

Kansas Medicaid State Plan

Supplement 10 to Attachment 2.6-A

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The agency does not apply the trust provisions in any case in which the agency determines that such application would work an undue hardship.

The following criteria will be used to determine whether the agency will not count assets transferred because doing so would work an undue hardship:

The individual must verify that he or she has exhausted all legal remedies for gaining complete access to the principal as well as income of the trust and that all other nonexempt assets have been expended to meet living and medical expenses, including those amounts protected under the allowable resource levels.

Under the agency's undue hardship provisions, the agency exempts the funds in an irrevocable burial trust.

The maximum value of the exemption for an irrevocable burial trust is set under state law, K.S.A. 16-303(c), at \$10,000 as of July 1, 2021, and, as further set by state law, will increase annually starting July 1, 2022, in an amount equal to the average percentage increase in the consumer price index for all urban consumers in the Midwest Region as published by the bureau of labor statistics of the United States Department of Labor.*

* Under state law, an irrevocable trust for funeral services cannot exceed its specified amount. An irrevocable trust for purpose of pre-purchasing burial merchandise (including plots, spaces, vaults, caskets, etc.) can be established for any amount.