



Trusts and ALTCS Eligibility Quick-Reference Guide

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This quick-reference guide focuses on how trusts impact eligibility for The Arizona Long Term Care System (ALTCS) program. For information on how trust income or income assigned to a trust affects other AHCCCS programs, see AHCCCS Medical Assistance Eligibility Policy Manual, MA606MMM.

When an individual applies to ALTCS, AHCCCS conducts a review of that individual's (and, if applicable, a spouse's) income and resources. Income and resources that are assigned or titled to a trust may be counted differently when determining if someone qualifies for AHCCCS.

Review the references below before submitting trust documents to AHCCCS:

- A. Special Treatment Trusts:** Special Treatment Trusts (STTs) may allow people who would not otherwise qualify due to excess resources or income to become eligible for ALTCS. The assets in a STT are not counted for the income and resource tests. In return, AHCCCS recovers the cost of these benefits from the trust upon the death of the customer or termination of the trust. There are three types of STT:
1. Trusts for Individuals Under Age 65 with a Disability;
 2. Income-Only Trusts; and
 3. Pooled Trusts.
- B. Non-Special Treatment Trusts:** Trusts that were not created to qualify for special treatment or that do not qualify as a Special Treatment Trust are known as non-special treatment trusts. There are four kinds of non-special treatment trusts:
1. Revocable;
 2. Irrevocable;
 3. Medicaid Qualifying Trusts (MQT); and
 4. Testamentary and Non-Grantor Trusts.
- C. References:**
1. AHCCCS Medical Assistance Eligibility Policy Manual, Chapter 800
 - i. MA 803(A) and 803(E) lists requirements and information for all STT.
Note, a submitted STT that does not meet the requirements must be amended to qualify as a STT.
 - ii. MA 803(B) – (D) lists specific requirements for each type of STT.
 - iii. MA 802 lists information about non-special treatment trusts.
 2. Federal Law: 42 U.S. Code § 1396p(d)
 3. Arizona Law: Arizona Revised Statutes § 36-2934.01
 4. Arizona Regulations: Arizona Administrative Code R9-28-407 and AAC R9-28-408