

HB 2884

FILED

2009 MAY -7 PM 3: 31

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2009



ENROLLED

House Bill No. 2884

(By Delegates Campbell, Border, Perdue,
Webster and White)



Passed April 11, 2009

In Effect Ninety Days from Passage

ENROLLED FILED

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H. B. 2884

OFFICE WEST VIRGINIA
SECRETARY OF STATE

(BY DELEGATES CAMPBELL, BORDER, PERDUE,
WEBSTER AND WHITE)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-4E-1, §9-4E-2 and §9-4E-3, all relating to Medicaid; the development of a public-private long-term care partnership program.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §9-4E-1, §9-4E-2 and §9-4E-3, all to read as follows:

ARTICLE 4E. Long-Term Care Partnership Program.

§9-4E-1. Purpose.

- 1 (a) The purpose of this program shall be to reduce
- 2 Medicaid costs for long-term care by encouraging the
- 3 purchase of private long-term care insurance policies that are

10:8 77 4 -covered under the “qualified state long-term care insurance
5 partnerships.”

6 (b) It is the intent of the long-term care partnership to do
7 all of the following:

8 (1) Provide incentives for individuals to insure against the
9 costs of providing for their long-term care needs.

10 (2) Provide a mechanism for individuals to qualify for
11 coverage of the cost of their long-term care needs under
12 Medicaid without first being required to substantially exhaust
13 their resources.

14 (3) Alleviate the financial burden on the state’s medical
15 assistance program by encouraging the pursuit of private
16 initiatives.

§9-4E-2. Definitions.

1 (a) “Asset disregard” means, with regard to the state’s
2 medical assistance program, disregarding any assets or
3 resources in an amount equal to the insurance benefit
4 payments that are made to or on behalf of an individual who
5 is a beneficiary under a qualified long-term care insurance
6 partnership policy.

7 (b) “Long-term care insurance” means a policy described
8 in section four (a), article fifteen (A), chapter thirty-three of
9 this code.

10 (c) “Long-term care partnership program” means a
11 qualified state long-term care insurance partnership as
12 defined in 42 U.S.C. 1396, Section 1917(b) of the Social
13 Security Act.

14 (d) "Medicaid" means that assistance provided under a
15 state plan implemented by subchapter nineteen, chapter
16 seven, Title 42, United States Code, as that chapter has been
17 and may hereafter be amended.

§9-4E-3. Authority.

1 (a) The program shall be administered by the Bureau for
2 Medical Services. The bureau shall establish a long-term
3 care partnership program in West Virginia in order to provide
4 for the financing of long-term care through a combination of
5 private insurance and Medicaid in accordance with federal
6 requirements on qualified state long-term care insurance
7 partnerships.

8 (b) Not later than ninety days after the effective date of
9 this article, the Bureau for Medical Services shall file a state
10 plan amendment, pursuant to Title XIX of the United States
11 Social Security Act and any amendments thereto, to the
12 United States Department of Health and Human Services to
13 establish that the assets an individual owns and may retain
14 under Medicaid and still qualify for benefits under Medicaid
15 at the time the individuals applies for benefits is increased
16 dollar-for-dollar for each dollar paid out under the
17 individuals's long-term care insurance policy if the individual
18 is a beneficiary of a qualified long-term care partnership
19 program policy.

20 (c) An individual who is a beneficiary of a West Virginia
21 long-term care partnership program and meets eligibility
22 requirements is eligible for assistance under the state's
23 medical assistance program using the asset disregard as
24 provided under subsection (b).

25 (d) The Bureau of Medical Services shall pursue
26 reciprocal agreements with other states to extend the asset

27 disregard to West Virginia residents who purchased long-
28 term care partnership policies in other states that are
29 compliant with Title VI, Section 6021 of the Federal Deficit
30 Reduction Act of 2005, PL 109-171, and any applicable
31 federal regulations or guidelines.

32 (e) Upon diminishment of assets below the anticipated
33 remaining benefits under a long-term care partnership
34 program policy, certain assets of an individual, as provided
35 under subsection (b), shall not be considered when
36 determining any of the following:

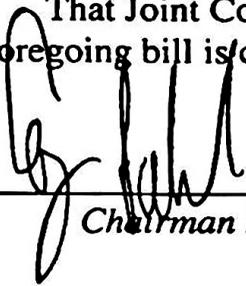
37 (1) Medicaid eligibility;

38 (2) The amount of any Medicaid payment;

39 (3) Any subsequent recovery by the state of a payment
40 for medical services or long-term care services.

41 (f) If the long-term care partnership program is
42 discontinued, an individual who purchased a West Virginia
43 long-term care partnership program policy before the date the
44 program was discontinued shall be eligible to receive asset
45 disregard if allowed as provided by Title VI, Section 6021 of
46 the Federal Deficit Reduction Act of 2005, PL 109-171.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



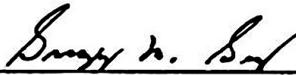
Chairman House Committee

Originating in the House.

In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 7th
day of May, 2009.



Governor

PRESENTED TO THE
GOVERNOR

MAY - 6 2009

Time 3:45p