

HOUSE BILL NO. HB0092

Long-term care partnership program.

Sponsored by: Representative(s) Landon, Berger, Craft, Harvey, Millin and Shepperson and Senator(s) Burns, Case, Decaria and Scott

A BILL

for

1 AN ACT relating to Medicaid; establishing a program for the
2 financing of long-term care through a combination of
3 private insurance and medical assistance; providing asset
4 disregards for Medicaid long-term care coverage; providing
5 incentives for using qualified long-term care partnership
6 insurance policies as specified; providing definitions;
7 granting rulemaking authority; and providing for an
8 effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 42-7-101 through 42-7-104 are created
13 to read:

14

15

ARTICLE 7

16

LONG-TERM CARE PARTNERSHIP PROGRAM

1

2 **42-7-101. Short title.**

3

4 This act may be cited as the "Wyoming Long-Term Care
5 Partnership Program Act.

6

7 **42-7-102. Definitions.**

8

9 (a) As used in this act:

10

11 (i) "Agency" means the department of health;

12

13 (ii) "Asset disregard" means, with respect to
14 qualification for state Medicaid benefits, the disregard of
15 any assets or resources in an amount equal to the insurance
16 benefit payments that are made to or on behalf of an
17 individual who is a beneficiary under a qualified long-term
18 care insurance partnership policy;

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20 (iii) "Department" means the department of
21 insurance;

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23 (iv) "Medicaid" means the program administered
24 by the state pursuant to the Wyoming Medical Assistance and

1 Services Act and this act and partly funded by the federal
2 government pursuant to title XIX of the federal Social
3 Security Act;

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5 (v) "Qualified long-term care insurance
6 partnership policy" means a policy that meets all of the
7 following requirements:

8

9 (A) The policy covers an insured who was a
10 resident of Wyoming when coverage first became effective
11 under the policy;

12

13 (B) The policy is a qualified long-term
14 care insurance policy as defined in section 7702B(b) of the
15 Internal Revenue Code of 1986 issued not earlier than the
16 effective date of the state plan amendment;

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18 (C) The director of the department
19 certifies that the policy meets the model regulations and
20 requirements of the national association of insurance
21 commissioners model specified in paragraph (5) of title VI,
22 section 6021 of the federal Deficit Reduction Act of 2005;
23 and

24

1 (D) If the policy is sold to an individual
2 who:

3

4 (I) Has not attained age sixty-one
5 (61) as of the date of purchase, the policy provides
6 compound annual inflation protection;

7

8 (II) Has attained age sixty-one (61)
9 but has not attained age seventy-six (76) as of such date,
10 the policy provides some level of inflation protection; or

11

12 (III) Has attained age seventy-six
13 (76) as of such date, the policy may, but is not required
14 to, provide some level of inflation protection.

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16 (vi) "State plan amendment" means a state
17 Medicaid plan amendment made with the approval of the
18 federal department of health and human services that
19 provides for the disregard of any assets or resources in an
20 amount equal to the insurance benefit payments that are
21 made to or on behalf of an individual who is a beneficiary
22 under a qualified long-term care insurance partnership
23 policy.

24

1 **42-7-103. Wyoming long-term care partnership program**
2 **established.**

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4 (a) In accordance with title VI, section 6021 of the
5 federal Deficit Reduction Act of 2005, there shall be
6 established the Wyoming long-term care partnership program,
7 to be administered by the agency with the assistance of the
8 department to do the following:

9

10 (i) Provide incentives for individuals to insure
11 against the costs of providing for their long-term care
12 needs;

13

14 (ii) Provide a mechanism for individuals to
15 qualify for coverage of the cost of their long-term care
16 needs under Medicaid without first being required to
17 substantially exhaust their resources;

18

19 (iii) Provide counseling services to individuals
20 planning for their long-term care needs; and

21

22 (iv) Alleviate the financial burden on the
23 state's medical assistance program by encouraging the
24 pursuit of private initiatives.

1

2 (b) The agency shall:

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4 (i) Before January 1, 2010, or as soon
5 thereafter as possible, make application to the federal
6 department of health and human services for a state plan
7 amendment to establish that, if an individual is a
8 beneficiary of a long-term care partnership program
9 certified policy, the total assets an individual owns and
10 may retain under Medicaid and still qualify for benefits
11 under Medicaid at the time the individual applies for long-
12 term care benefits are increased by one dollar (\$1.00) for
13 each one dollar (\$1.00) of benefit paid out under the
14 individual's long-term care partnership program certified
15 insurance policy;

16

17 (ii) Provide information and technical
18 assistance to the department on the department's role in
19 assuring that any individual who sells a qualified long-
20 term care insurance partnership policy receives training
21 and demonstrates evidence of an understanding of such
22 policies and how they relate to other public and private
23 coverage of long-term care.

24

1 (c) The department may not impose any requirement
2 affecting the terms of benefits of a policy under the
3 partnership program unless the department imposes such
4 requirement on long-term care insurance policies without
5 regard to whether the policy is covered under the
6 partnership or is offered in connection with such a
7 partnership.

8

9 (d) The issuers of qualified long-term care
10 partnership policies in Wyoming shall provide regular
11 reports to the secretary of the federal department of
12 health and human services, in accordance with federal
13 regulations.

14

15 (e) Reciprocity between the program and other state
16 programs shall be subject to the following:

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18 (i) Any individual who has purchased a
19 partnership policy in any participating state, who has
20 received benefits under the policy and who applies for
21 Medicaid in a participating state other than the one in
22 which the policy was issued shall receive an asset
23 disregard in an equal dollar amount to the benefits
24 received under the policy;

1

2 (ii) The asset disregard procedure and
3 calculation shall be the same for every individual with a
4 partnership policy who applies for Medicaid in the
5 participating state, without regard to whether the policy
6 was purchased in another state or the date the policy was
7 purchased;

8

9 (iii) An amount equal to the benefits received
10 under the partnership policy shall be exempt from Medicaid
11 estate recovery provisions; and

12

13 (iv) If a person moves from the state in which
14 the person's partnership policy was issued, later applies
15 for Medicaid in another participating state and is
16 determined to be eligible using a partnership asset
17 disregard, the partnership asset disregard shall not be
18 revoked upon eligibility redetermination should the state
19 subsequently decide to become exempt from the reciprocity
20 agreement.

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22 **42-7-104. Administration.**

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1 (a) The agency and the department are authorized to
2 adopt rules to implement and administer the provisions of
3 this act.

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5 (b) The agency and department shall comply with all
6 federal rules developed in accordance with title VI,
7 section 6021 of the federal Deficit Reduction Act of 2005,
8 regarding data reporting, reciprocity with other states
9 that develop long-term care insurance partnership programs,
10 and any other matters, and shall have the authority to
11 adopt regulations relative to the provisions of any federal
12 rules and their administration.

13

14 **Section 2.** This act is effective July 1, 2009.

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(END)