

1 ENGROSSED SENATE
2 BILL NO. 387

By: Ivester of the Senate
and
Steele of the House

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

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

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

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

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

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

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
11 following:

12 1. Medicaid eligibility;

13 2. The amount of any Medicaid payment; and

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

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

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

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