

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE JOINT
6 RESOLUTION NO. 1033

By: Coody

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8 COMMITTEE SUBSTITUTE

(Oklahoma Health Care Authority - Lois Hawkins
9 Memorial Act - Medicaid Income Pension Trusts -
10 adjustments -

11 effective date)
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15 WHEREAS, a Miller Trust, also known as a Medicaid Income Pension
16 Trust, is a method to allow an individual to qualify for Medicaid
17 long-term care benefits when his or her income is in excess of the
18 established maximum income of \$1,737 per month. This trust closes
19 the gap between the income limit for eligibility and the actual cost
20 of nursing home care; and

21 WHEREAS, the Oklahoma Health Care Authority promulgated rules to
22 cap the maximum monthly income for the Miller Trust at \$3,000;
23 therefore, an individual whose monthly income is between \$1,737 and
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1 \$3,000 who meets all other points of eligibility may establish a
2 Miller Trust to qualify for Medicaid; and

3 WHEREAS, the average Medicaid reimbursement rate for nursing
4 home care has risen to more than \$3,600 per month, thereby creating
5 a potential \$600 gap between eligibility and cost that causes a
6 hardship for elderly Oklahomans attempting to afford long-term care
7 services; and

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

13 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
14 AND THE SENATE OF THE 1ST SESSION OF THE 51ST OKLAHOMA LEGISLATURE:

15 SECTION 1. This measure shall be known and cited as the "Lois
16 Hawkins Memorial Act".

17 SECTION 2. The Legislature hereby directs the Board of the
18 Oklahoma Health Care Authority to amend the state Medicaid program
19 for Medicaid Income Pension Trusts. A Medicaid Income Pension Trust
20 account shall be equal to or less than the average monthly nursing
21 home reimbursement rate established by the Oklahoma Health Care
22 Authority.

23 SECTION 3. The Legislature hereby directs the Board of the
24 Oklahoma Health Care Authority to review and make necessary

1 adjustments to the Medicaid Income Pension Trust limits as nursing
2 home reimbursement rates are calculated and implemented.

3 SECTION 4. This resolution shall become effective November 1,
4 2007.

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6 51-1-7195 SAB 02/15/07

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