

# Do you have clients with disabilities who need to protect settlement proceeds to maintain eligibility for Medicaid and/or Supplemental Security Income (SSI) benefits?

Get peace of mind knowing that the settlement you fought to secure will not affect your client's eligibility to receive vital government benefits and can improve their quality of life both now and in the future.



## Using a Pooled Trust to Protect Excess Resources

Under 42 U.S.C. 1306p(d)(4)(c) and accompanying Federal and New York State regulation, a pooled supplemental needs trust (SNT) is a special type of irrevocable trust that allows people with disabilities of any age to protect excess funds in order to maintain financial eligibility for means-tested government benefits such as Medicaid and/or Supplemental Security Income (SSI).

Receiving even a small monetary settlement could jeopardize a person's eligibility for services. Using a pooled trust to protect settlement proceeds allows people with disabilities to safeguard the essential benefits that support their daily living needs while utilizing their excess funds to purchase life-enhancing items and services not covered by those benefits.



Effective January 1, 2023:

### MEDICAID RESOURCE LIMITS

Individual.....	\$30,182
Couple (Combined) .....	\$40,821

### SSI RESOURCE LIMITS

Individual.....	\$2,000
Couple (Combined).....	\$3,000

## Benefits of a NYSARC Pooled Trust:

- Easy and inexpensive to set up
- Pooling funds reduces administrative costs and provides opportunity for growth
- Professional trust administration by experienced not-for-profit trustee
- Extensive knowledge of government benefits and the needs of people with disabilities
- Client gets own sub-trust account and team of representatives to help manage trust assets
- Medicare Set Aside (MSA) administration

For more information, call 518-439-8323 or visit [www.nysarctrustservices.org](http://www.nysarctrustservices.org)

## ABOUT NYSARC TRUST SERVICES

Since 1972, NYSARC has helped thousands of people qualify and maintain eligibility for benefits, while maximizing trust funds to enhance each beneficiary's quality of life. A person can establish a NYSARC Community Trust I or III account to protect excess resources/assets. NYSARC also offers professional administration of Medicare Set-Aside (MSA) accounts. Please see the chart below for more information about the minimum funding required and monthly costs of each program.

Type of Trust	Minimum Opening Deposit	Fees*	Disposition of Remainder at Death
<b>Community Trust I</b> First Party Pooled Trust for excess resources	\$300 funded with lump sum or structured settlement	Enrollment: \$200  Administrative: Greater of 0.075% monthly or \$20/month	Retained by Trust to benefit other people with disabilities
<b>Community Trust III</b> First Party Pooled Trust for excess resources	\$250,000 funded with lump sum or structured settlement	Enrollment: \$500  Administrative: 0.05% monthly	Trust may retain balance, or a portion of the balance, depending on the Medicaid lien amount. Possible remainder beneficiary/s after Medicaid payback.

\*Additional fiduciary management fees apply. Visit [nysarctrustservices.org](http://nysarctrustservices.org) to review the current fee schedule.

### ***Who can benefit from using a Pooled SNT to protect excess resources?***

A person who receives Medicaid and/or SSI benefits, or who may utilize these benefits in the future, can use a SNT to protect excess resources. A pooled SNT offers an affordable alternative to an individual SNT and can help maximize the value your client receives from settlement funds while protecting benefit eligibility. You may consider a pooled trust when:

- Your client wants the benefit of lower fees and opportunity for growth by pooling funds with others
- Your client is receiving a modest sum of money that does not warrant the expense of an individual SNT (d4A trust)
- There is not an appropriate person to serve as trustee of an individual SNT
- Your client has complex medical needs and could benefit from a professional trustee who understands government benefits and has years of experience serving people with disabilities
- Your client is over the age of 65 and can no longer spend-down funds in a individual SNT (d4A trust)

### ***How to establish a Pooled SNT with excess resources:***

The process to establish a pooled SNT is quick and easy because the trust documents have already been drafted and approved by the Social Security Administration (SSA). Simply complete the Joinder Agreement to apply for the trust and attach supporting documentation with the minimum opening deposit. The Joinder Agreement must be notarized and may be signed by the trust beneficiary or an authorized individual (parent, grandparent, Guardian, or Power of Attorney).

### ***How to fund a Pooled SNT with excess resources:***

Your client can fund a trust with a lump sum payment or a structured settlement such as an annuity. When funding the trust with settlement proceeds, the settlement agreement or court order could direct the funds into the pooled trust. Structured settlements need to be irrevocably assigned by court order. If a settlement has already been negotiated, funding for the trust may also come directly from your attorney escrow account or your client's bank account.

### ***What can the trust pay for?***

The funds in a pooled trust are intended for the primary benefit of the trust beneficiary to pay for life-enhancing items and services that their benefits do not provide, such as uncovered medical expenses, adaptive equipment, recreation, and more!