

**Can I still qualify for Medicaid nursing facility eligibility  
if my income is more than the allowed \$2,130 per month?**

To qualify for Medicaid nursing facility eligibility in 2013, an individual's monthly income must be \$2,130 or less. Does this mean that if a person earns more than \$2,130 per month that that person will not qualify for Medicaid, even if he/she cannot afford the facility's private pay rate? No. If an individual meets the resource/asset limit for eligibility but has an income above the \$2,130 and up to or below \$4,642, that person may be able to establish a Medical Assistance Income Trust, more commonly known as a Miller Trust, to become eligible for Medicaid nursing facility care.

A Miller Trust is an irrevocable trust established on or before August 10, 1993, for the benefit of an individual and is used to help pay the cost of nursing facility care. The person residing in the nursing facility is designated as the beneficiary, and after the beneficiary's death, all remaining amounts, up to the amount of Medicaid paid for the beneficiary, are paid to the State, the residuary beneficiary. Once a trust is established, a bank account for monies associated with the trust can be opened. Only certain funds, including the beneficiary's earned and unearned income, can be deposited into the Miller Trust account. A trustee, usually a spouse or family member, is the person who administers the trust and pays out money.

It is important to note that a Miller Trust can also be established by an individual to aid in qualifying for in-home care under Medicaid's Elderly Waiver program. Anyone interested in and needing to establish a Miller Trust to become eligible for Medicaid should contact an attorney.

For more information on the Long-Term Care Ombudsman Program or to reach a Local Long-Term Care Ombudsman, please call 866-236-1430.

References:

[http://www.dhs.state.ia.us/Consumers/Find\\_Help/County\\_Offices/CFEU.html](http://www.dhs.state.ia.us/Consumers/Find_Help/County_Offices/CFEU.html)

<http://www.iowalegalaid.org/resource/miller-trusts-helping-pay-for-nursing-home-ca>

[http://www.dhs.iowa.gov/policyanalysis/policymanualpages/manual\\_documents/master/8-I.pdf](http://www.dhs.iowa.gov/policyanalysis/policymanualpages/manual_documents/master/8-I.pdf)

<http://www.iowa-MedicaidTrusts.com>

*The mission of the Office of the State Long-Term Care Ombudsman is to protect the health, safety, welfare, and rights of individuals residing in long-term care by investigating complaints, seeking resolution to problems, and providing advocacy with the goal of enhancing quality of life and care.*