

Federal Statute Payback Trust

42 USC §1396p(d)(4)(A)

- Under age 65
- Assets of the individual with disability
- Must meet SSA standard of disability
- Created by individual, parent, grandparent, guardian or court.
- For the sole benefit of individual
- Supplemental language, discretionary

Payback Provision - The trust must include language that says: to the extent that amounts remaining in the beneficiary's account upon the death of the beneficiary are not retained by the trust, the trust pays to the State from such remaining amounts in the account an amount equal to the total amount of medical assistance paid on behalf of the beneficiary under the state plan.