

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1273

By: Ivester

4
5
6 AS INTRODUCED

7 An Act relating to Medicaid Income Pension Trusts;
8 permitting certain individuals to create a Medicaid
9 Income Pension Trust in specified circumstances;
10 requiring trust to be in compliance with certain
11 regulations; defining term; providing for
12 codification; and declaring an emergency.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 5060 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Individuals applying for institutional care whose income is
18 in excess of categorical needy standards but whose income does not
19 exceed the combined costs of the statewide median of nursing
20 facility payments plus the cost of the individual's Medicare Part B
21 premium, the cost of the individual's Medicare supplemental health
22 insurance policy, the cost of the individual's Part D premium, and
23 the individual's monthly maintenance standard as specified in the
24 Department of Human Services' Appendix C-1 Schedule VIII may create
an income pension trust. The Medicaid Income Pension Trust shall be

1 in compliance with 42 U.S.C., Section 1396p(d) (4) and rules
2 promulgated by the Oklahoma Health Care Authority Board regarding
3 such trusts.

4 B. For purposes of this section, the term "statewide median of
5 nursing facility payments" means the median of payments excluding
6 incentive payments made to nursing facilities pursuant to Section
7 1011.5 of Title 56 of the Oklahoma Statutes.

8 SECTION 2. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12
13
14
15
16
17
18
19
20
21
22
23
24

53-2-2174 JM 1/17/2012 3:39:56 PM