

**Subject:** Re: [msbaelderlaw] Self Settled D4A Trust (Arising out of Special Needs Trust discussion) [Reply to Jason Frank]  
**From:** Lorie Ann Mayorga <msbaelderlaw@lists.msba.org>  
**Date:** 8/8/2017 1:50 PM  
**To:** "Elder and Disability Rights Section" <msbaelderlaw@lists.msba.org>

Maryland (meaning me) will be updating the SNT Attorney Checklist asap but we have recognized the federal change since the 21st Century Cures Act was signed into law in December. We may not be able to update the regulation due to an administrative freeze at the governor's level.

Section 5700 of Pub.L. 114-255 amended 42 U.S.C. Section 1396p d(4)(a) as follows:

"(a) IN GENERAL.—Section 1917(d)(4)(A) of the Social Security Act (42 U.S.C. 1396p(d)(4)(A)) is amended by inserting “the individual,” after “for the benefit of such individual by”.

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to trusts established on or after the date of the enactment of this Act."

So, assuming the rest of the SSA Social Sec. Act compilation is accurate, 1917(d)(4)(A) now reads:  
"A trust containing the assets of an individual under age 65 who is disabled (as defined in section 1614(a)(3)) and which is established for the benefit of such individual by the individual, 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 title." (amendment emphasized).

Lorie Mayorga  
Deputy Director for Medicaid Eligibility Policy  
Office of Eligibility Services  
Health Care Financing  
Maryland Department of Health  
201 W. Preston St., Suite L-9  
Baltimore, MD 21201

410-767-1464

[Lorie.Mayorga@maryland.gov](mailto:Lorie.Mayorga@maryland.gov)