

WYOMING CONSUMER HANDOUT

Introduction to the Long Term Care Partnership Program

The Long Term Care Partnership (LTCP) Program is a joint effort between the federal Medicaid Program and Long Term Care (LTC) insurers. The Long Term Care Partnership was developed to encourage people to plan for their future LTC needs, such as residing in a nursing facility or receiving LTC services in a home or community-based setting.

The LTCP involves private LTC insurers, LTC insurance producers (agents and brokers), the Wyoming Department of Health (WDH) EqualityCare, the Department of Family Services (DFS)) and the Department of Insurance (DI). Although the Partnership is overseen by the federal Centers for Medicare and Medicaid Services (CMS), each state has a great deal of autonomy in its administration. In Wyoming, qualified LTCP policies must provide a specific amount of inflation protection based on the person's age when the policy is purchased and must meet other requirements determined by the WDH.

EqualityCare is Wyoming's name for the federal Medicaid program. In order to participate in EqualityCare LTCP program, a person must have purchased and received the benefits of a qualified Partnership policy.

A person who requests EqualityCare payment of LTC services after exhausting some or all benefits of a qualified LTCP policy may have certain assets "disregarded" equal to the benefits paid by the qualified LTCP policy at the time the person is determined eligible for EqualityCare. These assets are not counted when the person's EqualityCare eligibility is determined and will not be recovered during estate recovery when the person dies.

General Criteria for LTC Eligibility

To be eligible for EqualityCare, a person must qualify in one of the eligibility groups that are covered under the EqualityCare Medicaid program and meet specific requirements relating to residency, citizenship, income and resources. To be eligible for EqualityCare, a person must meet all of the following:

- a) meet medical necessity
- b) reside in an EqualityCare certified Long Term Care facility or receive EqualityCare home and community based LTC services under a federally approved waiver program.
- c) Meet income and resource guidelines.

Interaction between the LTCP Program and EqualityCare Eligibility

1) A LTCP participant in Wyoming is someone who either:

- Request EqualityCare payment of LTC services after exhausting all benefits of a qualified LTCP policy or
- Exhausts all benefits of a LTCP policy while receiving EqualityCare payment of LTC services, OR
- Receives EqualityCare payment of LTC services and dies before the LTCP policy benefits are exhausted.

2) In determination of eligibility for EqualityCare, DHS shall disregard an individual's assets in an amount equal to the following:

- The amount of payments made by the individual's qualifying LTC policy for services covered under the policy

EqualityCare applicants will be required to submit written proof of benefits paid from their LTCP policies.

3) A LTCP participant receives the following benefits during his or her lifetime:

- Assets may be designated for disregard in an amount equal to the benefits paid out by the qualified LTCP policy as of the date of application for Medicaid eligibility.
- Designated assets are not counted toward the EqualityCare asset limit for eligibility purposes.
- The designated assets may be transferred to any other person without penalty
- Additional benefits paid by the qualified LTCP policy after application for Medicaid eligibility shall be disregarded in future review and/or determination of Medicaid eligibility.

4) After the LTCP participant is deceased:

- Assets which were disregarded for purposes of Medicaid eligibility determination during the person's lifetime are also protected from estate recovery.
- When the amount of assets disregarded during the person's lifetime was less than total benefits paid by the LTCP policy, additional assets may be protected in the estate recovery process up to the amount of payments made by the individual's qualifying LTC policy for services covered under the policy
- If no assets were disregarded during the person's lifetime, the personal representative may designate assets to protect from estate recovery up to the lesser of the two options specified above - even if LTCP policy benefits were not completely exhausted.

5) EqualityCare is typically the payor of last resort. Individuals with other health care coverage or who have another party liable for their medical expenses will have medical costs paid by those sources first before EqualityCare pays claims. Individuals are required to cooperate with providing information regarding other payment sources. This includes long term care insurance.

LTC insurance benefits may not be used to offset the amount the person is required to contribute, pursuant to federal post-eligibility provisions, to the cost of EqualityCare-reimbursed LTC services (known as "patient liability" or "patient contribution"), but rather, must be used to help offset the cost of LTC services that would otherwise be reimbursable by EqualityCare. Thus, both the LTC insurance benefits and patient liability reduce the EqualityCare payment for LTC services.

6) It is the responsibility of the LTCP policy holder to inform the DFS eligibility worker that he has a Partnership policy.

7) When should an individual apply for EqualityCare?

- If the LTCP policy holder exhausts the benefits of his LTCP policy.
- When the Partnership policyholder/spouse/family/friend feels that the policyholder can no longer afford to pay for the cost of care.

8) Does a LTCP policy guarantee access to EqualityCare?

NO! Owning a LTCP policy does NOT guarantee access to EqualityCare – even if the policy holder exhausts his benefits. Individuals still must meet all other EqualityCare eligibility requirements in order to be eligible. The Partnership allows policy holders to have a portion of their assets disregarded (i.e., not counted) during the eligibility determination process and subsequently protected from estate recovery (dollar for dollar the amount of benefits paid out by the qualified LTCP policy.)

REMEMBER: Only DFS can determine whether a person will qualify for EqualityCare. Agents should be careful not to advise regarding eligibility requirements or whether a person will be eligible for EqualityCare.

How to Apply for EqualityCare

In Wyoming, the Department of Family Services (DFS) accepts applications for EqualityCare through the local DFS offices. To locate local DFS offices, call DFS's 1-800-457-3659 or visit the DFS website at <http://dfsweb.state.wy.us> or the WDH website at <http://wdh.state.wy.us>

Those interested in applying do not need an appointment to receive an application. One can be picked up at their local DFS office or they can have one mailed to them. .To request an application, call the office.

The application must be returned to the local DFS office for processing, by mail, fax or personal delivery. DFS recommends scheduling an appointment with a local DFS worker once the individual has completed the application. A face-to-face interview is not required but applicants should be sure to mention that they are in need of LTC services.