

By: Representatives Howell, Monsour, Chism,  
Smith (39th), Patterson, Brown (20th),  
Aldridge

To: Medicaid; Appropriations

HOUSE BILL NO. 1269  
(As Sent to Governor)

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

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

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

26 **SECTION 2.** As used in this act:



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

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

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

35 (i) Physician's services;

36 (ii) Nursing services;

37 (iii) Diagnostic services;

38 (iv) Therapeutic services including physical  
39 therapy, speech therapy, and occupational therapy;

40 (v) Rehabilitative services;

41 (vi) Maintenance services;

42 (vii) Personal care services individually designed  
43 to assist with an individual's physical dependency needs related  
44 to bathing, bladder and bowel requirements, dressing, eating,  
45 personal hygiene, medications, mobility, incidental housekeeping,  
46 laundry, and shopping for personal maintenance items;

47 (viii) Transportation services;

48 (ix) Day care services;

49 (x) Respite care services; and

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



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

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

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

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

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

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

70                           (iii) Inflation protection;

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

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



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

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

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

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

97 **SECTION 5.** The following shall be codified as Section  
98 41-9-39, Mississippi Code of 1972:

99 41-9-39. (1) Each year from October 1 through March 1 and  
100 in accordance with the latest recommendations of the Advisory



101 Committee on Immunization Practices of the Centers for Disease  
102 Control and Prevention, each hospital shall offer, prior to  
103 discharge, immunizations against influenza virus to all inpatients  
104 sixty-five (65) years of age and older unless contraindicated and  
105 contingent upon the availability of the vaccine.

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

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

113 41-9-1. The purpose of Sections 41-9-1 through 41-9- \* \* \*39  
114 is to protect and promote the public health by providing for the  
115 development, establishment and enforcement of certain standards in  
116 the construction, maintenance and operation of hospitals which  
117 will insure safe, sanitary and reasonably adequate care and  
118 treatment of individuals in hospitals. The Legislature hereby  
119 finds that the protection and promotion of the public health  
120 requires the measures provided for in said sections.

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

