



OSNT Quarterly

Achieve with us.

IN THIS ISSUE:

- From the Director
- Benefit Verification
- Investment Performance Report
- In-Kind Support
- Online Account Access
- Over 65 Update
- POMS

FROM THE DIRECTOR

By Paula Boga

Happy Fall Everyone!

I have just returned from a 3 day conference dedicated to the legal and administrative aspects of Special Needs Trusts. I was able to network with attorneys, trustees and administrators from all over the county, and to get the latest information on how our trust may be affected by changes in Social Security guidelines and by the Affordable Care Act. Although there are still a lot of unanswered questions, I have tried to provide some information that may be helpful for our beneficiaries and their representatives.

Also, I am very happy to report that Online Account Access is now available as promised! Please see below for more information on how to access your account, if you have not already done so. So far, feedback from beneficiaries, providers, and representatives is overwhelmingly positive!

We continue to work on local check writing abilities and expect that option to be fully implemented by the end of the year. See inside for more information on that front.

As always, please do not hesitate to contact me if you have any questions about your trust account. I am happy to assist you in any way that I can.



Paula

BENEFIT VERIFICATION

Very soon, beneficiaries of the Oregon Special Needs Trust will be receiving their annual letter from Social Security that confirms what his or her monthly benefit payment will be in 2014.

PLEASE, please, please, send a copy of that letter to our office. You may send it via email, fax or postal mail.

Why?

In order to administer each trust subaccount effectively, it is essential that we know what benefits each of our account beneficiaries is receiving. There are many reasons for this but, first and foremost, we are obligated to administer the trust in a way that will not in any way jeopardize any public benefits being received. In order to live up to that obligation, we need to know about any and all public benefits that are being received. For that reason, we are requesting that copies of any benefit determinations and/or redetermination letters are sent to our office. We appreciate your help in making sure that we are executing our duties appropriately, and that we can document our files accordingly.

In addition to the annual benefit letters that you may receive, please be sure to complete the Beneficiary Profile that is now being sent to all account holders as part of our annual account review process. Your help will assist us in serving you better!



Stay informed

Stay informed about all of the great things happening at the OSNT and at The Arc Oregon by signing up for our e-newsletter. Go to our website at www.thearcoregon.org and click the *Stay In Touch* box to register.



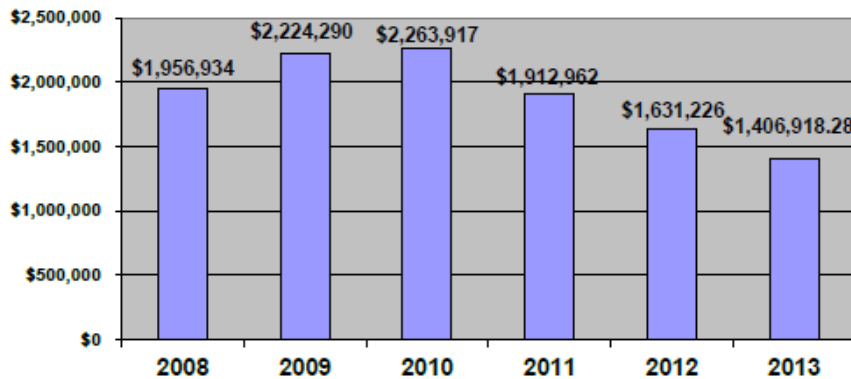
Investment Performance: 3rd Quarter - 2013

OREGON SPECIAL NEEDS TRUST

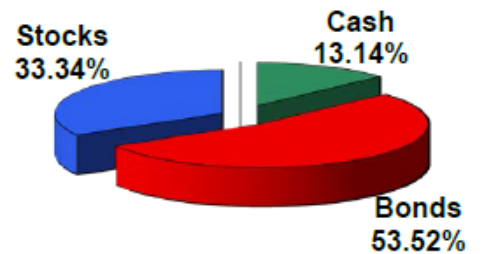
Performance Results for the Period Ending September 30th, 2013

The Oregon Special Needs Trust seeks to achieve a rate of current income necessary to meet the needs of the Trust beneficiaries.

