

Federal Authority Protecting Public Benefits

Exceptions for Counting Special Needs Trusts as a Resource

- **SSI**

- Section 1917(d)(4)(A) of the Social Security Act
- Section 1917(d)(4)(C) of the Social Security Act

- **Federal Medicaid Regulations**

- Title 42 US Code Section 1396p(d)(4)(A) *Individual Trust*
- Title 42 US Code Section 1396p(d)(4)(C) *Pooled Trust*

- **Medicaid Transfer Penalties for individuals ≥65**

- State by state determination
- More states applying the penalty
- Oklahoma, Kansas and Missouri all apply penalty