

42 USC Sec. 1396p **(d)(4)**:

**(A)** A trust containing the assets of an individual under age 65 who is disabled (as defined in section [1382c\(a\)\(3\)](#) of this title) and which is established for the benefit of such individual by a parent, grandparent, legal guardian of the individual, or a court if 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 under this subchapter.

**(B)** A trust established in a State for the benefit of an individual if -

**(i)** the trust is composed only of pension, Social Security, and other income to the individual (and accumulated income in the trust),

**(ii)** 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 under this subchapter; and

**(iii)** the State makes medical assistance available to individuals described in section [1396a\(a\)\(10\)\(A\)\(ii\)\(V\)](#) of this title, but does not make such assistance available to individuals for nursing facility services under section [1396a\(a\)\(10\)\(C\)](#) of this title.

**(C)** A trust containing the assets of an individual who is disabled (as defined in section [1382c\(a\)\(3\)](#) of this title) that meets the following conditions:

**(i)** The trust is established and managed by a non-profit association.

**(ii)** A separate account is maintained for each beneficiary of the trust, but, for purposes of investment and management of funds, the trust pools these accounts.

**(iii)** Accounts in the trust are established solely for the benefit of individuals who are disabled (as defined in section [1382c\(a\)\(3\)](#) of this title) by the parent, grandparent, or legal guardian of such individuals, by such individuals, or by a court.

**(iv)** 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.

(e) Definitions: In this section, the following definitions shall apply:

(1) The term "assets", with respect to an individual, includes all income and resources of the individual and of the individual's spouse, including any income or resources which the individual or such individual's spouse is entitled to but does not receive because of action -

(A) by the individual or such individual's spouse,

(B) by a person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or such individual's spouse, or

(C) by any person, including any court or administrative body, acting at the direction or upon the request of the individual or such individual's spouse.