

3/25/14

1:59 p.m.

Chapter No. 433
14/HR40/R1448SG
J.P. / Eur

HOUSE BILL NO. 1269

Originated in House  Clerk

HOUSE BILL NO. 1269

AN ACT TO ESTABLISH THE MISSISSIPPI LONG-TERM CARE PARTNERSHIP PROGRAM WITHIN THE DIVISION OF MEDICAID; TO DIRECT THE DIVISION OF MEDICAID IN COOPERATION WITH THE INSURANCE COMMISSIONER TO SUBMIT APPLICATIONS TO OBTAIN FEDERAL APPROVAL NECESSARY TO ESTABLISH A PROCESS FOR PRECERTIFICATION OF LONG-TERM CARE INSURANCE POLICIES THAT MEETS ALL THE REQUIREMENTS OF THE PROGRAM, TO ESTABLISH MINIMUM REQUIREMENTS THAT LONG-TERM CARE INSURANCE POLICIES MUST MEET IN ORDER TO QUALIFY FOR PRECERTIFICATION, AND TO INCLUDE PROVISIONS THAT MEDICAID ELIGIBILITY DETERMINATIONS IN THE LONG-TERM CARE OR RELATED WAIVER CATEGORIES FOR INDIVIDUALS WHO ARE THE BENEFICIARIES OF PRECERTIFIED LONG-TERM CARE INSURANCE POLICIES SHALL INCLUDE A RESOURCE DISREGARD OF ONE DOLLAR FOR EVERY DOLLAR OF LONG-TERM CARE INSURANCE BENEFITS PAID UNDER THE INDIVIDUAL'S PREQUALIFIED LONG-TERM CARE INSURANCE POLICY FOR LONG-TERM CARE SERVICES; TO CREATE SECTION 41-9-39, MISSISSIPPI CODE OF 1972, TO REQUIRE FLU VACCINATIONS TO BE OFFERED BY HOSPITALS TO CERTAIN PATIENTS PRIOR TO DISCHARGE; TO AMEND SECTION 41-9-1, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The Legislature finds that in order to alleviate the financial burden on the state's Medicaid program, the state must encourage better access to and utilization of affordable long-term care insurance that will pay for some or all of the cost of long-term care services.

SECTION 2. As used in this act:

(a) "Long-term care facility" means a facility required to be licensed under Section 43-11-1 et seq.

(b) "Long-term care insurance" means the same as in 26 USCS Section 7702B.

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

- (i) Physician's services;
- (ii) Nursing services;
- (iii) Diagnostic services;
- (iv) Therapeutic services including physical therapy, speech therapy, and occupational therapy;
- (v) Rehabilitative services;
- (vi) Maintenance services;
- (vii) Personal care services individually designed to assist with an individual's physical dependency needs related to bathing, bladder and bowel requirements, dressing, eating, personal hygiene, medications, mobility, incidental housekeeping, laundry, and shopping for personal maintenance items;
- (viii) Transportation services;
- (ix) Day care services;
- (x) Respite care services; and

(xi) Services provided by chiropractors, podiatrists, and optometrists.

SECTION 3. (1) The Mississippi Long-Term Care Partnership Program is created within the Division of Medicaid.

(2) The Division of Medicaid in cooperation with the Insurance Commissioner shall submit applications to the United States Department of Health and Human Services necessary to obtain approval to:

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

(b) Establish minimum requirements that long-term care insurance policies must meet in order to qualify for precertification, including without limitation:

(i) A conspicuous provision alerting consumers to the availability of consumer information and public education provided by the Division of Medicaid;

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

(iii) Inflation protection;

(iv) Periodic reporting to include explanations of benefits and a record of insurance payments that count toward Medicaid resource exclusion; and

(v) Reports to the program as the Division of Medicaid may require;

(c) Include provisions for reciprocal agreements with other states to extend the Medicaid eligibility protections in paragraph (d) of this subsection to purchasers of long-term care policies in those states, if at the time the long-term care policies were issued, the policies qualified for precertification in this state;

(d) Include provisions that Medicaid eligibility determinations in the long-term care or related waiver categories for individuals who are the beneficiaries of precertified long-term care insurance policies shall include a resource disregard of One Dollar (\$1.00) for every dollar of long-term care insurance benefits paid under the individual's prequalified long-term care insurance policy for long-term care services; and

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

SECTION 4. If this act is repealed, any Medicaid asset protection afforded under Section 3 of this act shall remain effective for the life of the individual receiving long-term care services under this act.

SECTION 5. The following shall be codified as Section 41-9-39, Mississippi Code of 1972:

41-9-39. (1) Each year from October 1 through March 1 and in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, each hospital shall offer, prior to discharge, immunizations against influenza virus to all inpatients sixty-five (65) years of age and older unless contraindicated and contingent upon the availability of the vaccine.

(2) Any hospital, or employee thereof, shall be immune from civil liability for any personal injury as a result of complying or not complying with the requirements of subsection (1) if the hospital or employee's action or failure to act do not amount to willful or wanton misconduct or gross negligence.

SECTION 6. Section 41-9-1, Mississippi Code of 1972, is amended as follows:

41-9-1. The purpose of Sections 41-9-1 through 41-9- * * *39 is to protect and promote the public health by providing for the development, establishment and enforcement of certain standards in the construction, maintenance and operation of hospitals which will insure safe, sanitary and reasonably adequate care and treatment of individuals in hospitals. The Legislature hereby finds that the protection and promotion of the public health requires the measures provided for in said sections.

SECTION 7. This act shall take effect and be in force from
and after July 1, 2014.

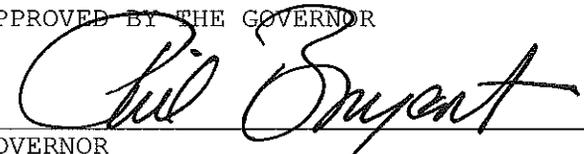
PASSED BY THE HOUSE OF REPRESENTATIVES
February 13, 2014


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 11, 2014


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR
3/25/2014 1:57pm