

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1144

Short Title: Trust Funds; Medicaid.

(Public)

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Sponsors: Representatives Alexander; D. Brown, Church, Easterling, Hall, Hill, and Russell.

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Referred to: Health and Human Services.

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April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO ADDRESS THE PROBLEM OF TRUST FUNDS DEVELOPED FOR PURPOSES OF MEDICAID ELIGIBILITY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 108A of the General Statutes is amended by adding a new section to read:

**"§ 108A-58.2. Trust Funds; effect on eligibility.**

Any provision in any **inter vivos** trust created for the benefit of the grantor that provides directly or indirectly for the suspension, termination, or diversion of the principal, income, or other beneficial interest of the grantor in the event that the grantor or the grantor's spouse applies for medical assistance or requires medical, hospital or nursing care, or long-term custodial, nursing or medical care shall be considered ineffective for the purposes of determining the grantor/beneficiary's eligibility for assistance under this Part for institutional or community-based care. This subsection does not apply to trust provisions that are irrevocable before July 1, 1993, except that this subsection applies to any trust assets that become subject to these provisions after July 1, 1993."

Sec. 2. This act becomes effective July 1, 1993.