

Bulletin B-1.21

Required long term care insurance producer training

November 23, 2007

I. Background and Purpose

The purpose of this bulletin is to inform insurance producers of the new long term training requirements; implemented in § 10-19-113.6, C.R.S., (recently enacted into law effective January 1, 2008 and must be completed by January 1, 2009). Additionally, Colorado is involved with the long term care partnership program. The Deficit Reduction Act of 2005, Public Law 109-171 (the "DRA"), allows for the expansion of Qualified Partnerships. The DRA and the State Medicaid Director's Letter (SMDL #06-019) dated July 27, 2006, issued by Centers for Medicare & Medicaid Services, require the Colorado Division of Insurance to provide assurance that any insurance producer who sells, solicits or negotiates "a policy under a Partnership receives training and demonstrates an understanding of Partnership policies and their relationship to public and private coverage to long-term care."

Bulletins are the Division's interpretation of existing insurance law or general statements of Division policy. Bulletins themselves establish neither binding norms nor finally determine issues or rights.

II. Applicability and Scope

This bulletin is intended for all insurance producers who sell, solicit or negotiate long term care insurance and are licensed to write either accident and health or life insurance.

III. Division's Position

A producer may not sell, solicit or negotiate a long-term care insurance policy that will constitute a long term care insurance policy unless the individual is licensed as an insurance producer for the accident and health line of authority and has completed a one-time training course by or before January 1, 2009 and ongoing training every 24 months thereafter. Thus, prior to such date, an insurance producer licensed for the line of accident and health selling Partnership policies will be considered to have satisfied these requirements.

Insurers providing long-term care insurance shall obtain verification that the insurance producer receives such training and make verification of the training available to the Colorado Insurance Commissioner upon request. The one time training course shall be no less than sixteen (16) hours and the ongoing training shall be no less than five (5) hours. The sixteen (16) hours shall be eight hours on general long term care insurance (can be self study, internet based or classroom training) and 8 hours of specific to long term care partnerships (only in a classroom setting). Training shall cover the following topics: available long-term care services and providers, changes or improvements in long-term care services & providers,

alternatives to the purchase of private long-term care insurance; the effects of inflation on benefits and the importance of inflation protection, consumer suitability standards and guidelines, and the relationship between Qualified Partnerships and other public and private coverage of long-term care (including state and federal regulations).

The satisfaction of these training requirements in any state shall be deemed to satisfy the training requirements in Colorado.

These training requirements may be approved for continuing education credit in Colorado if such training has been filed and approved pursuant to Colorado's continuing education laws and rules. The training requirements described by this bulletin shall not be construed in any way to prohibit or limit direct sales of Partnership Policies by issuers of such policies.

Course providers and insurers that are involved with long term care insurance have been notified of this requirement. Also, an expedited review process has been created for new courses, as well as existing courses that may meet the new requirements.

Insurers shall maintain producer records of the required long term care training, with respect to the distribution of partnership policies, which will allow the Division of Insurance to provide assurance to the Department of Health Care Policy and Finance that producers have received the training required by Colorado law. Also, evidence that producers selling a long term care partnership policy have demonstrated an understanding of the partnership policies and their relationship to public coverage, such as Medicaid. These records will be maintained in accordance with all applicable record retention requirements and shall be made available to the Commissioner upon request.

IV. Additional Division Resources

A. For More Information

Colorado Division of Insurance
Licensing Section
1560 Broadway, Suite 850
Denver, CO 80202
Tel. 303-894-7499
Internet: <http://www.dora.state.co.us/insurance>

B. Related DOI Regulations

Colorado Regulation 1-2-4

V. History

- Issued November 23, 2007.