

HOUSE No. 4227

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 22, 2019.

The committee on Health Care Financing, to whom was referred the petition (accompanied by bill, House, No. 615) of Kate Hogan and others relative to the disposal of resources for determining eligibility for Medicaid, reports recommending that the accompanying bill (House, No. 4227) ought to pass [Cost: Greater than \$100,000.00].

For the committee,

JENNIFER E. BENSON.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to preserve special needs trusts for disabled seniors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 28 of chapter 118E of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by adding at the end thereof the following paragraph:—

3 A transfer by an individual age 65 and over into a trust that conforms to 42 U.S.C.
4 §1396p(d)(4)(C) established for the sole benefit of said individual shall be considered by the
5 division as a disposal of resources for fair market value, to the extent that such resources could,
6 under any circumstances, be used by the trustee to provide goods or services to the individual at
7 fair market value.