

1 PUBLIC PROTECTION CABINET

2 Department of Insurance

3 Division of Health Insurance Policy and Managed Care

4 (Amended After Comments)

5 806 KAR 17:083. Kentucky long-term care partnership insurance program.

6 RELATES TO: KRS 205.619, 304.14-120, 304.14-600 –304.14-644, 42 U.S.C. sec. 1396p(b),

7 73 F.R. 30030, 73 F.R. 51302

8 STATUTORY AUTHORITY: KRS 304.2-110(1), 304.14-642(5), 304.14.644(2), EO 2008-507

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the Executive

10 Director of Insurance to promulgate administrative regulations necessary for or as an aid to the

11 effectuation of any provision of the Kentucky Insurance Code, as defined in KRS 304.1-010.

12 KRS 304.14-642(5) requires the Office of Insurance to promulgate an administrative regulation

13 to implement the Kentucky Long-Term Care Partnership Insurance Program and to establish the

14 manner and content of a disclosure, in coordination with the Cabinet for Health and Family

15 Services. EO 2008-507, effective June 16, 2008, established the Department of Insurance and

16 the Commissioner of Insurance as the head of the department. This administrative regulation

17 defines terms and establishes requirements for long-term care partnership insurance, including a

18 life insurance policy with a long-term care partnership insurance rider, notice, disclosure, policy

19 exchange, training of an agent, reciprocity of a long-term care partnership insurance policy, and

20 reporting long-term care benefits under a long-term care partnership insurance policy.

21 Section 1. Definitions. (1) “Agent” is defined by KRS 304.9-020(1).

- 1 (2) “Asset disregard” is defined by KRS 304.14-640(1).
- 2 (3) “Commissioner” means the Commissioner of Insurance.
- 3 (4) “Department” means the Department of Insurance.
- 4 (5) “Eligible policyholder” means a policyholder of a long-term care insurance policy,
5 which:
- 6 (a) Was issued by the insurer on or after:
- 7 1. January 16, 2003, for a policyholder in the individual market; or
- 8 2. July 16, 2003, for a policyholder in the group market; and
- 9 (b) Meets the requirements of long-term care partnership insurance as established in:
- 10 1. KRS 304.14-642(2)(a) through (c); and
- 11 2. Section 2(2)(d) of this administrative regulation.
- 12 (6) “Federally tax-qualified” is defined by 806 KAR 17:081, Section 1(27).
- 13 (7) “Kentucky Long-Term Care Partnership Insurance Program” or “Partnership Insurance
14 Program” is defined by KRS 304.14-640(2).
- 15 (8) “Long-term care insurance” is defined by KRS 304.14-600(2).
- 16 (9) “Long-term care partnership insurance” is defined by KRS 304.14-640(4).
- 17 (10) “Medicaid” means coverage in accordance with Title XIX of the Social Security Act, 42
18 U.S.C. secs. 1396 et seq., as amended.
- 19 (11) “Partnership exchange” means an exchange between an insurer and the insurer’s eligible
20 policyholder of an existing long-term care insurance policy, certificate, or rider for a long-term
21 care partnership insurance policy, certificate, rider, or endorsement with substantially similar
22 benefits.

1 Section 2. Long-Term Care Partnership Insurance Policy and Disclosure. (1) An insurer
2 selling, issuing, or renewing a long-term care partnership insurance policy or certificate in
3 Kentucky on or after the effective date of this administrative regulation shall obtain approval of a
4 related form and premium rate from the commissioner pursuant to KRS 304.14-120, 806 KAR
5 14:005, and 806 KAR 14:007, as applicable.

6 (2) A long-term care partnership insurance policy, certificate, or rider shall:

7 (a) Meet requirements as established in:

- 8 1. KRS 304.14-600 through 304.14-644;
- 9 2. 806 KAR 17:081; and
- 10 3. This administrative regulation;

11 (b) Be clearly identified as Kentucky long-term care partnership insurance, in not
12 less than twelve (12) point type, on the first page of a long-term care partnership
13 insurance policy, certificate, or rider;

14 (c) Be delivered with a disclosure, which shall:

15 1. Explain the benefits of a long-term care partnership insurance policy or
16 certificate, including:

