

COMMITTEE AMENDMENT ANALYSIS

Bill: House Bill 2285

Printer's No.: 3287

Amendment No.: 13300

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Summary: This amendment adds a provision to the bill relating to pooled trusts for persons with disabilities. The amendment amends section 7799.3 of the Probate, Estates and Fiduciaries Code, Title 20, to allow for some of the residual funds from a beneficiary's account within a pooled trust to be distributed upon the beneficiary's death to other individuals with disabilities in need of services. Currently, a trust may retain up to 50% of the remaining balance for the benefit of other beneficiaries. The remaining 50% must be reimbursed to the Commonwealth and any other state that provided medical assistance up to an amount equal to the total amount of medical assistance paid on behalf of the beneficiary. This amendment adds the phrase "or other individuals with disabilities" to the provision for the portion the trust is permitted to keep and would not affect the portion that goes back to the Commonwealth.

This amendment is based on Senate Bill 862, introduced by Senator Costa. Similar language was included in 2002 Act 168 but was omitted when the provisions of that act were codified into Title 20. The additional language restores the ability of the governing body of a pooled trust to use the remaining assets for individuals who are not beneficiaries of the trust but who are in need of disability services not otherwise provided through public assistance programs.