

Federal Requirements for Payback Trusts at Death of Beneficiary

Pooled Trust Pooled 42 USC § 1396p (d)(4)(C)

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 under this subchapter.

Individual 42 USC § 1396p (d)(4)(A)

The State will receive all amounts remaining in the trust upon the death of such individual up to an amount equal to the total medical assistance paid on behalf of the individual under a State plan