

How to use a pooled SNT to eliminate the Medicaid spend-down.

This Fact Sheet explains how to use a Pooled Supplemental Needs Trust to eliminate the Medicaid spend-down (updated for 2023) - See SPANISH TRANSLATION.

N. Y. Social Services Law Â§ 366, subd. 5 (f) - **Law enacted Dec. 18, 2017** - NEW LAW enacted that requires the State Dept. of Health to provide written notice in plain language to an applicant for or recipient of medical assistance who reasonably appears to be eligible for medical assistance except for having income exceeding applicable income levels ... , that in certain circumstances the medical assistance program does not count income . . . if it is placed in a trust The notice shall be included with the eligibility notice ...and shall reference where additional information may be found on the department's website...." L. 2018, Ch. 475, enacting A 5175-A /S 1241-A (Search bill number [here](#))

Note that new State forms were required in Dec. 2021 (replacing the 486T with DOH-5143) and in August 2021 (replacing the 1151 form and requiring a new HIPPA form), with other forms revised in October 2012 for proving disability, as needed for approval of a Supplemental Needs Trust. See this article for links to the new forms.

Also note that NYSARC revised its joinder agreement and certain procedures for its Community Trust II in July 2017. Links to these revised forms are on NYSARC website, as well as in this article .

NEW March 2020 - a Power of Attorney used to enroll a beneficiary into a pooled trust or to establish an SNT NO LONGER must have a Statutory Gift Rider. See GIS 20 MA/03 - Clarification of GIS 19 MA/04. "Clarification of Policy for Treatment of Income Placed in Medicaid Exception Trusts" See more here about the directive and how it came about from advocacy from the NYS Bar Association Elder Law & Special Needs Section.

Also see these new tools to help clients who want to enroll in pooled trusts, developed by NYLAG:

- Pooled Trust Readiness Checklist
- Pooled Income Trust Contribution Worksheet
- Watch this taped seminar by David Silva, Asst. Director of the Evelyn Frank Legal Resources Program, explaining pooled trusts. (July 16, 2013)

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