

Statement of the Honorable Glenn ‘GT’ Thompson (PA-5) Before the House Energy and
Commerce Subcommittee on Health
“Improving the Medicaid Program for Beneficiaries”
Friday, September 17, 2015

Chairman Pitts, Ranking Member Pallone, I appreciate the opportunity to have this statement and subsequent documents submitted for the record under Unanimous Consent. While not a member of the House Energy & Commerce Committee, the Special Needs Trust Fairness Act has been a legislative priority for me since its initial introduction in the 113th Congress. Given recent passage of the Senate companion, S. 349, I am very encouraged by the subcommittee adding H.R. 670 to the hearing today.

While Members of Congress are often quick to take credit for bills, the fact of the matter is this issue would have never been elevated to this level, if not for the tireless work an individual from Pennsylvania’s 5th Congressional District, H. Amos Goodall, Jr., an elder law attorney from State College, Pennsylvania.

Mr. Goodall, through his association with the National Academy of Elder Law Attorneys (NAELA), helped illustrate the need for legislative action and has played a key role in advocating for the passage of the Special Needs Trust Fairness Act. He is also a devoted member of the Special Needs Alliance (SNA), a national association of attorneys helping individuals with special needs and their families.

Enacting H.R. 670, the Special Needs Trust Fairness Act would tremendously improve the Medicaid program for beneficiaries, as the title of this hearing implies. This simple, bipartisan, bicameral measure would eliminate a current prohibition on a disabled individual from creating his or her own Special Needs Trust, or SNT. These trusts enable assets to be saved on behalf of disabled individuals while protecting their eligibility for means-tested benefits.

Under current law, individuals who are or become disabled must have a parent, guardian, or the courts create their SNT. This places an undue monetary and logistical burden upon individuals who are seeking to secure their financial future, and runs counter to what has already been established by Congress. Individuals with disabilities have always been able to set up their own pooled trust accounts (created by Congress in 1993 and administered by non-profit organizations) and can create their own tax-free savings accounts under the recently passed ABLE Act.

It is through engagement with the National Academy of Elder Law Attorneys and the Special Needs Alliance, particularly the advocacy of Mr. Goodall, that I have been able to engage with individuals who have deep frustration with the current statute and the overall discrepancies under the law. In 2013, I received a letter from Rana McMurry Arnold, Co-Founder and Director of the Sight-Loss Support Group of Central PA, a non-profit organization located in Lemont, Pennsylvania. As a blind individual, Rana helped form this remarkable non-profit to assist others with sight loss, by providing peer counseling, vision rehabilitation referral services, and direct accessibility support for local events.

In her letter, Rana explained that it would never have occurred to her to question her ability to establish a trust on her own behalf simply because she is blind. She stated that while her lack of vision is certainly challenging, she has led a very fulfilling and successful life. In addition to raising a family, Rana established and ran a successful service organization for thirty years. She ended her letter by reminding me that this is a matter of fundamental fairness and encouraging me to work hard to change the law.

As Rana pointed out, individuals facing life changing disease or disabilities will continue to be treated inequitably without action on this bill. This fact alone has been the driving force behind the persistent efforts of advocates in my own district and across the country.

The perspectives of those directly impacted by this legal discrepancy coupled with my experience as a certified recreational therapist, a hospital manager and licensed nursing home administration has solidified my stance on this matter. I have had the honor of working with a number of individuals as they set out to rehabilitate their level of functioning and independence following an accident or illness. As a result, it is hard for me to find a palpable reason why we should continue to complicate their journey to self-sustainability.

As I previously mentioned, the Special Needs Trust Fairness Act of 2015 is a largely bipartisan initiative. For that I thank my colleague and ranking member, Representative Frank Pallone, who has continued to partner with me on this issue. He has consistently acknowledged that individuals facing life changing diseases or disabilities are not being treated fairly and has sought to correct this legal inequity.

In conjunction with Mr. Pallone, I respectfully ask for the support of the Committee of jurisdiction as we approach an opportunity to enable individuals living with a disability to stabilize their financial future, by advancing H.R. 670 through the legislative process, so these individuals facing disability can be treated equally under the law. Thank you.