

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 99 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H1/19/07

A Bill

HOUSE BILL 1069

5 By: Representatives Bond, S. Prater
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8 **For An Act To Be Entitled**

9 AN ACT TO ESTABLISH THE ARKANSAS LONG-TERM CARE
10 PARTNERSHIP PROGRAM; AND FOR OTHER PURPOSES.
11

12 **Subtitle**

13 ACT TO ESTABLISH THE ARKANSAS LONG-TERM
14 CARE PARTNERSHIP PROGRAM.
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 20, Chapter 77 is amended to add an
20 additional subchapter to read as follows:

21 20-77-1801. Findings.

22 The General Assembly finds that in order to alleviate the financial
23 burden on the state's Medicaid program, the state must encourage better
24 access to and utilization of affordable long-term care insurance that will
25 pay for some or all of the cost of long-term care services.
26

27 20-77-1802. Definitions.

28 As used in this subchapter:

29 (1) "Long-term care facility" means a facility required to be
30 licensed under § 20-10-224;

31 (2) "Long-term care insurance" means the same as in 8 23-97-304;

32 (3) "Long-term care services" means the following necessary
33 services that originate in a setting other than an acute care hospital and
34 that are provided to individuals whose functional capacities are chronically
35 impaired;



- 1 (A) Physician’s services;
- 2 (B) Nursing services;
- 3 (C) Diagnostic services;
- 4 (D) Therapeutic services including physical therapy,
5 speech therapy, and occupational therapy;
- 6 (E) Rehabilitative services;
- 7 (F) Maintenance services;
- 8 (G) Personal care services individually designed to assist
9 with an individual’s physical dependency needs related to bathing, bladder
10 and bowel requirements, dressing, eating, personal hygiene, medications,
11 mobility, incidental housekeeping, laundry, and shopping for personal
12 maintenance items;
- 13 (H) Transportation services;
- 14 (I) Day care services;
- 15 (J) Respite care services; and
- 16 (K) Services provided by chiropractors, podiatrists, and
17 optometrists.

19 20-77-1803. Arkansas Long-Term Care Partnership Program – Created.

20 (a) The Arkansas Long-Term Care Partnership Program is created within
21 the Department of Health and Human Services.

22 (b) The Department of Health and Human Services in cooperation with
23 the Insurance Commissioner shall submit applications to the United States
24 Department of Health and Human Services necessary to obtain approval to:

25 (1) Establish a process for precertification of long-term care
26 insurance policies that meets all the requirements of the program;

27 (2) Establish minimum requirements that long-term care insurance
28 policies shall meet in order to qualify for pre-certification, including
29 without limitation:

30 (A) A conspicuous provision alerting consumers to the
31 availability of consumer information and public education provided by the
32 Department of Health and Human Services;

33 (B) A guarantee that each insured has an option to cover
34 home and community-based services in addition to nursing facility care;

35 (C) Inflation protection;

36 (D) Periodic reporting to include explanations of benefits

1 and a record of insurance payments that count toward Medicaid resource
2 exclusion; and

3 (E) Reports to the program as the Department of Health and
4 Human Services may require;

5 (3) Include provisions for reciprocal agreements with other
6 states to extend the Medicaid eligibility protections in subdivision (b)(4)
7 of this section to purchasers of long-term care policies in those states, if
8 at the time the long-term care policies were issued, the policies qualified
9 for pre-certification in this state;

10 (4) Include provisions that Medicaid eligibility determinations
11 in the long-term care or related waiver categories for individuals who are
12 the beneficiaries of precertified long-term care insurance policies shall
13 include a resource disregard of one dollar (\$1.00) for every dollar of long-
14 term care insurance benefits paid under the individual's prequalified long-
15 term care insurance policy for long-term care services;

16 (5) Include an outreach program to educate consumers about the
17 need for long-term care, the availability of long-term care insurance, and
18 the asset protections available under this subsection.

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20 20-77-1804. Applicability.

21 This subchapter does not supersede the obligations under the Long-Term
22 Care Insurance Act of 2005, § 23-97-301 et seq.

23
24 20-77-1805. Continuity of asset protection.

25 If this law is repealed, any Medicaid asset protection afforded under §
26 20-77-1803 shall remain effective for the life of the individual receiving
27 long-term care services under this subchapter.

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29 */s/ Bond*

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31 *APPROVED: 2/13/2007*