GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 344
Health Care Committee Substitute Adopted 4/9/25

Short Title: Pooled Trust Transfers/Public Benefits Elig. (Public)

Sponsors:

Referred to:

March 20, 2025

A BILL TO BE ENTITLED

AN ACT TO ENSURE THE TRANSFER OF ASSETS FOR FAIR MARKET VALUE TO POOLED SPECIAL NEEDS TRUSTS BY SENIORS AGE SIXTY-FIVE AND OLDER DOES NOT ADVERSELY IMPACT ELIGIBILITY FOR MEDICAID OR STATE-COUNTY SPECIAL ASSISTANCE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) To the extent allowable under federal law, the Department of Health and Human Services, Division of Health Benefits, shall amend its rules and policies for determining eligibility for Medicaid, as necessary, to ensure that a transfer of funds by an individual 65 years of age or older into a trust that conforms with 42 U.S.C. § 1396p(d)(4)(C) is treated as a transfer for fair market value under 42 U.S.C. § 1396p(c)(2)(C)(i) to the extent that the individual making the transfer demonstrates that the funds transferred into the trust are intended to be used by the trustee of the trust, within the life expectancy of the individual, to provide to the individual goods and services valued at the fair market value of the funds transferred into the trust.

SECTION 1.(b) To the extent allowable under federal law, the Department of Health and Human Services shall amend its rules and policies for determining eligibility for State-County Special Assistance, as necessary, to ensure that a transfer of funds by an individual 65 years of age or older into a trust that conforms with 42 U.S.C. § 1396p(d)(4)(C) is treated as a transfer for fair market value under 42 U.S.C. § 1382b(c)(1)(C)(iii)(I) to the extent that the individual making the transfer demonstrates that the funds transferred into the trust are intended to be used by the trustee of the trust, within the life expectancy of the individual, to provide to the individual goods and services valued at the fair market value of the funds transferred into the trust.

SECTION 2. This act is effective when it becomes law.