

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1605

By: Anderson

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6 AS INTRODUCED

7 An Act relating to public health and safety;
8 directing the Oklahoma Health Care Authority to
9 promulgate certain rules; directing the Authority to
10 place a lien on certain property in specified
11 circumstances; directing the Authority to seek
12 certain recovery; providing for codification; and
13 providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 5051.3a of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 The Oklahoma Health Care Authority shall be responsible for
19 promulgating rules and regulations that enforce its Medicaid
20 obligations to perform estate recovery functions. These functions
21 include:

22 1. In the case of persons receiving Medicaid in any
23 intermediate care facility, intermediate care facility for the
24 mentally retarded or any other medical institution, the Authority is

1 required to place a lien on the real property of the Medicaid
2 consumer; and

3 2. In the case of persons over age fifty five (55) receiving
4 Medicaid, the state shall seek recovery from the individual's estate
5 but only for medical assistance expended for services in an
6 intermediate care facility, an intermediate care facility for the
7 mentally retarded, any home- and community-based service as defined
8 by federal law, hospital and prescription drug service.

9 In the case of persons receiving Medicaid who have purchased a
10 long-term care insurance policy, the Authority shall seek recovery
11 for the cost of care and services in any intermediate care facility
12 or intermediate care facility for the mentally retarded.

13 SECTION 2. This act shall become effective November 1, 2008.

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