

SENATE BILL NO. 1170

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~~This sentence is marked with strikethrough and italic, indicating text to be removed.~~

Bill Status

S1170.....by JUDICIARY AND RULES

LONG-TERM CARE PARTNERSHIP PROGRAM - Amends existing law relating to the long-term care partnership program to prohibit the consideration of certain resources of individuals who have received or are entitled to receive benefits under a long-term care partnership program policy; and to revise notice requirements.

02/22 Senate intro - 1st rdg - to printing

02/23 Rpt prt - to Health/Wel

03/01 Rpt out - rec d/p - to 2nd rdg

03/02 2nd rdg - to 3rd rdg

03/05 3rd rdg - PASSED - 35-0-0

AYES -- Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes,

Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst,

Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk

NAYS -- None

Absent and excused -- None

Floor Sponsor - Hammond

Title apvd - to House

03/06 House intro - 1st rdg - to Health/Wel

03/09 Rpt out - ref'd to St Aff

03/13 Rpt out - rec d/p - to 2nd rdg

03/14 2nd rdg - to 3rd rdg

03/19 3rd rdg - PASSED - 65-0-5

AYES -- Anderson, Andrus, Barrett, Bayer, Bedke, Bilbao, Black, Block, Bock, Boe, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew,

Clark, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart,

Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake,
LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin,
Mortimer,
Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring,
Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(2),
Shepherd(8),
Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson,
Thayn,
Trail, Vander Woude, Wills, Wood(27), Wood(35)
NAYS -- None
Absent and excused -- Bell, Harwood, Moyle, Roberts, Mr. Speaker
Floor Sponsor - Black
Title apvd - to Senate
03/20 To enrol
03/21 Rpt enrol - Pres signed - Sp signed
03/22 To Governor
03/28 Governor signed
Session Law Chapter 253
Effective: 01/01/07 Sections 1 & 2;
07/01/07 Section 3

Bill Text

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-ninth Legislature First Regular Session - 2007

IN THE SENATE

SENATE BILL NO. 1170

BY JUDICIARY AND RULES COMMITTEE

1 AN ACT
2 RELATING TO THE LONG-TERM CARE PARTNERSHIP PROGRAM; AMENDING
SECTION 56-1302,
3 IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 56-
1303, IDAHO CODE,
4 TO PROHIBIT THE CONSIDERATION OF CERTAIN RESOURCES OF
INDIVIDUALS WHO HAVE
5 RECEIVED OR ARE ENTITLED TO RECEIVE BENEFITS UNDER A LONG-
TERM CARE PART-
6 NERSHIP PROGRAM POLICY; AMENDING SECTION 56-1306, IDAHO
CODE, TO REVISE
7 NOTICE REQUIREMENTS; DECLARING AN EMERGENCY AND
PROVIDING RETROACTIVE
8 APPLICATION AND EFFECTIVE DATES.

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 56-1302, Idaho Code, be, and the
same is hereby

11 amended to read as follows:

12 56-1302. DEFINITIONS. The following words and phrases when
used in this

13 chapter have the meanings given to them unless the context
clearly indicates

14 otherwise:

15 (1) "Asset disregard" means the total assets an individual
owns and may

16 retain under medicaid and still qualify for benefits at the
time the individ-

17 ual applies for benefits;

18 ~~(a) If~~ the individual is a beneficiary of a long-term
care partnership

19 program approved policy; ~~and~~

20 ~~(b) Has exhausted the benefits of the policy.~~

21 (2) "Department" means the department of health and
welfare.

22 (3) "Long-term care partnership program approved policy"
means a long-

23 term care insurance policy which is approved by the department
of insurance

24 and is provided through state approved long-term care
insurers through the

25 Idaho long-term care partnership program.

26 (4) "Medicaid" means the federal medical assistance
program established

27 under title XIX of the social security act.

28 SECTION 2. That Section 56-1303, Idaho Code, be, and the
same is hereby

29 amended to read as follows:

30 56-1303. LONG-TERM CARE PARTNERSHIP PROGRAM. (1) Upon
the repeal of

31 restrictions to asset protection contained in the omnibus
budget reconcilia-

32 tion act of 1993 (public law 103-66, 107 Stat. 312), there
shall be estab-

33 lished the Idaho long-term care partnership program, to be
administered by the

34 department with the assistance of the department of insurance
to do the fol-

35 lowing:

36 (a) Provide incentives for individuals to insure against
the costs of

37 providing for their long-term care needs;

38 (b) Provide a mechanism for individuals to qualify for
coverage of the

39 cost of their long-term care needs under medicaid without
first being

40 required to substantially exhaust their resources;

41 (c) Provide counseling services to individuals planning
for their long-

1 term care needs; and
2 (d) Alleviate the financial burden on the state's medical
assistance pro-
3 gram by encouraging the pursuit of private initiatives.
4 (2) ~~Upon exhausting~~ In the case of an individual who has
received or is
5 entitled to receive benefits under a long-term care
partnership program pol-
6 icy, certain resources of ~~an~~ that individual, as described in
subsection (3)
7 of this section, shall not be considered by the department as a
determination
8 of any of the following:
9 (a) Eligibility for medicaid;
10 (b) Amount of any medicaid payment; or
11 (c) Any subsequent recovery by the state of a payment for
medical ser-
12 vices.
13 (3) The department shall promulgate necessary rules and
amendments to the
14 state plan to allow for asset disregard. To provide asset
disregard, for pur-
15 chasers of a long-term care partnership program policy, the
department shall
16 count insurance benefits paid under the policy toward asset
disregard to the
17 extent the payments are for covered services under the long-term
care partner-
18 ship program policy.

19 SECTION 3. That Section 56-1306, Idaho Code, be, and the
same is hereby
20 amended to read as follows:

21 56-1306. NOTICE REQUIREMENT. (1) ~~A long term care insurance~~
~~policy issued~~
22 ~~after the effective date of this chapter shall contain a~~
~~notice provision to~~
23 ~~the consumer detailing in plain language the current law~~
~~pertaining to asset~~
24 ~~disregard and asset tests~~ An insurer issuing or marketing
policies that qual-
25 ify as partnership policies shall explain the benefits
associated with a part-
26 nership policy by providing an asset disregard notice indicating
that at the
27 time of issue the coverage is an approved long-term care
partnership policy.
28 This asset disregard notice shall be provided to the
policyholder or certifi-
29 cate holder no later than the time of policy or certificate
delivery. This
30 asset disregard notice shall also provide disclosure that the
partnership sta-
31 tus may be lost if the insured moves to a different state or
modifies the cov-
32 erage after issue, or if changes in federal or state laws occur.

33 (2) The notice to the consumer under subsection (1) of this
section shall
34 be developed by the director of the department of insurance.

35 SECTION 4. An emergency existing therefor, which
emergency is hereby
36 declared to exist, Sections 1 and 2 of this act shall be in
full force and
37 effect on and after its passage and approval, and retroactively
to January 1,
38 2007. Section 3 of this act shall be in full force and
effect on and after
39 July 1, 2007.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 17071

The purpose of this bill is to address recent changes in federal law applicable to the Long-term Care Partnership Program. The Federal Deficit Resolution Act of 2006 modified federal law regarding exhaustion of assets and recovery of assets in the Medicaid program for persons who purchase and receive benefits from long-term care partnership policies. This legislation modifies existing Idaho statutes to be consistent with the 2006 changes in federal law for the Long-term Partnership Program.

FISCAL NOTE

There is no fiscal impact.

Contact

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