

ENGROSSED HOUSE
BILL NO. 2922

By: Miller

An Act relating to poor persons; requiring compliance with the federal Spousal Impoverishment Act; prohibiting certain increases; requiring a report; providing for contents; providing for submission; defining terms; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 165.1 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. When determining the eligibility of institutionalized spouses for medical assistance benefits, the Department of Human Services shall comply with the provisions of the federal Spousal Impoverishment Act and regulations promulgated thereto. The Health Care Authority shall, by rule, implement the federal Spousal Impoverishment Act and regulations promulgated thereto which shall include but not be limited to the establishment of income and resource standards and limitations for the personal needs allowances for community spouses.

B. Upon the effective date of this act and until authorized by the Legislature, the maximum resource allowance of the community

spouse shall not be increased above the 1995 level established by the Oklahoma Health Care Authority.

C. The Oklahoma Health Care Authority shall prepare a report to the Oklahoma Legislature by January 1, 1997, containing the following information:

1. The maximum levels of resource allowances established by the regional states: Missouri, Arkansas, Colorado, Texas, Kansas and New Mexico;

2. The maximum levels of resource allowances established by each state of the United States;

3. A regional and a national average for maximum levels of resource allowances;

4. A proposed Oklahoma maximum community resource allowance;

5. How other states have provided for transfers of resources between spouses prior to eligibility of the institutionalized spouse for medical assistance;

6. A review of the programs for spousal impoverishment established by the other states to determine whether Oklahoma should initiate efficiencies in the state Spousal Impoverishment Act; and

7. A chart containing the maximum amount of resources including all resources which could be deemed to the community spouse by the institutionalized spouse based on average low, medium and upper income levels in Oklahoma and the regional states.

D. For purposes of this section:

1. "Institutionalized spouse" means an individual who is in a medical institution or nursing facility and is married to an individual who is not in a medical institution or nursing facility; and

2. "Community spouse" means an individual who is married to an institutionalized spouse.

SECTION 2. This act shall become effective July 1, 1996.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 6th day of March, 1996.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate