

1 **WAGANAKISING ODAWAK STATUTE # 2021-_____**
 2 **MEDICARE REIMBURSEMENT HONORARIUM ACT**

3
 4
 5 **SECTION I. PURPOSE**

6
 7 The Medicare Reimbursement Honorarium Act is hereby enacted to provide a gift to
 8 honor our Little Traverse Bay Bands of Odawa Indians Elders in accordance with the
 9 Constitution, Article I, B. Directive Principles: “Promote with special care the health,
 10 educational and economic interests of all the people, especially our children and elders . .
 11 .”.

12
 13 **SECTION II. GENERAL WELFARE EXCLUSION**

14
 15 As stated by the requirements of the United States Internal Revenue Section 139E, the
 16 Medicare Reimbursement Honorarium meets the criteria of the United States Public Law
 17 113-168, Tribal General Welfare Exclusion Act of 2014 and WOS 2017-002 General
 18 Welfare Statute.

19
 20
 21 **SECTION III. DEFINITIONS**

22
 23 **A. “Citizen”** shall mean an enrolled member of the Little Traverse Bay Bands of
 24 Odawa Indians.

25
 26 **B. “Department”** shall mean the Health Department that is overseen by the
 27 Executive Branch.

28
 29 **C. “Executive”** shall means the Tribal Chairperson or his/her designee

30
 31
 32 **D. “LTBB”** mean The Little Traverse Bay Bands of Odawa Indians.

33
 34 **E. “Program”** means the Medicare Reimbursement Honorarium Program.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

F. “Third-Party Billing Funds” means funds that the Department is authorized to collect from Federal, State, local or private entities as reimbursements for healthcare services rendered.

G. “Tribe” or “LTBB” mean the Little Traverse Bay Bands of Odawa Indians.

SECTION IV. MEDICARE REIMBURSEMENT HONORARIUM PROGRAM

A. The program will be administered by the Health Department within the Executive Branch.

B. To be eligible for an Honorarium an Elder must:

- 1. Be an enrolled Citizen of the Tribe;
- 2. Be enrolled in Medicare;
- 3. Show proof of Medicare plan expenses.

C. The Department may establish deadlines for submission of applications, if necessary.

D. Honorariums shall be paid directly to an Elder.

E. Each Fiscal Year, the Department may set funding caps, percentages or coverage rates for reimbursement depending on available funding.

SECTION V. REGULATIONS REQUIRED

A. The Department shall develop regulations for this statute for Tribal Council approval; however, the implementation of the statute shall not be delayed by approval of regulations.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

B. The regulations shall set forth the application process, provide an appeals process, applicable deadlines, and other criteria for eligibility of the program.

C. The regulations shall require the following minimum reports to Tribal Council:

- 1. The number of Elders that received a reimbursement under the program.
- 2. The total dollar amount of Honorariums the Fiscal Year.
- 3. Present Honorarium funding caps, percentages or coverage rates.

D. The Department shall publish the application; funding caps, percentages or coverage rates; and any deadlines at least once a year on the tribe’s website.

SECTION VI. APPROPRIATIONS AUTHORIZED

The Medicare Reimbursement Honorarium Program shall be included in the Executive budget and funded annually. Funding for the Program shall come from Third-Party Billing funds and/or other revenue sources.

SECTION VII. SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION VIII. EFFECTIVE DATE

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

1
2
3
4
5

CERTIFICATION