

1 STATE OF OKLAHOMA

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

3 SENATE JOINT
4 RESOLUTION 16

By: Anderson

5
6 AS INTRODUCED

7 A Joint Resolution relating to the Miller Trust;
8 directing the Oklahoma Health Care Authority Board to
9 amend the state Medicaid program in certain manner;
10 directing the Board to review and make certain
adjustments; directing distribution; and providing an
effective date.

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

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

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

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

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

13 SECTION 1. The Legislature hereby requests the Oklahoma Health
14 Care Authority Board to amend the state Medicaid program for
15 Medicaid Income Pension Trusts. A Medicaid Income Pension Trust
16 account shall be equal to or less than the average monthly nursing
17 home reimbursement rate established by the Oklahoma Health Care
18 Authority.

19 SECTION 2. The Legislature hereby directs the Oklahoma Health
20 Care Authority Board to review and make necessary adjustments to the
21 Medicaid Income Pension Trust limits as nursing home reimbursement
22 rates are calculated and implemented.

23 SECTION 3. The Secretary of the State is hereby directed to
24 distribute copies of this resolution to the Governor, the Oklahoma

1 Health Care Authority Board, and the Editor of "The Oklahoma
2 Register".

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

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