

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2565

By: Greenwood

COMMITTEE SUBSTITUTE

An Act relating to public health; creating the Oklahoma Partnership for Long-Term Care Act; specifying legislative recognitions; requiring the Oklahoma Health Care Authority to create the Oklahoma Partnership for Long-Term Care Program under certain conditions; providing requirements for state entities to perform in developing and implementing the Program; authorizing promulgation of certain rules; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5006a of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Sections 1 through 3 of this act may be cited as the "Oklahoma Partnership for Long-Term Care Act".

B. The Oklahoma Legislature recognizes that:

1. Chronic long-term care illnesses threaten the health and welfare of thousands of Oklahoma families annually;

2. Many families across the state have no private or public insurance to help pay the catastrophic expenses of an extended chronic episode requiring long-term care;

3. The costs of care during an extended chronic illness are very expensive and force thousands of Oklahomans annually to spend down their income and savings of a lifetime and become dependent upon public assistance programs; and

4. The State of Oklahoma cannot continue to be the insurer of last resort for increasing numbers of Oklahomans needing long-term

care, while at the same time meeting obligations to the poor persons who have no other means of caring for themselves.

C. 1. The Oklahoma Legislature further recognizes it is in the interest of the citizens of Oklahoma that individuals be encouraged to anticipate their potential long-term care needs by purchasing quality private long-term care insurance policies to provide for any future long-term care.

2. In addition, the Oklahoma Legislature supports the establishment of a long-term care partnership program in which individuals, who purchase private long-term care insurance that meet certain standards and who sustain extended episodes of chronic illness that exhaust all the benefits of their private insurance, be eligible for continued care by in-home supportive services and by the Medicaid program on the basis of specific resource eligibility requirements.

3. For purposes of the Oklahoma Partnership for Long-Term Care Act, "Medicaid" means the medical assistance program established in Title XIX of the Social Security Act, 42 U.S.C.A., Section 1396 et seq., and administered in this state by the Oklahoma Health Care Authority.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5006b of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Health Care Authority (OHCA), upon the approval of the Centers for Medicare and Medicaid Services and upon the authorization of the U.S. Congress, shall develop and implement the Oklahoma Partnership for Long-Term Care Program.

B. The Oklahoma Health Care Authority shall develop guidelines, program criteria, and standards for persons to be eligible for the Oklahoma Partnership for Long-Term Care Program.

C. 1. The Department of Human Services shall provide any assistance to the Oklahoma Health Care Authority regarding the

eligibility requirements for persons participating in the Oklahoma Partnership for Long-Term Care Program.

2. Eligibility requirements for the Oklahoma Partnership for Long-Term Care Program shall include, but not be limited to:

- a. the population and age groups that are eligible to participate in such program,
- b. the minimum level of long-term care insurance that must be purchased to meet the requirement, and
- c. the amount and types of services that a long-term care insurance policy must cover.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5006c of Title 63, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Health Care Authority Board and the Insurance Commissioner shall promulgate any rules necessary to implement the Oklahoma Partnership for Long-Term Care Act.

SECTION 4. Sections 1 and 2 of this act shall become effective November 1, 2004.

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