

ABLE Oversight Committee

Meeting Minutes

11.19.25

Attendees:

Theresa Baldry – Chair Elect
Kathleen Magone – Vice Chair Elect
Michael Wood – Board Member
Lloyd Sparks – Board Member
DPHHS Rep
Sarah Sparks
Lucy Galaras
Lori Cole
Travis Hoffman
Lynette Johnson – Meeting Minutes

The meeting was called to order at 10:02 am on the 19th of November 2025 by Theresa Baldry.

Theresa began the meeting with

Public Comment:

Lucy is a newish account holder – concerns about quarterly fees (\$40ish) and limitations on transferring funds

Travis Hoffman agrees with Lucy's concern regarding moving funds around only two times per year

No further public comments.

Action Item:

Reviewing and approving agenda. Kathleen moved to approve the agenda., and Michael Woods seconded the motion. Motion passed unanimously.

Approved items:

There were edits from the minutes of the September 19 meeting. Kathleen moved to approve the September minutes with the corrections. Michael seconded. All in favor – approved.

No one is aware of the Governor's office reviewing applications for a position on the Oversight Committee for a member with a disability.

Discussion was introduced on clawbacks.

Theresa addressed the question of how Montana seeks reimbursement for Medicaid.

When an ABLÉ account holder passes away, does the state allow beneficiaries to inherit funds from an ABLÉ account? Following the death of an ABLÉ account owner, ABLÉ funds are distributed in a specific order. Travis Hoffman read, "under Section 529A, following the death of the Account Owner, a state may file a claim against the Account Owner or the Account itself for the amount of the total medical assistance paid for. The account owner under the state's Medicaid plan after the establishment of the account (or any ABLÉ account for the same Account Owner from which amounts were rolled over or transferred to the current account), subject to other limitations listed herein. The claim amount is to be paid only after the payment of the Account Owner's funeral and burial expenses (including the unpaid balance of a pre-death contract for those services) and all outstanding payments due for the Qualified Disability Expenses of the Account Owner. Additionally, the claim is to be reduced by the amount of all premiums paid by or on behalf of the Account Owner to a Medicaid Buy-In Program under that state's Medicaid plan." After Medicaid's claim is repaid, remaining funds may be disbursed per the ABLÉ account owner's will, or per intestacy statutes.

ABLE statutes specify the order in which expenditures will be repaid.

Lori Cole explained the process of filing a claim against an ABLÉ account. Funeral expenses paid before the account owner's death are not at issue. Funeral expenses billed after the death of an ABLÉ account owner likely are paid from funds available only after Medicaid is reimbursed.

Kathleen suggested we discuss distribution of funds from a decedent's ABLÉ account with a lawyer for DPHHS.

Lori Cole informed everyone on who to contact for lawyer.

Theresa explained the contract entered into between the state and the consortium which selects a financial institution to administer Montana's ABLÉ accounts. The ABLÉ Oversight Committee is statutorily obligated to let an RFP to interested financial institutions, review the applications, and make a recommendation to the Department. The Department refers that recommendation to the multi-state consortium, which, after input from all states and discussion, enters into a contract with the chosen financial institution.

Action Steps:

Michael, Lori, and Lloyd will request that a lawyer meet with the committee to answer questions.

Questions on IRS guidance on inflation were brought up.
Next meeting will be the 14th of January, 2026.

Meeting adjourned.