

ORIGINAL HOUSE  
BILL NO. 0092

ENROLLED ACT NO. 66, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2009 GENERAL SESSION

AN ACT relating to Medicaid; establishing a program for the financing of long-term care through a combination of private insurance and medical assistance; providing asset disregards for Medicaid long-term care coverage; providing incentives for using qualified long-term care partnership insurance policies as specified; providing definitions; granting rulemaking authority; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 42-7-101 through 42-7-104 are created to read:

ARTICLE 7  
LONG-TERM CARE PARTNERSHIP PROGRAM

**42-7-101. Short title.**

This act may be cited as the "Wyoming Long-Term Care Partnership Program Act."

**42-7-102. Definitions.**

(a) As used in this act:

(i) "Agency" means the department of health;

(ii) "Asset disregard" means, with respect to qualification for state Medicaid benefits, the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on behalf of an individual who is a beneficiary under a qualified long-term care insurance partnership policy;

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(iii) "Department" means the department of insurance;

(iv) "Medicaid" means the program administered by the state pursuant to the Wyoming Medical Assistance and Services Act and this act and partly funded by the federal government pursuant to title XIX of the federal Social Security Act;

(v) "Qualified long-term care insurance partnership policy" means a policy that meets all of the following requirements:

(A) The policy covers an insured who was a resident of Wyoming when coverage first became effective under the policy;

(B) The policy is a qualified long-term care insurance policy as defined in section 7702B(b) of the Internal Revenue Code of 1986 issued not earlier than the effective date of the state plan amendment;

(C) The director of the department certifies that the policy meets the model regulations and requirements of the national association of insurance commissioners model specified in paragraph (5) of title VI, section 6021 of the federal Deficit Reduction Act of 2005; and

(D) If the policy is sold to an individual who:

(I) Has not attained age sixty-one (61) as of the date of purchase, the policy provides compound annual inflation protection;

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(II) Has attained age sixty-one (61) but has not attained age seventy-six (76) as of such date, the policy provides some level of inflation protection; or

(III) Has attained age seventy-six (76) as of such date, the policy may, but is not required to, provide some level of inflation protection.

(vi) "State plan amendment" means a state Medicaid plan amendment made with the approval of the federal department of health and human services that provides for the disregard of any assets or resources in an amount equal to the insurance benefit payments that are made to or on behalf of an individual who is a beneficiary under a qualified long-term care insurance partnership policy.

**42-7-103. Wyoming long-term care partnership program established.**

(a) In accordance with title VI, section 6021 of the federal Deficit Reduction Act of 2005, there shall be established the Wyoming long-term care partnership program, to be administered by the agency with the assistance of the department, to provide incentives for individuals to insure against the costs of providing for their long-term care needs by creating a mechanism for individuals to qualify for coverage of the cost of their long-term care needs under Medicaid without first being required to substantially exhaust their resources.

(b) The agency shall:

(i) Before January 1, 2010, or as soon thereafter as possible, make application to the federal department of health and human services for a state plan

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amendment to establish that, if an individual is a beneficiary of a long-term care partnership program certified policy, the total assets an individual owns and may retain under Medicaid and still qualify for benefits under Medicaid at the time the individual applies for long-term care benefits are increased by one dollar (\$1.00) for each one dollar (\$1.00) of benefit paid out under the individual's long-term care partnership program certified insurance policy;

(ii) Provide information and technical assistance to the department on the department's role in assuring that any individual who sells a qualified long-term care insurance 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.

(c) The department may not impose any requirement affecting the terms of benefits of a policy under the partnership program unless the department imposes such requirement on long-term care insurance policies without regard to whether the policy is covered under the partnership or is offered in connection with such a partnership.

(d) The issuers of qualified long-term care partnership policies in Wyoming shall provide regular reports to the secretary of the federal department of health and human services, in accordance with federal regulations.

(e) Reciprocity between the program and other state programs shall be subject to the following:

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(i) Any individual who has purchased a partnership policy in any participating state, who has received benefits under the policy and who applies for Medicaid in a participating state other than the one in which the policy was issued shall receive an asset disregard in an equal dollar amount to the benefits received under the policy;

(ii) The asset disregard procedure and calculation shall be the same for every individual with a partnership policy who applies for Medicaid in the participating state, without regard to whether the policy was purchased in another state or the date the policy was purchased;

(iii) An amount equal to the benefits received under the partnership policy shall be exempt from Medicaid estate recovery provisions; and

(iv) If a person moves from the state in which the person's partnership policy was issued, later applies for Medicaid in another participating state and is determined to be eligible using a partnership asset disregard, the partnership asset disregard shall not be revoked upon eligibility redetermination should the state subsequently decide to become exempt from the reciprocity agreement.

**42-7-104. Administration.**

(a) The agency and the department are authorized to adopt rules to implement and administer the provisions of this act.

(b) The agency and department shall comply with all federal rules developed in accordance with title VI,

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section 6021 of the federal Deficit Reduction Act of 2005, regarding data reporting, reciprocity with other states that develop long-term care insurance partnership programs, and any other matters, and shall have the authority to adopt regulations relative to the provisions of any federal rules and their administration.

**Section 2.** This act is effective July 1, 2009.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk