

HOUSE No. 1274

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Hogan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to preserve special needs trusts for disabled seniors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>2/18/2021</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/25/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/25/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/25/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/25/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/25/2021</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>2/25/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/25/2021</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>3/5/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>3/5/2021</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>3/5/2021</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>3/5/2021</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/8/2021</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>3/8/2021</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>3/17/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/17/2021</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>3/17/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>3/17/2021</i>

<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>3/17/2021</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>3/17/2021</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>3/17/2021</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	<i>3/17/2021</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>3/22/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/22/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>3/30/2021</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>3/30/2021</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>3/30/2021</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>3/30/2021</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>10/13/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>10/13/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>10/13/2021</i>

HOUSE No. 1274

By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 1274) of Kate Hogan and others relative to the disposal of resources for determining eligibility for Medicaid. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4227 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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.