

Senate Bill 112

By: Senators Goggans of the 7th, Golden of the 8th, Thomas of the 54th, Hill of the 32nd, Stephens of the 27th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

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

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

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

14 **"ARTICLE 7A**

15 49-4-160.

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

18 49-4-161.

19 As used in this article, the term:

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

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

1 (B) Has exhausted the benefits of such policy or has diminished such assets below
2 anticipated remaining policy benefits.

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

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

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

10 49-4-162.

11 (a) There is established the Georgia Long-Term Care Partnership Program which shall be
12 administered by the Department of Community Health, with the assistance of the
13 Commissioner of Insurance and the Department of Human Resources, and which shall be
14 for the following purposes:

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

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

20 (3) To provide counseling services through the Division of Aging Services of the
21 Department of Human Resources to individuals in planning of their long-term care needs;
22 and

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

25 (b) Upon the exhaustion of benefits or upon the diminishment of assets below the
26 anticipated remaining benefits under a Georgia Long-Term Care Partnership Program
27 approved policy, certain assets of an individual, as provided in subsection (c) of this Code
28 section, shall not be considered when determining any of the following:

29 (1) Medicaid eligibility;

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

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

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

1 49-4-163.

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

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

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

11 49-4-164.

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

14 49-4-165.

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

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

20 49-4-166.

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

24 **SECTION 2.**

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

27 **SECTION 3.**

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