

May 17, 2010

S 1193. IMPLEMENT LTC PARTNERSHIP PROGRAM (=H 1704). Filed 5/17/10. TO IMPLEMENT THE LONG-TERM CARE PARTNERSHIP PROGRAM, TO ENSURE THAT NORTH CAROLINA'S LONG-TERM CARE INSURANCE LAWS COMPORT WITH THE LONG-TERM CARE PARTNERSHIP PROVISIONS IN THE FEDERAL DEFICIT REDUCTION ACT OF 2005, AND TO AUTHORIZE THE SHARING OF CONFIDENTIAL INFORMATION BETWEEN THE NORTH CAROLINA DEPARTMENT OF INSURANCE, ENTITIES THAT CONTRACT WITH THE FEDERAL GOVERNMENT, AND OTHER GOVERNMENTAL AGENCIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING. Identical to H 1704, filed 5/12/10.

Intro. by Swindell.

GS 58, 108A

June 3, 2010

S 1193. IMPLEMENT LTC PARTNERSHIP PROGRAM. Filed 5/17/10. Senate committee substitute makes the following changes to 1st edition.

Amends proposed GS 108A-70.4 (long-term care partnership program) to clarify that *Department* references the Department of Health and Human Services (DHHS) and that *Division* means the Division of Medical Assistance. Directs that the North Carolina Long-Term Care Partnership Program (LTC) is to be administered by the Division with assistance from the Department of Insurance (DOI). Deletes definition for *long-term care partnership policy* (meaning a long-term care insurance policy approved by DOI as meeting regulations and requirements of the model act promulgated by the National Association of Insurance Commissioners) and adds *qualified long-term care partnership policy* defined as a long-term care insurance policy approved for use in North Carolina and meeting all the requirements of the Federal Deficit Reduction Act of 2005, PL 109-171.

Provides that a qualified long-term care partnership policy is to be accompanied by a disclosure (was, required the policy contain a disclosure) that explains in plain language the current law pertaining to the Partnership Program, effective January 1, 2011 (was, after January 1, 2011), or 60 days after the approval of the Medicaid State Plan amendment, whichever is later. Deletes the requirement that the insured person be provided with a duplicate disclosure with the delivery of the policy. Allows DHHS (was, required DHHS) to enter into a reciprocal agreement with other states that enter into a national reciprocity agreement to extend resource disregard and resource protection to residents who purchased, or purchased and used, a qualified long-term care policy in another state.

Amends proposed Part 2 to Article 55 of GS Chapter 58. Adds a definitions section defining the following terms: *asset*, *estate recovery*, *Medicaid*, *qualified long-term care partnership policy*, *resource*, *resource disregard*, and *resource protection*.

Amends proposed GS 58-55-60 by deleting the requirement that a long-term care partnership policy must provide insurance benefits on a reimbursement, case benefit basis, indemnity insurance basis, or on a per diem or other periodic basis. Specifies that a long-term care partnership policy must meet the federal consumer protection requirements of Section 1917(b) of the Social Security Act as amended by section 6021(a) of the Deficit Reduction Act of 2005, PL 109-17 of the Social Security Act (42 U.S.C. § 1396p(b)(5)(A)). Provides additional requirements necessary for a long-term care insurance policy to meet the standards of a qualified long-term care partnership policy including specification that the policy must state that it is intended to be a qualified long-term care insurance policy as defined in section 7702B(b) of the Internal Revenue Code of 1986 and requiring that the partnership policy issued, executed, and delivered in the state be accompanied by a Partnership Disclosure Notice that states the specified Partnership Policy Status. Also provides information on adjusting inflation protection as purchasers of long-term care insurance age and requires written notice advising an insurer to Medicaid when the insured's remaining lifetime maximum benefit equals 90 times the current daily benefit or three times the current monthly benefit. Makes additional technical and clarifying corrections.

June 16, 2010

S 1193. IMPLEMENT LTC PARTNERSHIP PROGRAM. Filed 5/17/10. House committee substitute makes the following changes to 2nd edition.

Clarifies the title of proposed GS 58-55-60 as *Qualified* long-term care partnership policy, and makes a conforming change to the term throughout the act. Makes other technical changes.

June 21, 2010

S 1193. IMPLEMENT LTC PARTNERSHIP PROGRAM. Filed 5/17/10. House committee substitute makes the following changes to 3rd edition.

Amends proposed GS 58-55-80 to specify that information, received by the Commissioner from other agencies and entities, related to the long-term care partnership program is not a public record.

Removes the section allowing the Department of Health and Human Services (DHHS) and the Department of Insurance (DOI) to adopt rules to implement the Long-Term Care Partnership Program. Removes the section requiring DHHS to pursue a Medicaid State Plan amendment to allow the Program to operate in North Carolina.

Clarifies language in proposed GS 108A-70.4 to direct DHHS, under the Partnership Program, to (1) provide resource disregard to an applicant for long-term care Medicaid who received benefits under a qualified long-term care partnership policy; specifies that the amount of the resource disregard is equal to the total insurance benefits paid to the individual under a qualified policy after implementation of the Partnership Program and before the individual's first application for long-term care Medicaid and (2) provide resource protection by reducing any subsequent recovery by NC under GS 108A-70.5 (Medicaid Estate Recovery Plan) from a deceased recipient's estate for payment of Medicaid paid services by the amount of resource disregard provided above. Amends definitions of *resource disregard* and *resource protection*.

Makes additional clarifying, technical, and linguistic changes.

July 8, 2010

SL 2010-68 (S 1193). IMPLEMENT LONG-TERM CARE PARTNERSHIP PROGRAM. AN ACT TO IMPLEMENT THE LONG-TERM CARE PARTNERSHIP PROGRAM, TO ENSURE THAT NORTH CAROLINA'S LONG-TERM CARE INSURANCE LAWS COMPORT WITH THE LONG-TERM CARE PARTNERSHIP PROVISIONS IN THE FEDERAL DEFICIT REDUCTION ACT OF 2005, AND TO AUTHORIZE THE SHARING OF CONFIDENTIAL INFORMATION BETWEEN THE NORTH CAROLINA DEPARTMENT OF INSURANCE, ENTITIES THAT CONTRACT WITH THE FEDERAL GOVERNMENT, AND OTHER GOVERNMENTAL AGENCIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING. Summarized in *Daily Bulletin* 5/17/10, 6/3/10, 6/16/10, and 6/21/10. Enacted July 8, 2010. Effective January 1, 2011, or 60 days after approval of the Medicaid State Plan amendment, whichever is later.