

105TH CONGRESS
2D SESSION

S. 2462

Entitled the “Lisa De Land Financial Protection Act”.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 1998

Mr. BAUCUS introduced the following bill; which was read twice and referred
to the Committee on Finance

A BILL

Entitled the “Lisa De Land Financial Protection Act”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lisa De Land Finan-
5 cial Protection Act”.

6 **SEC. 2. STATE OPTION TO EXEMPT CERTAIN TRUSTS FROM**
7 **THE ESTATE RECOVERY PROVISIONS OF THE**
8 **MEDICAID PROGRAM.**

9 Section 1917(b)(1)(B) of the Social Security Act (42
10 U.S.C. 1396p(b)(1)(B)) is amended—

11 (1) by redesignating clauses (i) and (ii) as sub-
12 clauses (I) and (II), respectively;

1 (2) by striking “In” and inserting “(i) In”; and

2 (3) by adding at the end the following:

3 “(ii) At the option of a State, clause (i) shall
4 not apply in the case of an individual who, at the
5 time the individual received medical assistance under
6 the State plan—

7 “(I) was disabled, mentally ill, or phys-
8 ically handicapped, as determined by the State;
9 and

10 “(II) was the beneficiary of a trust estab-
11 lished under the law of the State where the in-
12 dividual resided by the beneficiary, a parent,
13 grandparent, legal guardian, or at the direction
14 of a court for the purpose of providing or
15 supplementing the cost of the care and treat-
16 ment for the individual (including the cost of
17 medical assistance provided under the State
18 plan),

19 but only if State law provides that, upon the death
20 of the individual, not more than 90 percent of the
21 value of the trust may be conveyed to the heirs of
22 the individual and that the remainder shall be do-
23 nated to a charitable trust approved by the State.”.

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