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SUPPLEMENT 10 to ATTACHMENT 2.6-A  
Page 1  
OMB No.: 0938-

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Ohio

CONSIDERATION OF MEDICAID QUALIFYING TRUSTS--UNDUE HARDSHIP

1902(k)(4) of the  
Act, P.L. 99-272  
(Section 9506)

The following criteria will be used to determine whether the agency will not count the funds in a trust as specified in ATTACHMENT 2.6-A, section C.2., because it would work an undue hardship for categorically and medically needy individuals:

"Undue hardship" is defined as situations where a trust cannot be modified or dissolved, based on a legal review of the document, in a manner that would make the funds available as a resource to the applicant/recipient.

This means the trust cannot be dissolved due to inability to do so under the law, due to the discretion of a judge/court, or due to prohibitive cost.

Each trust must be reviewed and documented on a case-by-case basis.

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TN No. 91-28  
Supersedes  
TN No. 86-39

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