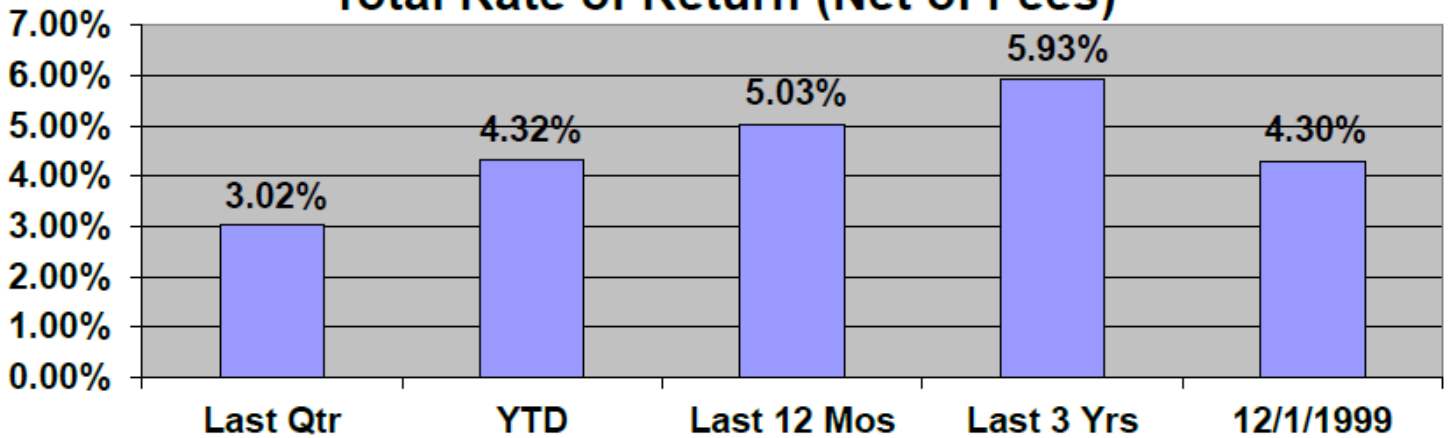
Total Contributions



Portfolio Composition



Total Rate of Return (Net of Fees)



Disclaimer: Returns shown represent the results of the Oregon Special Needs Trust managed by HighMark Capital Management, a subsidiary of Union Bank, NA. Historic performance is no guarantee of future results. Proceeds upon redemption may be either less than or greater than the original investment. There is no guarantee that this or any investment strategy will achieve its investment objective. Investments are not guaranteed by Union Bank, NA and are not insured by the FDIC or any other government agency.

COMMON QUESTIONS

Q

Why can't I use my trust subaccount to pay for food or shelter?

A

The Social Security Administration considers any outside assistance with food or shelter to be "in-kind" support and maintenance. According to the SSA, "in-kind support and maintenance means any food or shelter that is given to you or that you receive because someone else pays for it. Shelter includes room, rent, mortgage payments, real property taxes, heating fuel, gas, electricity, water, sewerage, and garbage collection services." Even if the trust account was funded with a beneficiary's own money, any disbursement from that fund for food or shelter is still considered to be in-kind support and maintenance by the SSA. The Oregon Special Needs Trust Master Agreement specifically prevents us from approving any disbursements that would adversely affect benefits being received OR eligibility for such benefits. Even a person who is not receiving SSI but may qualify in the future, would be adversely effected by a trust fund disbursement for food or shelter. For that reason, the OSNT has a standard policy of not approving disbursements for food or shelter related expenses. Our number one goal is to protect your benefits!

ONLINE ACCOUNT ACCESS IS HERE!

Last month, all beneficiaries and authorized representatives, for whom we have an email address on file, received an email with a username and password to log into our new online account access webpage. If you did not receive an email from us, please contact our office to request online access.



With online access, you can:

- View and/or print account activity for any time period back to January 1, 2013
- View a list of all accounts for which you are an authorized person, with one login
- Update your email address and/or password at any time

Going Green!

We encourage anyone who would like frequent account statements sign up for online access. In support of our efforts to reduce waste and improve efficiency, once you login to your account and set a permanent password, you will no longer receive paper statements in the mail. If, for some reason, you need to still receive a quarterly or annual statement in the mail, you will need to contact our office to make that request.

