

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 387

6 By: Ivester

7 COMMITTEE SUBSTITUTE

8 [public health and safety - Oklahoma Long-Term Care
9 Partnership Program - effective date]

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

11 SECTION 1. AMENDATORY Section 3, Chapter 283, O.S.L. 2004
12 (63 O.S. Supp. 2008, Section 1-1955.3), is amended to read as
13 follows:

14 Section 1-1955.3 A. Upon repeal of the restrictions to asset
15 protection contained in the Omnibus Budget Reconciliation Act of 1993,
16 Public Law 103-66, 107 Stat. 312, there shall be established the
17 Oklahoma Long-Term Care Partnership Program, to be administered by
18 the Oklahoma Health Care Authority, with the assistance of the
19 Insurance Department, to do the following:

20 1. Provide incentives for individuals to insure against the
21 costs of providing for their long-term care needs;

22 2. Provide a mechanism for individuals to qualify for coverage
23 of the cost of their long-term care needs under the state Medicaid
24

1 program without first being required to substantially exhaust their
2 resources;

3 3. Provide counseling services to individuals in planning for
4 their long-term care needs; and

5 4. Alleviate the financial burden on the state's Medicaid
6 program by encouraging the pursuit of private initiatives.

7 B. Upon ~~exhaustion~~ application of Medicaid benefits under a the
8 Long-Term Care Partnership Program ~~policy~~, certain resources of an
9 individual, as described in subsection C of this section, shall not
10 be considered by the Authority when determining any of the following:

11 1. Medicaid eligibility;

12 2. The amount of any Medicaid payment; and

13 3. Any subsequent recovery by the state of a payment for medical
14 services.

15 C. The Oklahoma Health Care Authority shall amend the state
16 Medicaid program to allow for asset disregard. The Authority shall
17 provide for asset disregard by counting insurance benefits paid under
18 a policy toward asset disregard to the extent the payments are for
19 covered services under the Oklahoma Long-Term Care Partnership
20 Program for purchasers of an Oklahoma Long-Term Care Partnership
21 Program approved policy.

22 SECTION 2. This act shall become effective November 1, 2009.

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