

AN ACT

ENTITLED, An Act to direct the Department of Social Services to establish the South Dakota long-term care partnership program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. When determining eligibility for nursing and rehabilitative services, if the individual is a beneficiary of an approved long-term care partnership program policy and has exhausted the benefits of the policy, the total countable assets of the individual shall be reduced by one dollar for each one dollar of benefits paid out under the individual's approved long-term care partnership program policy. The Department of Social Services is authorized to seek any federal waivers to implement this policy.

Section 2. The Department of Social Services shall establish the South Dakota long-term care partnership program. The program shall include the following components:

- (1) Incentives for an individual to obtain insurance to cover the costs of long-term care;
- (2) Standards for long-term care insurance policies for designation as approved long-term care partnership program policies. The Division of Insurance shall assist in ensuring that these standards are appropriate. Any insurer offering any long-term care partnership program policy shall file the policy and any advertisements with the Division of Insurance in accordance with the applicable requirements of Title 58 and subject to the standards set by the Department of Social Services;
- (3) A mechanism to qualify for coverage of the costs of long-term care needs under medicaid without first being required to substantially exhaust his or her resources, including a reduction of the individual's asset valuation by one dollar for each one dollar of benefits paid out under the individual's approved long-term care partnership program policy as a determination of medicaid eligibility;

- (4) Inflation protection as provided by federal law;
- (5) Asset protection up to the maximum as provided by federal law;
- (6) Distribution of information regarding long-term care partnership plan policies to individuals through insurance companies offering approved partnership policies. The department shall approve the information before its distribution; and
- (7) Encouraging the pursuit of private initiatives to alleviate the financial burden on the state's medical assistance program.

Section 3. The Department of Social Services shall make a report regarding the South Dakota long-term care partnership program as described in section 2 of this Act to the Legislature during the Eighty-second Legislative Session.

Section 4. This Act shall become effective upon passage of an amendment to section 1917 (b)(1)(C) of the Social Security Act by the United States Congress that authorizes the establishment of a long-term care partnership program.

An Act to direct the Department of Social Services to establish the South Dakota long-term care partnership program.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1072

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1072  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State