

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

FILED SENATE
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S.B. 344
PRINCIPAL CLERK

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SENATE BILL DRS15138-NL-12A

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

Sponsors: Senators Galey, Ford, and Alexander (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENSURE THE TRANSFER OF ASSETS FOR FAIR MARKET VALUE TO
3 POOLED SPECIAL NEEDS TRUSTS BY SENIORS AGE SIXTY-FIVE AND OLDER
4 DOES NOT ADVERSELY IMPACT ELIGIBILITY FOR MEDICAID OR
5 STATE-COUNTY SPECIAL ASSISTANCE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** To the extent allowable under federal law, the Department of Health
8 and Human Services, Division of Health Benefits, shall amend its rules and policies for
9 determining eligibility for Medicaid, as necessary, to ensure that a transfer of funds by an
10 individual 65 years of age or older into a trust that conforms with 42 U.S.C. § 1369p(d)(4)(C) is
11 treated as a transfer for fair market value under 42 U.S.C. § 1369p(c)(2)(C)(i) to the extent that
12 the individual making the transfer demonstrates that the funds transferred into the trust are
13 intended to be used by the trustee of the trust, within the life expectancy of the individual, to
14 provide to the individual goods and services valued at the fair market value of the funds
15 transferred into the trust.

16 **SECTION 1.(b)** To the extent allowable under federal law, the Department of Health
17 and Human Services shall amend its rules and policies for determining eligibility for
18 State-County Special Assistance, as necessary, to ensure that a transfer of funds by an individual
19 65 years of age or older into a trust that conforms with 42 U.S.C. § 1396p(d)(4)(C) is treated as
20 a transfer for fair market value under 42 U.S.C. § 1382b(c)(1)(C)(iii)(I) to the extent that the
21 individual making the transfer demonstrates that the funds transferred into the trust are intended
22 to be used by the trustee of the trust, within the life expectancy of the individual, to provide to
23 the individual goods and services valued at the fair market value of the funds transferred into the
24 trust.

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

