

**HOUSE . . . . . No. 1202**

**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>1/18/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/27/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/14/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/14/2023</i>
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>2/14/2023</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/14/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/27/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/27/2023</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/27/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/27/2023</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/27/2023</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/27/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/27/2023</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/27/2023</i>

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By Representative Hogan of Stow, a petition (accompanied by bill, House, No. 1202) of Kate Hogan and others relative to the disposal of resources for determining eligibility for Medicaid. Health Care Financing.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4792 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

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 28 of chapter 118E of the General Laws, as appearing in the 2020 Official  
2 Edition, is hereby amended by adding the following paragraph:-

3           The division shall consider a transfer of assets by an individual age 65 or older or a  
4 transfer made for the sole benefit of an individual age 65 or older into a trust pursuant to 42  
5 U.S.C. 1396p(d)(4)(C), established for the sole benefit of said individual, to be a disposal of  
6 resources for fair market value, to the extent that such resources shall be available, under any  
7 circumstances, to be used by the trustee to provide goods and services to the individual, or to  
8 reimburse such costs, at fair market value.