

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2922

By: Miller

AS INTRODUCED

An Act relating to poor persons; requiring compliance with the federal Spousal Impoverishment Act; requiring determination of community spouse resource allowance through formula; providing for exceptional circumstances; defining terms; providing for codification; and providing an effective date.

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. Beginning November 1, 1996, 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 Department 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.

B. The Commission for Human Services shall promulgate rules which will determine the community spouse resource allowance through

the application of the formula established pursuant to the federal Spousal Impoverishment Act and regulations promulgated thereto, unless the community spouse establishes at a fair hearing that, due to exceptional circumstances resulting in financial duress, the community spouse needs a resource allowance above that determined by application of the formula. If a determination is made by the Department that, due to exceptional circumstances resulting in financial duress, the needs of the community spouse are such that an increase in the resource is required, the Department shall determine an amount adequate to provide for such needs.

C. 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 or nursing facility; and

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

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

45-2-7948

KSM