- 17 a. Asset disregard under the Kentucky Medicaid Program;
- 18 b. Status as a federally tax-qualified long-term care insurance
19 contract; and

20 c. Inflation protection as identified in paragraph (2)(d) of this
21 section;

22 2. State that purchasing long-term care partnership insurance does not
23 guarantee eligibility for Medicaid; and

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- 3. Inform the insured that:
 - a. A modification of a partnership insurance program policy, certificate, or rider may affect whether the:
 - i. Policy, certificate, or rider continues to be a partnership insurance program policy; and
 - ii. Insured continues to be eligible for asset disregard; and
 - b. If the insured moves to a state outside Kentucky which has entered into a reciprocity agreement pursuant to 73 FR 51302, the policyholder may be eligible for asset disregard in that state;

(d) Include for an individual, who has:

- 1. Not attained age sixty-one (61) years of age as of the date of purchase of the policy, an automatic annual inflation increase at a rate not less than three percent (3%) calculated on a compound basis;
- 2. Attained age sixty-one (61) to **seventy-five (75)** [~~seventy-six (76)~~] as of the date of purchase, an automatic annual inflation increase:
 - a.** At a rate not less than three percent (3%) calculated on a simple basis; or
 - b. That meets the requirements of subsection (2)(d)1 of this section; or**
- 3. Attained age seventy-six (76) as of the date of purchase, an offer of inflation protection in accordance with 806 KAR 17:081, Section 10; and

(e) Not be issued in Kentucky prior to the effective date of this administrative regulation.

1 (3) For the disclosure identified in subsection(2)(c) of this section, an insurer shall
2 use:

3 (a) The LTCPIP-1; or

4 (b) A disclosure developed by the insurer, which shall:

5 1. Meet the requirements of subsection 2(c) of this section;

6 2. Be entitled “Important Information About Your Kentucky Long-Term
7 Care Partnership Insurance”; and

8 3. Be filed with and approved by the commissioner prior to use.

9 Section 3. Partnership Insurance Program Notice. (1) For a prospective applicant, an
10 insurer, which offers a long-term care partnership insurance policy, certificate, or rider, shall
11 provide a partnership insurance program notice pursuant to KRS 304.14-644, which shall:

12 (a) Be available electronically and in writing;

13 (b) **Be presented in clear and understandable language** [~~Meet with the~~
14 ~~standards for readability and intelligibility pursuant to 806 KAR 14:121~~];

15 (c) Include the following:

16 1. A description of:

17 a. The Kentucky Long-Term Care Partnership Insurance Program;

18 b. Long-term care insurance and services provided under a long-
19 term care insurance policy and certificate; and

20 c. The Kentucky Medicaid Program, including eligibility for
21 Medicaid benefits; and

22 2. Information regarding:

23 a. Asset disregard;

1 b. A federally tax-qualified long-term care insurance contract;

2 c. Inflation protection as identified in Section 2(2)(d) of this
3 administrative regulation; and

4 d. The impact on an insured's eligibility for asset disregard under a
5 state Medicaid program if an insured moves to a state outside
6 Kentucky; and

7 (d) Include additional resource information, including the telephone number of:

8 1. [~~A contact person of~~] the insurer, **including a position or title for a**
9 **contact** who is knowledgeable of long-term care partnership insurance;

10 2. The Kentucky Department of Insurance; and

11 3. The Kentucky Department for Medicaid Services.

12 (2) For the partnership insurance program notice, an insurer shall use:

13 (a) The LTCPIP-2; or

14 (b) A partnership insurance program notice developed by the insurer, which shall:

15 1. Meet the requirements of subsection (1) of this section;

16 2. Be entitled "The Kentucky Long-Term Care Partnership Insurance
17 Program Notice"; and

18 3. Be filed with and approved by the commissioner prior to use.

19 Section 4. Agent Training. An insurer offering long-term care partnership insurance
20 shall:

21 (1) Require an agent prior to selling, soliciting, or negotiating a long-term care
22 partnership insurance policy or certificate to:

1 (a) Demonstrate an understanding of long-term care partnership insurance as
2 required under KRS 304.14-642(4); and

3 (b) Receive training in accordance with 806 KAR 9:220, Section 5(1); and
4 (2) Maintain a record which supports compliance with the training requirements for an
5 agent who sells, solicits, or negotiates long-term care partnership insurance, which shall
6 be available:

7 (a) To the department, if requested; and

8 (b) For a period not less than five (5) years.

9 Section 5. Partnership Exchange of a Policy.

10 (1) Within one (1) year of the date that an insurer begins to market long-term care
11 partnership insurance in Kentucky, the insurer shall offer, in writing, the option for a
12 partnership exchange to an eligible policyholder.

13 (2) (a) An insurer shall complete a partnership exchange by issuing a:

14 1. New long-term care partnership insurance policy or certificate, or rider
15 attached to a life insurance policy; or

16 2. Rider or endorsement to an existing long-term care insurance policy or
17 certificate, which shall:

18 a. Be approved by the department as long-term care partnership
19 insurance;

20 b. Include a new effective date of coverage; and

21 c. Amend the first page of the policy or certificate in accordance
22 with Section 2(2)(b) of this administrative regulation.

1 (b) In completing a partnership exchange pursuant to subsection (2)(a) of this
2 section, the:

3 1. Insurer shall not perform underwriting associated with the policy,
4 certificate, rider, or endorsement;

5 2. Premium rate charged for the policy, certificate, rider, or endorsement
6 shall be determined using the original issue age and risk class of the insured,
7 which were used to determine the premium rate of the existing policy, certificate,
8 or rider; and

9 3. Insurer shall ensure that rights, benefits, and built-up value, which
10 accrued under the original policy, are maintained, including credit for satisfying a:

11 a. Pre-existing condition exclusion period;

12 b. Elimination period; or

13 c. Incontestability period.

14 (c) A policy, certificate, rider, or endorsement issued pursuant to this section shall
15 not be reported as replacement as identified in 806 KAR 17:081, Section 12.

16 (3) An insurer shall:

17 (a) Offer a partnership exchange on a nondiscriminatory basis regardless of the
18 age or health status of the policyholder or certificate holder;

19 (b) Allow the policyholder to elect an offer of partnership exchange not less than
20 ninety (90) days from the date of mailing of the notice as identified in subsection(3)(c) of
21 this section;

22 (c) Provide in the notice of an offer of partnership exchange:

23 1. A description of the effect on the insured's premium;

- 1 2. Identifying information relating to the insurer, insured, and policy;
- 2 3. Information regarding the requirements of a partnership insurance
- 3 program policy;
- 4 4. A statement that the insured shall not:
 - 5 a. Forfeit any rights, benefits, or built-up value, which accrued
 - 6 under the original policy pursuant to subsection (2)(b) of this section; and
 - 7 b. Be guaranteed eligibility for Medicaid benefits;
- 8 5. Information required by Section 3(1)(c)2 of this administrative
- 9 regulation;
- 10 6. Insurer contact information; and
- 11 7. Instructions for accepting the offer of exchange.

12 (4) For a notice as identified in subsection(3)(c) of this section, an insurer shall use:

- 13 (a) The LTCPIP-3; or
- 14 (b) A notice developed by the insurer, which shall:
 - 15 1. Meet the requirements identified in subsection (3)(c) of this section;
 - 16 2. Be entitled “Important Notice of Offer to Exchange”; and
 - 17 3. Be filed with and approved by the commissioner prior to use.

18 Section 6. Insurer Reporting Requirements. An insurer offering life and health insurance in
19 Kentucky, which participates in the Kentucky Long-term Care Partnership Program, shall:

20 (1) Collect and report data relating to long-term care partnership insurance to the
21 Secretary of the U.S. Department for Health and Human Services:

- 22 (a) Pursuant to KRS 304.14-642(6); and

1 (b) In accordance with the state long-term care partnership insurance reporting
2 requirements as established by **45 C.F.R 144.200 through 144.214** [~~73 F.R. 30030~~]; and

3 (2) If a statement of benefits paid under a long-term care partnership insurance policy,
4 certificate, or rider is requested by an insured or authorized representative of an insured, provide
5 a completed LTCPIP-4, to the insured or authorized representative, within fifteen (15) days of
6 the request.

7 Section 7. Incorporation by Reference. (1) The following material is
8 incorporated by reference:

9 (a) “Important Information About Your Kentucky Long-Term Care Partnership
10 Insurance, LTCPIP-1” (12/2008);

11 (b) “The Kentucky Long-Term Care Partnership Insurance Program Notice,
12 LTCPIP-2” **(2/2009)** [~~(12/2008)~~];

13 (c) “Important Notice of Offer to Exchange, LTCPIP-3” **(2/2009)** [~~(12/2008)~~];
14 and

15 (d) “Long-Term Care Partnership Insurance Program Statement of Benefits Paid,
16 LTCPIP-4” ” **(2/2009)** [~~(12/2008)~~].

17 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
18 law, at the Department of Insurance, 215 West Main Street, Frankfort, Kentucky 40601,
19 Monday through Friday, 8 a.m. to 4:30 p.m.

20 (3) Forms may also be obtained on the department’s Web site at <http://insurance.ky.gov>.

READ AND APPROVED:

Sharon P. Clark, Commissioner
Kentucky Department of Insurance

Date

Robert D. Vance, Secretary
Public Protection Cabinet

Date

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 806 KAR 17:083

Contact Person: Melea Rivera

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation defines terms and establishes requirements for long-term care partnership insurance, including a life insurance policy with a long-term care partnership insurance rider, notice, disclosure, policy exchange, training of an agent, reciprocity of a long-term care partnership insurance policy, and reporting long-term care benefits under a long-term care partnership insurance policy.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement the Kentucky Long-term Care Partnership Insurance Program, as established in KRS 304.14-640-304.14-644 and to conform to the requirements of 26 U.S.C. 7702B(b) (Internal Revenue Code of 1986) and 42 U.S.C.A. 1396p (Deficit Reduction Act of 2005).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 304.2-110(2), which authorizes the Executive Director of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of the Kentucky Insurance Code. KRS 304.14-642 establishes the Kentucky Long-term Care Partnership Insurance Program and requires the Office (Department) of Insurance to promulgate regulations to implement this program. KRS 304.14-644(2) requires the Office (Department) to establish the manner and content of a Partnership Program Notice to prospective applicant through promulgation of administrative regulations in coordination with the Cabinet for Health and Family Services. This administrative regulation defines terms and establishes requirements for long-term care partnership insurance, including a life insurance policy with a long-term care partnership insurance rider, notice, disclosure, policy exchange, training of an agent, reciprocity of a long-term care partnership insurance policy, and reporting long-term care benefits under a long-term care partnership insurance policy.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist insurers by providing the requirements for offering long-term care partnership insurance.

(2) If this is an amendment to an existing administrative regulation, provide a brief

summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will make technical changes to clarify requirements in the administrative regulation and the incorporated forms as a result of comments received during the public comment period.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify requirements in the administrative regulation and the incorporated forms as a result of comments received during the public comment period.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 304.14-642 establishes the Kentucky Long-term Care Partnership Insurance Program and requires the Office (Department) of Insurance to promulgate regulations to implement this program. KRS 304.14-644(2) requires the Office (Department) to establish the manner and content of a Partnership Program Notice to prospective applicant through promulgation of administrative regulations in coordination with the Cabinet for Health and Family Services. This administrative regulation clarifies the requirements as found in the administrative regulation and the incorporated forms.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist by clarifying the requirements as found in the administrative regulation and the incorporated forms.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect approximately thirty (30) insurers that offer long-term care insurance, consumers purchasing long-term care insurance after 2002, and the Kentucky Department for Medicaid Services (DMS).

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Insurers offering long-term care insurance will be required to file new or amended policies, certificates, or riders in order to offer long-term care partnership insurance. Consumers holding current long-term care insurance may be eligible to exchange their existing policy for long-term care partnership insurance. The DMS may realize savings as a result of individuals purchasing long-term care partnership

insurance.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): A draft of this regulation and request for estimates of cost to implement the regulation were sent to affected entities for comment; no responses relating to costs were received. DOI anticipates that the costs associated with this regulation will be minimal. The DMS may incur costs associated with training insurance agents regarding Medicaid eligibility; however, these costs were not available to DOI.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The resulting benefits are that insurers will be authorized to offer Long-term Care Partnership Insurance in accordance with KRS 304.14-640 through 304.14-644; Consumers who purchase long-term care partnership insurance and apply for Medicaid may protect some of their assets from estate recovery; and DMS may reduce its overall expenditures for long-term care.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: DOI does not anticipate significant direct or indirect costs to initially implement this administrative regulation; existing staff will review and approve these forms.

