

STATE OF OKLAHOMA

2nd Extraordinary Session of the 50th Legislature (2006)

SENATE JOINT
RESOLUTION 4x

By: Corn

AS INTRODUCED

A Joint Resolution relating to a permanent rule of the Oklahoma Health Care Authority Board; disapproving, in part, permanent Rule OAC 317:35-5-41, regarding a certain limit of the Medicaid Income Pension Trust; directing promulgation of rules setting new limit; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or portion thereof at any time; and

WHEREAS, pursuant to the provisions of the Oklahoma Health Care Authority Act, the Oklahoma Health Care Authority Board shall be responsible for adopting and promulgating rules as necessary and appropriate to carry out the duties and responsibilities of the Oklahoma Health Care Authority; and

WHEREAS, the portion of permanent Rule OAC 317:35-5-41 of the Oklahoma Health Care Authority, which limits the maximum amount of income from a Medicaid Income Pension Trust to \$2,500.00 per month, does not reflect the intent of the Oklahoma Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND EXTRAORDINARY SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby disapproves the following language of subunit (I) of unit (ii) of subparagraph (F) of paragraph (9) of subsection (d) of OAC 317:35-5-41 which states:

"but less than \$2500 per month."

SECTION 2. The Legislature hereby directs the Oklahoma Health Care Authority Board to promulgate rules which increase the monthly limit of a Medicaid Income Pension Trust from \$2,500.00 to \$3,000.00.

SECTION 3. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Oklahoma Health Care Authority Board, and the Editor of "The Oklahoma Register".

SECTION 4. 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 resolution shall take effect and be in full force from and after its passage and approval.

50-2EX-2195X JC

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