

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
1301 Young Street, Room 833
Dallas, Texas 75202



Division of Medicaid & Children's Health, Region VI

November 4, 2009

Our Reference: SPA-LA-09-40

Mr. Jerry Phillips, State Medicaid Director
Department of Health and Hospitals
Bienville Building
628 North 4th Street
Post Office Box 91030
Baton Rouge, LA 70821-9030

RECEIVED

NOV 13 2009

MEDICAID DIRECTOR

Dear Mr. Phillips:

We have reviewed the proposed amendment to your Medicaid State Plan submitted under Transmittal Number 09-40. This amendment implements the Long Term Care (LTC) Insurance Partnership program, providing an exemption from estate recovery to individuals in an amount equal to the benefits paid by certain LTC insurance policies.

Transmittal Number 09-40 is approved with an effective date of October 1, 2009 as requested. A copy of the HCFA-179, Transmittal No. 09-40 dated September 16, 2009 is enclosed along with the approved plan pages.

If you have any questions, please contact Cheryl Rupley at (214) 767-6278.

Sincerely,

A handwritten signature in black ink that reads "Bill Brooks". The signature is written in a cursive, slightly slanted style.

Bill Brooks
Associate Regional Administrator

Enclosures

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Louisiana

STATE LONG-TERM CARE INSURANCE PARTNERSHIP

1902(r)(2) The following more liberal methodology applies to individuals who are
1917(b)(1)(C) eligible for medical assistance under one of the following eligibility groups:

- Individuals in a nursing facility with gross income that does not exceed 300 percent of the SSI income standard as described in 1902(a)(10)(A)(ii)(V).
- Individuals who receive home and community based services with a gross income that does not exceed 300 percent of the SSI income standard as described in 1902(a)(10)(A)(ii)(VI).
- Medically needy aged, blind, and disabled groups as described in 1902(a)(10)(C)(i)(III).

A	
STATE	Louisiana
DATE REC'D	9-22-09
DATE APPV'D	11-04-09
DATE EFF	10-1-09
HCFA 179	09-40

An individual who is a beneficiary under a long-term care insurance policy that meets the requirements of a "qualified State long-term care insurance partnership" policy (partnership policy) as set forth below, is given a resource disregard as described in this amendment. The amount of the disregard is equal to the amount of the insurance benefit payments made to or on behalf of the individual. The term "long-term care insurance policy" includes a certificate issued under a group insurance contract.

X The State Medicaid Agency (Agency) stipulates that the following requirements will be satisfied in order for a long-term care policy to qualify for a disregard. Where appropriate, the Agency relies on attestations by the State Insurance Commissioner (Commissioner) or other State official charged with regulation and oversight of insurance policies sold in the state, regarding information within the expertise of the State's Insurance Department.

- The policy is a qualified long-term care insurance policy as defined in section 7702B(b) of the Internal Revenue Code of 1986.
- The policy meets the requirements of the long-term care insurance model regulation and long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of October 2000) as those requirements are set forth in section 1917(b)(5)(A) of the Social Security Act.

SUPERSEDES: NONE - NEW PAGE

TN No. 09-40

Supersedes _____ Approval Date 11-04-09 Effective Date 10-1-09

TN No. SUPERSEDES: NONE - NEW PAGE

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Louisiana

STATE LONG-TERM CARE INSURANCE PARTNERSHIP

- The policy was issued no earlier than the effective date of this State plan amendment.
- The insured individual was a resident of a Partnership State when coverage first became effective under the policy. If the policy is later exchanged for a different long-term care policy, the individual was a resident of a Partnership State when coverage under the earliest policy became effective.
- The policy meets the inflation protection requirements set forth in section 1917(b)(1)(C)(iii)(IV) of the Social Security Act.
- The Commissioner requires the issuer of the policy to make regular reports to the Secretary that include notification regarding when benefits provided under the policy have been paid and the amount of such benefits paid, notification regarding when the policy otherwise terminates, and such other information as the Secretary determines may be appropriate to the administration of such partnerships.
- The State does not impose any requirement affecting the terms or benefits of a partnership policy that the state does not also impose on non-partnership policies.
- The State Insurance Department assures that any individual who sells a partnership policy receives training, and demonstrates evidence of an understanding of such policies and how they relate to other public and private coverage of long-term care.
- The Agency provides information and technical assistance to the Insurance Department regarding the training described above.

STATE <u>Louisiana</u>	A
DATE REC'D <u>9-22-09</u>	
DATE APPV'D <u>11-04-09</u>	
DATE EFF <u>10-1-09</u>	
HCFA 179 <u>09-40</u>	

SUPERSEDES: NONE - NEW PAGE

TN No. 09-40
Supersedes Approval Date 11-04-09 Effective Date 10-1-09
TN No. SUPERSEDES: NONE - NEW PAGE

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Louisiana

1917(b)(1)(C) (4) X If an individual covered under a long-term care insurance policy received benefits for which assets or resources were disregarded as provided for in Attachment 2.6-A, Supplement 8c (State Long-Term Care Insurance Partnership), the State does not seek adjustment or recovery from the individual's estate for the amount of assets or resources disregarded.

STATE <u>Louisiana</u>	A
DATE REC'D <u>9-22-09</u>	
DATE APPV'D <u>11-4-09</u>	
DATE EFF <u>10-1-09</u>	
HCFA 179 <u>09-40</u>	

SUPERSEDES: NONE - NEW PAGE

TN No. 09-40 Approval Date _____ Effective Date 10-1-09
Supersedes _____
TN No. **SUPERSEDES: NONE - NEW PAGE**

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Louisiana

1917(b)(1)(C) (4) X If an individual covered under a long-term care insurance policy received benefits for which assets or resources were disregarded as provided for in Attachment 2.6-A, Supplement 8c (State Long-Term Care Insurance Partnership), the State does not seek adjustment or recovery from the individual's estate for the amount of assets or resources disregarded.

STATE	<u>Louisiana</u>
DATE REC'D	<u>9-22-09</u>
DATE APPV'D	<u>11-04-09</u>
DATE EFF	<u>10-1-09</u>
HCFA 179	<u>09-40</u>

A

SUPERSEDES: TN- 95-48

TN No. 09-40

Supersedes TN No. 95-48

Approval Date

Effective Date 10-1-09