
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 428 Session of
2013

INTRODUCED BY COSTA, BREWSTER, GREENLEAF, BROWNE, MENSCH,
HUGHES, WASHINGTON, FERLO, WAUGH, BLAKE, TARTAGLIONE AND
SCHWANK, FEBRUARY 5, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 23, 2014

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 pooled trusts for persons with disabilities.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 7799.3 heading and subsections (f) and
7 (h) of Title 20 of the Pennsylvania Consolidated Statutes are
8 amended to read:

9 § 7799.3. Pooled trusts for [persons] individuals with
10 disabilities.

11 * * *

12 (f) Notice.--The Office of Attorney General and the
13 Department of Public Welfare shall make available information on
14 the treatment of pooled trusts for the [persons] individuals
15 with disabilities in the medical assistance program.

16 * * *

17 (h) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection:

3 "Beneficiary." An individual with a disability who has the
4 right to receive services and benefits of a pooled trust.

5 "Board." A group of persons vested with the management of
6 the business affairs of a trustee.

7 "Disability." A physical or mental impairment as defined in
8 section 1614 of the Social Security Act (49 Stat. 620, 42 U.S.C.
9 § 1382c).

10 "Pooled trust." A trust which meets all of the following:

11 (1) The trust contains assets of more than one
12 beneficiary.

13 (2) Each beneficiary [has] is an individual with a
14 disability.

15 (3) The trust is managed by a nonprofit corporation.

16 (4) A separate account is maintained for each
17 beneficiary of the trust, but, for purposes of investment and
18 management of funds, the trust pools these accounts. Accounts
19 in the trust may be established by the parent, grandparent or
20 legal guardian of the individual with a disability, by the
21 individual with a disability or by a court.

22 (5) [Upon the death of a beneficiary or upon the earlier
23 termination of the trust, amounts remaining in the
24 beneficiary's account must be distributed in accordance with
25 one of the following:

26 (i) The trust may retain up to 50% of the remaining
27 balance for the benefit of other beneficiaries. The
28 remaining 50% of the balance must be reimbursed to the
29 Commonwealth and any other state that provided medical
30 assistance up to an amount equal to the total amount of

1 medical assistance paid on behalf of the beneficiary.

2 (ii) The amounts must be used to reimburse the
3 Commonwealth and any other state that provided medical
4 assistance up to an amount equal to the total amount of
5 medical assistance paid on behalf of the beneficiary.] ~~To~~<--
6 ~~the extent that amounts remaining in the beneficiary's~~
7 ~~account upon the death of the beneficiary are not~~
8 ~~retained by the trust, the trust pays from the remaining~~
9 ~~amounts in the account to the Commonwealth and any other~~
10 ~~state that provided medical assistance an amount equal to~~
11 ~~the total amount of medical assistance paid on behalf of~~
12 ~~the beneficiary.~~ THE TRUST PROVIDES THAT ANY MONEY <--
13 REMAINING IN A BENEFICIARY'S ACCOUNT UPON THE DEATH OF
14 THE BENEFICIARY THAT IS NOT RETAINED BY THE TRUST WILL BE
15 PAID TO THE COMMONWEALTH, UP TO THE TOTAL AMOUNT OF
16 MEDICAL ASSISTANCE PAID ON BEHALF OF THE BENEFICIARY.

17 "Trustee." A nonprofit organization that manages a pooled
18 trust.

19 Section 2. This act shall take effect in 60 days.