



General Assembly

**Amendment**

January Session, 2011

LCO No. 7525

**\*HB0635607525SR0\***

Offered by:  
SEN. MCKINNEY, 28<sup>th</sup> Dist.

To: House Bill No. 6356

File No. 181

Cal. No. 511

**"AN ACT CONCERNING A CLARIFICATION OF THE DEPARTMENT OF SOCIAL SERVICES' REQUIREMENT TO GIVE NOTICE REGARDING REPAYMENT OF SERVICES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (c) of section 17b-261 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective July*  
5 *1, 2011*):

6 (c) For the purposes of determining eligibility for the Medicaid  
7 program, an available asset is one that is actually available to the  
8 applicant or one that the applicant has the legal right, authority or  
9 power to obtain or to have applied for the applicant's general or  
10 medical support. If the terms of a trust provide for the support of an  
11 applicant, the refusal of a trustee to make a distribution from the trust  
12 does not render the trust an unavailable asset. Notwithstanding the  
13 provisions of this subsection, the availability of funds in a trust or  
14 similar instrument funded in whole or in part by the applicant or the

15 applicant's spouse shall be determined pursuant to the Omnibus  
16 Budget Reconciliation Act of 1993, 42 USC 1396p. The provisions of  
17 this subsection shall not apply to special needs trust, as defined in 42  
18 USC 1396p(d)(4)(A). For purposes of determining whether a  
19 beneficiary under a special needs trust, who has not received a  
20 disability determination from the Social Security Administration, is  
21 disabled, as defined in 42 USC 1382c(a)(3), the Commissioner of Social  
22 Services, or the commissioner's designee, shall independently make  
23 such determination. The commissioner shall not require such  
24 beneficiary to apply for Social Security disability benefits or obtain a  
25 disability determination from the Social Security Administration for  
26 purposes of determining whether the beneficiary is disabled."