

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1114

By: Miller and Martin (Scott)  
of the House

4 and

5 Johnson (Mike) and Myers  
6 of the Senate

7  
8 AS INTRODUCED

9 An Act relating to public health and safety; amending  
10 Section 3, Chapter 283, O.S.L. 2004 (63 O.S. Supp.  
11 2008, Section 1-1955.3), which relates to the  
12 Oklahoma Long-Term Care Partnership Program;  
providing an effective date; and declaring an  
emergency.

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

16 SECTION 1. AMENDATORY Section 3, Chapter 283, O.S.L.  
17 2004 (63 O.S. Supp. 2008, Section 1-1955.3), is amended to read as  
18 follows:

19 Section 1-1955.3 A. Upon repeal of the restrictions to asset  
20 protection contained in the Omnibus Budget Reconciliation Act of  
21 1993, Public Law 103-66, 107 Stat. 312, there shall be established  
22 the Oklahoma Long-Term Care Partnership Program, to be administered  
23 by the Oklahoma Health Care Authority, with the assistance of the  
24 Insurance Department, to do the following:

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

3           2. Provide a mechanism for individuals to qualify for coverage  
4 of the cost of their long-term care needs under the state Medicaid  
5 program without first being required to substantially exhaust their  
6 resources;

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

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

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

16           1. Medicaid eligibility;

17           2. The amount of any Medicaid payment; and

18           3. Any subsequent recovery by the state of a payment for  
19 medical services.

20           C. The Oklahoma Health Care Authority shall amend the state  
21 Medicaid program to allow for asset disregard. The Authority shall  
22 provide for asset disregard by counting insurance benefits paid  
23 under a policy toward asset disregard to the extent the payments are  
24 for covered services under the Oklahoma Long-Term Care Partnership

1 Program for purchasers of an Oklahoma Long-Term Care Partnership  
2 Program approved policy.

3 SECTION 2. This act shall become effective July 1, 2009.

4 SECTION 3. It being immediately necessary for the preservation  
5 of the public peace, health and safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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9 52-1-15015 MN 12/30/08

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