FOR FAMILIES

- SSA
- SSI
- SSDI
- DAC

# SPECIAL NEEDS PLANNING

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## First Party Money v. Third Party Money

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# FIRST PARTY ASSETS

1. SSI / SSD
2. Unplanned Inheritance
3. Lawsuits
4. Gifts
5. Wages/Earnings

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6. STABLE Accounts

**\*\*\*ALL SUBJECT TO MEDICAID PAYBACK**

#1-5 = Beware of Asset limit

# Special Needs Trust

1. Should only be used for first party money
2. Includes payback provision
3. Reference SSI POMS
4. Disclose upon funding



# Pooled Trust

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Can be created by the individual or family

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Must be managed by a non-profit association

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Accounts are pooled for management and investment purposes

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Ohio Pooled Trust, CFMF or Dayton Foundation

# ABLE ACT STABLE ACCOUNTS

- Eligibility
  - SSI / SSDI / Certification of Disability
- Contributions
  - Not ideal for estate planning
  - \$16,000.00 annually (anything more will be returned)
  - Lifetime limit of appx \$400,000.00 / SSI limit of \$100,000.00
- Subject to Medicaid Payback
- Create online at [www.stableaccount.com](http://www.stableaccount.com)

The logo for STABLE ACCOUNT is displayed within a blue rectangular box. The word "STABLE" is written in a large, bold, white sans-serif font. To the right of "STABLE" are three white curved lines of increasing size, resembling a signal or sound icon. Below "STABLE", the word "ACCOUNT" is written in a smaller, white sans-serif font.

# USE OF STABLE ACT ACCOUNTS

- Qualified Disability Expenses
  - Basic Living Expenses
  - Housing
  - Transportation
  - Education
  - Assistive Technology
  - Employment Training
  - Personal Support Services
  - Legal Fees
  - Health & Wellness
  - Financial Management

# QUESTIONS?



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