



1 "Certified long-term care insurance partnership policy"  
2 means a policy provided by a producer in accordance with chapter  
3 431 and approved by the department that:

4 (1) Meets all of the requirements of a qualified long-term  
5 care insurance contract as defined in section 7702B(b)  
6 of the Internal Revenue Code; and

7 (2) Was issued not earlier than the effective date of the  
8 state plan amendment.

9 "Department" means the department of human services.

10 "Medicaid" means the program for medical assistance  
11 established under 42 United States Code chapter 7, subchapter  
12 XIX, or any successor program.

13 "Partnership" means a cooperative agreement between the  
14 federal government and the division of the department of human  
15 services that is the federally designated single state agency  
16 charged with administration and supervision of the state  
17 medicaid program.

18 "State plan amendment" means the state medicaid plan  
19 amendment made to the federal Department of Health and Human  
20 Services that provides for the disregard of any assets in an  
21 amount equal to the insurance benefit payments that are made to



1 or on the behalf of an individual who is a beneficiary under a  
2 certified long-term care insurance partnership policy.

3       § -3 Long-term care partnership established. (a) The  
4 department shall establish a long-term care partnership program  
5 that enables an individual who has assets that would otherwise  
6 disqualify the individual from receiving medicaid benefits to  
7 receive medicaid benefits; provided that the individual  
8 purchases and maintains a certified long-term care insurance  
9 partnership policy.

10       (b) All certified long-term care insurance partnership  
11 policies authorized under this chapter shall include a provision  
12 that specifies that the certified long-term care insurance  
13 partnership policy shall be the primary payer of long-term care  
14 costs and that medicaid shall be the secondary payer.

15       § -4 Eligibility for long-term care benefits under  
16 medicaid; assets not considered. Notwithstanding any other law  
17 to the contrary, an individual who purchases a certified long-  
18 term care insurance partnership policy and has assets above the  
19 eligibility levels for receipt of medicaid benefits shall be  
20 eligible to receive medicaid benefits and any other long-term  
21 care services specified by the department without regard to the  
22 individual's assets.



1           §   -5   Amendments to medicaid rules and state plan.   (a)

2   The department shall prepare a state plan amendment to seek  
3   appropriate amendments to its medicaid rules and state plan to  
4   allow protection of assets pursuant to section   -4.   The  
5   protection shall be provided to the extent approved by the  
6   federal Centers for Medicare and Medicaid Services for any  
7   purchaser of a certified long-term care insurance partnership  
8   policy and shall last for the life of the purchaser.   The  
9   protection shall be provided under the medicaid program.   Any  
10   purchaser of a certified long-term care insurance partnership  
11   policy shall be guaranteed coverage under the medicaid program  
12   if the individual meets all other applicable eligibility  
13   requirements for the receipt of medicaid benefits that are not  
14   related to the individual's assets.

15           (b)   The department shall seek any federal waivers and  
16   approvals necessary to accomplish the purposes of this chapter.

17           §   -6   Certification of policies or plans.   The department  
18   of commerce and consumer affairs shall certify a policy as a  
19   certified long-term care insurance partnership policy only if it  
20   meets the requirements of chapter 431, 42 United States Code  
21   1396p, and section 7702B(b) of the Internal Revenue Code.

1           §   -7 Rules. The department shall adopt rules pursuant  
2 to chapter 91 to implement this chapter.

3           §   -8 Long-term care partnership program outreach. The  
4 department shall establish an outreach program to educate  
5 consumers about the need for long-term care, the mechanisms for  
6 financing long-term care, the availability of long-term care  
7 insurance, and asset protection provided under this chapter.  
8 The department shall coordinate with the executive office on  
9 aging to establish the program."

10           SECTION 2. This Act shall take effect upon its approval.



**Report Title:**

Long-term Care Partnership Program

**Description:**

Establishes the long-term care partnership program to allow individuals who purchase certified long-term care insurance policies to receive medicaid benefits without regard to the individual's assets. (SD2)

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