



**The Arc of Indiana
Master Trust**
thearctrust.org

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FSSA Call Center
PO Box 1810
Marion, IN 46952

Dear Director:

The individual referenced on the following account statement is a recipient of Medicaid and has a trust account with The Arc of Indiana Master Trust.

As you will see, the beneficiary's access to the trust is restricted. Section 2615.75.20.10 of the ICES manual concerns trusts that are *not* governed by OBRA-93. This trust is *not* governed by OBRA-93. Section 2615.75.20.10 says that trusts not governed by OBRA-93 "must be reviewed for the purpose of determining the 'availability' of the trust." Section 2605.15.00 says, "Resources are available if the owner has the unrestricted right, authority, or legal ability to liquidate or dispose of the property or her share of the property. Resources must be available in order to be counted in the eligibility determination." Section 2605.10.00 says, "The owner of a resource is any individual who has the ability to liquidate or dispose of the resource."

Based on the provisions in the trust document, the beneficiary is not the owner of the trust and does not have the unrestricted right, authority, or legal ability to liquidate or dispose of the property. Articles Two, Four, Six, and Eight of the trust document are most pertinent in this matter.

When reading Article Two, you will note that the trust cannot pay for the beneficiary's basic maintenance, support, medical, dental, or therapeutic care. Thus, the trust is not a medical resource subject to third party liability.

Although the trust is not a resource, we recognize that how it is spent might count as income or a resource to the beneficiary. We intend to limit trust expenditures to ways that will not count as income or a resource to the beneficiary. All expenditures will be reported to your office.

Sincerely,

A handwritten signature in black ink that reads "Melissa Justice".

Melissa Justice
Director

Enclosure: Account Statement