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The Wrongheadedess of the POMS Pooled Trust Rules and an Unfortunate but Recently Noted Chinese Parallel

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Supplemental needs trusts of the pooled trust variety have offered important dignity-enhancing protections for individuals with disabilities for several decades. A pooled trust, properly structured according to Congressional requirements, allows the wealth of an individual with disabilities to be overseen by an independent third party trustee, supplementing without displacing means-tested government programs like Medicaid and Supplemental Security Income. Beginning in 2012, the Social Security Administration imposed new burdensome requirements on pooled trusts through its informal POMS manual. Those new requirements have intentionally or unintentionally eliminated as a practical matter the availability of pooled trusts in many states. This unfortunate result can be paralleled with recent observations about the shortcomings of supplemental needs trust legislation and regulations in the People's Republic of China.

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