



**Eligibility Operations Memo 18-05
August 1, 2018**

TO: MassHealth Eligibility Operations Staff

FROM: Amy Dybas, Deputy Chief Operating Officer for Member Policy Implementation,
Training, and Communications

RE: **Amended Definition of a Special-Needs Trust**

Introduction

The 21st Century Cures Act allows for a Special-Needs Trust (SNT) to be established by the disabled individual him or herself as of December 13, 2016, in addition to the current class of permitted individuals who can create a SNT.

The definition that currently exists under 130 CMR 515.001 states that one of the criteria for a Special-Needs Trust is that it was created by the individual's parent, grandparent, legal guardian, or a court.

The federal statute was amended to allow disabled individuals to establish a SNT on their own behalf on or after December 13, 2016, instead of relying on a family member or court.

MassHealth is in the process of updating the aforementioned regulation. Until that is completed, this memo serves as confirmation that MassHealth will treat SNTs in accordance with the amended federal statute.

Questions

If you have any questions about this memo, please have your MEC designee contact the Policy Hotline.