

**HOUSE . . . . . No. 2074**

**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 preserve special needs trusts for disabled seniors.

PETITION OF:

| NAME:                       | DISTRICT/ADDRESS:           |
|-----------------------------|-----------------------------|
| <i>Kate Hogan</i>           | <i>3rd Middlesex</i>        |
| <i>Steven Ultrino</i>       | <i>33rd Middlesex</i>       |
| <i>Thomas M. Stanley</i>    | <i>9th Middlesex</i>        |
| <i>Jennifer E. Benson</i>   | <i>37th Middlesex</i>       |
| <i>Brendan P. Crighton</i>  | <i>11th Essex</i>           |
| <i>Daniel Cahill</i>        | <i>10th Essex</i>           |
| <i>Ruth B. Balser</i>       | <i>12th Middlesex</i>       |
| <i>Patrick M. O'Connor</i>  | <i>Plymouth and Norfolk</i> |
| <i>Jason M. Lewis</i>       | <i>Fifth Middlesex</i>      |
| <i>David Paul Linsky</i>    | <i>5th Middlesex</i>        |
| <i>Colleen M. Garry</i>     | <i>36th Middlesex</i>       |
| <i>Frank I. Smizik</i>      | <i>15th Norfolk</i>         |
| <i>David F. DeCoste</i>     | <i>5th Plymouth</i>         |
| <i>David M. Rogers</i>      | <i>24th Middlesex</i>       |
| <i>Elizabeth A. Poirier</i> | <i>14th Bristol</i>         |
| <i>Jay R. Kaufman</i>       | <i>15th Middlesex</i>       |
| <i>Danielle W. Gregoire</i> | <i>4th Middlesex</i>        |
| <i>Mark J. Cusack</i>       | <i>5th Norfolk</i>          |

|                               |                         |
|-------------------------------|-------------------------|
| <i>Claire D. Cronin</i>       | <i>11th Plymouth</i>    |
| <i>Brian M. Ashe</i>          | <i>2nd Hampden</i>      |
| <i>Sean Garballey</i>         | <i>23rd Middlesex</i>   |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i>     |
| <i>RoseLee Vincent</i>        | <i>16th Suffolk</i>     |
| <i>Christine P. Barber</i>    | <i>34th Middlesex</i>   |
| <i>Patricia D. Jehlen</i>     | <i>Second Middlesex</i> |
| <i>Michelle M. DuBois</i>     | <i>10th Plymouth</i>    |
| <i>Michael O. Moore</i>       | <i>Second Worcester</i> |
| <i>Kay Khan</i>               | <i>11th Middlesex</i>   |
| <i>James J. O'Day</i>         | <i>14th Worcester</i>   |
| <i>Sheila C. Harrington</i>   | <i>1st Middlesex</i>    |
| <i>John H. Rogers</i>         | <i>12th Norfolk</i>     |
| <i>Mike Connolly</i>          | <i>26th Middlesex</i>   |

**HOUSE . . . . . No. 2074**

By Ms. Hogan of Stow, a petition (accompanied by bill, House, No. 2074) of Kate Hogan and others relative to the disposal of resources for determining eligibility for Medicaid. Elder Affairs.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act 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 2014  
2 Official Edition, is hereby amended by adding at the end thereof the following paragraph:—

3 A transfer of resources to a special needs trust that conforms to 42 USC §1396p (d)(4)(C)  
4 and established solely for the benefit of a disabled individual of any age shall not be treated as a  
5 disposal of resources for less than fair market value.