TITLE 56
PUBLIC ASSISTANCE AND WELFARE

CHAPTER 13
LONG-TERM CARE PARTNERSHIP PROGRAM

56-1301. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Long-term Care Partnership Program."

[(56-1301) 56-1201, added 2004, ch. 261, sec. 1, p. 737; am. and redesig. 2005, ch. 25, sec. 113, p. 129.]

56-1302. DEFINITIONS. The following words and phrases when used in this chapter have the meanings given to them unless the context clearly indicates otherwise:

(1) "Asset disregard" means the total assets an individual owns and may retain under medicaid and still qualify for benefits at the time the individual applies for benefits if the individual is a beneficiary of a long-term care partnership program approved policy.

(2) "Department" means the department of health and welfare.

(3) "Long-term care partnership program approved policy" means a long-term care insurance policy which is approved by the department of insurance and is provided through state approved long-term care insurers through the Idaho long-term care partnership program.

(4) "Medicaid" means the federal medical assistance program established under title XIX of the social security act.

[(56-1302) 56-1202, added 2004, ch. 261, sec. 1, p. 737; am. and redesig. 2005, ch. 25, sec. 114, p. 129; am. 2007, ch. 253, sec. 1, p. 756.]

56-1303. LONG-TERM CARE PARTNERSHIP PROGRAM. (1) Upon the repeal of restrictions to asset protection contained in the omnibus budget reconciliation act of 1993 (public law 103-66, 107 Stat. 312), there shall be established the Idaho long-term care partnership program, to be administered by the department with the assistance of the department of insurance to do the following:

(a) Provide incentives for individuals to insure against the costs of providing for their long-term care needs;

(b) Provide 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;

(c) Provide counseling services to individuals planning for their long-term care needs; and

(d) Alleviate the financial burden on the state's medical assistance program by encouraging the pursuit of private initiatives.

(2) In the case of an individual who has received or is entitled to receive benefits under a long-term care partnership program policy, certain resources of that individual, as described in subsection (3) of this section, shall not be considered by the department as a determination of any of the following:

(a) Eligibility for medicaid;

(b) Amount of any medicaid payment; or

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

(3) The department shall promulgate necessary rules and amendments to the state plan to allow for asset disregard. To provide asset disregard, for purchasers of a long-term care partnership program policy, the department shall count insurance benefits paid under the policy toward asset disregard to the extent the payments are for covered services under the long-term care partnership program policy.

[(56-1303) 56-1203, added 2004, ch. 261, sec. 1, p. 737; am. and redesig. 2005, ch. 25, sec. 115, p. 129; am. 2007, ch. 253, sec. 2, p. 756.]

56-1304. SPECIFIC ELIGIBILITY. (1) An individual who is a beneficiary of a long-term care partnership program policy is eligible for assistance under medicaid using the asset disregard under section 56-1303(3), Idaho Code.

(2) If the program is discontinued, an individual who purchased a long-term care partnership policy prior to the date the program is discontinued shall be eligible to receive asset disregard.

(3) The department may enter into reciprocal agreements with other states to extend the asset disregard to residents of the state who purchased long-term care policies in another state which has a substantially similar asset disregard program to the program under section 56-1303, Idaho Code.

[(56-1304) 56-1204, added 2004, ch. 261, sec. 1, p. 738; am. and redesig. 2005, ch. 25, sec. 116, p. 130.]

56-1305. ADMINISTRATION. The department and the department of insurance are authorized to adopt rules to implement the provisions of this chapter and for its administration.

[(56-1305) 56-1205, added 2004, ch. 261, sec. 1, p. 738; am. and redesig. 2005, ch. 25, sec. 117, p. 130.]

56-1306. NOTICE REQUIREMENT. (1) An insurer issuing or marketing policies that qualify as partnership policies shall explain the benefits associated with a partnership policy by providing an asset disregard notice indicating that at the time of issue the coverage is an approved long-term care partnership policy. This asset disregard notice shall be provided to the policyholder or certificate holder no later than the time of policy or certificate delivery. This asset disregard notice shall also provide disclosure that the partnership status may be lost if the insured moves to a different state or modifies the coverage after issue, or if changes in federal or state laws occur.

(2) The notice to the consumer under subsection (1) of this section shall be developed by the director of the department of insurance.

[(56-1306) 56-1206, added 2004, ch. 261, sec. 1, p. 738; am. and redesig. 2005, ch. 25, sec. 118, p. 130; am. 2007, ch. 253, sec. 3, p. 757.]