We hope that you will utilize this new service and we hope that you will not hesitate to contact our office if you need any assistance.

To request a login:

- Call us at 503.581.2726, or
- Email us at OSNT@thearcoregon.org, or
- Submit an online request at www.thearcoregon.org (go to Get Help - OSNT - For Account Holders/Online Account Access Request)

DEPOSITS FOR BENEFICIARIES 65 AND OVER

AN UPDATE

One of the major topics of discussion at this year's Stetson Conference on Special Needs Trusts was the issue of whether or not beneficiaries over the age of 65 could deposit money into a special needs trust account. There is still a great deal of inconsistency in how this issue is handled in various states around the country. The bottom line is that, because this is a Medicaid-based issue, this determination is made on a state by state basis and is often the result of legislation or case law.

Currently in Oregon, pursuant to OAR 461-145-0540(10)(a), a trust that meets the requirements for a pooled trust (such as the OSNT) will not be considered in determining eligibility for Medicaid **except that if the client is age 65 or older when the trust is funded or a transfer is made to the trust, the transfer may constitute a disqualifying transfer of assets under OAR 461-140-0210 and following.**

So, what does that mean? It means that depositing money into an OSNT subaccount that belongs to a beneficiary who is 65 or over may disqualify that beneficiary for Medicaid and/or Medicaid related services or waivers. (Note that this does not apply to third-party donor-funded trusts.)

We will continue to explore our options for how we can work with the State to find a solution to this problem. We understand that our beneficiaries who turn 65 still need the protection from accumulating excess funds that the OSNT provides, and we hope to be able to report positive changes in the future. Unfortunately, these things often take a significant amount of time and we do not expect any changes in the near future. We will certainly keep you informed of any new developments as they occur.



Presentations

Are you a member of a group that may benefit from more information about the Oregon Special Needs Trust?

Program Director, Paula Boga, is available for group presentations throughout the state of Oregon.

Contact Paula at 503.581.2726, ext 303, or pboga@thearcoregon.org to schedule a date for your group.



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IN THE NEXT ISSUE:

➤ Year End Investment Performance Report

➤ Updates on:

- ~ Credit Card Purchasing
- ~ Turn-around time improvements

Watch for the next issue in January!

ABOUT THE POMS

WHAT IS THE POMS?

The *Program Operations Manual System* (POMS) is a primary source of information used by Social Security employees to process claims for Social Security benefits. Although the POMS does not have the force and effect of law, it has been found in court to be “persuasive”, and the interpretation of the POMS by the SSA is responsible for enforcing rules. The POMS is also subject to judicial review when/if decisions are contested.

WHY IS THE POMS IMPORTANT FOR TRUST ACCOUNT ADMINISTRATION?

When a Social Security representative has a question about compliance with Social Security rules or other issues surrounding Social Security benefits or eligibility, he or she refers to the POMS to make a determination. More specifically, if during an eligibility review, the SSA representative learns of an existing trust account, they will refer to the POMS when determining if that trust account is a countable asset. The trust must meet the eligibility criteria in order to be a NON-countable asset for eligibility determination.

Additionally, if the POMS changes in some way that effects how we may administer the trust in order to maintain a beneficiary’s eligibility for benefits, we must adjust our processes and procedures accordingly. For example, many of you were affected by the POMS change in 2012 that determined reimbursements to family members to be income to the beneficiary. At that time, we were forced to start telling family members that they could not be reimbursed for purchases. Then, as a result of massive pushback from the legal and advocacy communities (including The Arc), SSA officials met with representatives from the disability community and ultimately reversed their decision in February of this year. At that time, we were able to start reimbursing family members once again.

As you can see, we are often at the mercy of the SSA when it comes to how we administer a trust account. Not only that, but the SSA does not give any type of warning or formal announcement when these changes are made. We must be diligent in reviewing the POMS on a regular basis, and in communicating with other trust professionals around the country.

The implementation of this newsletter and our new trust administration software, will serve as excellent tools moving forward so that we can keep you updated as changes occur in the rules, and as we implement changes in our processes and procedures in order to comply with those rules.

Do you have a question or topic that you think should be featured in the next newsletter? Please send your question to pboga@thearcoregon.org.