

House Bill 133

By: Representatives Borders of the 175<sup>th</sup>, Black of the 174<sup>th</sup>, and Shaw of the 176<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance, so as to establish the Georgia Long-Term Care Partnership Program; to provide a short title; to provide definitions; to provide for the administration of the program; to provide for certain duties and responsibilities; to provide that certain assets of persons not be considered when certain determinations concerning eligibility for Medicaid assistance are made; to provide for criteria for asset disregard; to provide for reciprocal agreements with other states; to authorize the Department of Community Health and the Commissioner of Insurance to promulgate certain rules and regulations; to provide for certain contingencies; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance, is amended by adding a new Article 7A to read as follows:

"ARTICLE 7A

49-4-160.

This article shall be known and may be cited as the 'Georgia Long-Term Care Partnership Program Act.'

49-4-161.

As used in this article, the term:

(1) 'Asset disregard' means the total assets an individual owns and may retain upon application for the state Medicaid program and still qualify for benefits if the individual:

(A) Is a beneficiary of a Georgia Long-Term Care Partnership Program approved policy; and

1 (B) Has exhausted the benefits of such policy.

2 (2) 'Department' means the Department of Community Health.

3 (3) 'Georgia Long-Term Care Partnership Program approved policy' means a long-term  
4 care insurance policy that is approved by the Commissioner of Insurance and is provided  
5 through state approved long-term care insurers through the Georgia Long-Term Care  
6 Partnership Program.

7 (4) 'State Medicaid program' means the medical assistance program established in this  
8 state under Title XIX of the federal Social Security Act.

9 49-4-162.

10 (a) There is established the Georgia Long-Term Care Partnership Program which shall be  
11 administered by the Department of Community Health, with the assistance of the  
12 Commissioner of Insurance, and which shall have the following duties and responsibilities:

13 (1) To provide incentives for individuals to insure against the costs of providing for their  
14 long-term care needs;

15 (2) To provide a mechanism for individuals to qualify for coverage of the cost of their  
16 long-term care needs under the state Medicaid program without first being required to  
17 substantially exhaust their resources;

18 (3) To provide counseling services to individuals in planning of their long-term care  
19 needs; and

20 (4) To alleviate the financial burden on the state's Medicaid program by encouraging the  
21 pursuit of private initiatives.

22 (b) Upon the exhaustion of benefits under a Georgia Long-Term Care Partnership Program  
23 approved policy, certain resources of an individual, as provided in subsection (c) of this  
24 Code section, shall not be considered when determining any of the following:

25 (1) Medicaid eligibility;

26 (2) The amount of any Medicaid payment; and

27 (3) Any subsequent recovery by the state of a payment for medical services.

28 (c) The department shall amend the state Medicaid program to allow for asset disregard.  
29 The department shall provide for asset disregard by counting insurance benefits paid under  
30 a policy toward asset disregard to the extent the payments are for covered services under  
31 the Georgia Long-Term Care Partnership Program for purchasers of a Georgia Long-Term  
32 Care Partnership Program approved policy.

49-4-163.

(a) An individual who is a beneficiary of a Georgia Long-Term Care Partnership Program approved policy is eligible for assistance under the state Medicaid program using asset disregard pursuant to the provisions of subsection (c) of Code Section 49-4-162.

(b) If the Georgia Long-Term Care Partnership Program is discontinued, an individual who purchased a Georgia Long-Term Care Partnership Program approved policy prior to the date the program was discontinued shall be eligible to receive asset disregard.

(c) The department may enter into reciprocal agreements with other states to extend the asset disregard to residents of the state who purchase long-term care policies in another state which has asset disregard provisions as established under this article.

49-4-164.

The department and the Commissioner of Insurance are authorized to promulgate rules and regulations to implement and administer the provisions of this article.

49-4-165.

(a) A long-term care insurance policy issued after the effective date of this article shall contain a notice provision to the consumer detailing in plain language the current law pertaining to asset disregard and asset tests.

(b) The notice to the consumer under subsection (a) of this Code section shall be developed by the Commissioner of Insurance.

49-4-166.

The provisions of this article shall become effective 60 days after the effective date of the repeal of the restrictions to asset protection contained in the federal Omnibus Budget Reconciliation Act of 1993, Public Law 103-66, 107 Stat. 312."

## **SECTION 2.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.