

WAGANAKISING ODAWAK STATUTE # 2021-_____
MEDICARE REIMBURSEMENT HONORARIUM ACT

SECTION I. PURPOSE

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

SECTION II. GENERAL WELFARE EXCLUSION

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

SECTION III. DEFINITIONS

- A. **“Citizen”** shall mean an enrolled member of the Little Traverse Bay Bands of Odawa Indians.
- B. **“Department”** shall mean the Health Department that is overseen by the Executive Branch.
- C. **“Executive”** shall means the Tribal Chairperson or his/her designee
- D. **“LTBB”** mean The Little Traverse Bay Bands of Odawa Indians.
- E. **“Program”** means the Medicare Reimbursement Honorarium Program.
- 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 Part B and Part D premium 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 and shall be posted to the tribal website.

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.

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.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 24, 2021 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington Jr.	X	_____	_____	_____
Fred Kiogima	X	_____	_____	_____
Tamara Kiogima	X	_____	_____	_____
Melissa Pamp	X	_____	_____	_____
Leroy Shomin	X	_____	_____	_____
Marty Van De Car	X	_____	_____	_____
Marcella R. Reyes	_____	_____	_____	X
Julie Shananaquet	X	_____	_____	_____
Emily Proctor	X	_____	_____	_____

Date: _____

 Emily Proctor, Legislative Leader

Date: _____

 Julie Shananaquet, Tribal Council Secretary

Received by the Executive Office on _____ by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: _____

 Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on _____ by _____