(b) On a continuing basis: DOI does not anticipate any direct or indirect costs to implement this administrative regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding to implement and enforce this administrative regulation is the existing budget of the DOI.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: DOI does not anticipate that the implementation of this administrative regulation will require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not): No. This administrative regulation will apply equally to all Kentucky licensed insurers offering long-term care insurance in Kentucky.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No.806 KAR 17:083

Contact Person: Melea Rivera

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Department of Insurance is promulgating this administrative regulation to implement the Kentucky Long-term Care Partnership Insurance Program. This administrative regulation will not produce a significant impact to the Department of Insurance. The Kentucky Department for Medicaid Services will be impacted by this administrative regulation; however, the impact is not known at this time.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 304.2-110(2) authorizes the Executive Director of Insurance to promulgate administrative regulations. KRS 304.14-642 establishes the Kentucky Long-term Care Partnership Insurance Program and requires the Office (Department) of Insurance to promulgate regulations to implement this program. KRS 304.14-644(2) requires the Office (Department) to establish the manner and content of a Partnership Program Notice to prospective applicant through promulgation of administrative regulations in coordination with the Cabinet for Health and Family Services.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

It is not anticipated that this administrative regulation will generate revenue for the first year for state or local governments.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This administrative regulation may generate revenue for subsequent years for state or local governments; however, there may be a reduced financial burden to DMS to provide long-term care benefits.

(c) How much will it cost to administer this program for the first year?

It is anticipated that the Department of Insurance will not incur significant costs to administer this amendment to an existing administrative regulation for the first year.

(d) How much will it cost to administer this program for subsequent years?

It is anticipated that the Department of Insurance will not incur costs to administer this administrative regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

Administrative Regulation #: 806 KAR 17:083

Contact person: Melea Rivera

1. 42 U.S.C. sec. 1396p(b), 73 F.R. 30030 (45 C.F.R. 144.200 – 144.214), 73 F.R. 51302.
 2. If an insurer chooses to offer long-term care (LTC) partnership insurance, the insurer is required to offer a LTC partnership insurance policy, certificate or rider, which complies with 806 KAR 17:081 and the requirements of this administrative regulation, including:
 - a. I. Inflation protection of:
 - i. Not less than a three (3) percent compound automatic annual inflation increase for an individual who has not attained age sixty-one (61) years of age as of the date of purchase of the policy; or
 - ii. Not less than a three (3) percent simple automatic annual inflation increase for an individual who has attained age sixty-one (61) to seventy-six (76) as of the date of purchase of the policy; or
 - II. An offer of inflation protection in accordance with 806 KAR 17:081, Section 10 for an individual who has attained age seventy-six (76) as of the date of purchase;
 - b. Partnership insurance program and policy disclosure notices for prospective applicants, Partnership insurance policyholders, and LTC insurance policyholders who are eligible for a partnership exchange (i.e., exchange of a LTC insurance policy for a LTC Partnership insurance policy);
 - c. The offer of partnership exchange to eligible policyholders;
 - d. The collection and report of data to the:
 - I. Secretary of the U.S. Department of Health and Human Services; and
 - II. Insured, upon request.
3. a. 42 U.S.C. sec. 1396p(b) requires LTC Partnership insurance policy to:
 - I. Include or offer inflation protection provision as follows:
 - i. Include at least compound annual inflation increase for an individual who has not attained age sixty-one (61) years of age as of the date of purchase of the policy;
 - ii. Include some level of annual inflation increase for an individual who has attained age sixty-one (61) to seventy-six (76) as of the date of purchase of the policy; and
 - iii. May offer (but is not required) to provide some level inflation protection for an individual who has attained age seventy-six (76) as of the date of purchase of the policy;

II. Cover an insured who was a resident of a Partnership state when coverage first became effective under the policy;

III. To be a qualified long-term care insurance policy, as defined in 26 U.S.C. 7702B(b), which was issued on or after the effective date of the State plan amendment; and

IV. Meet specific rules of the National Association of Insurance Commissioners (NAIC) and requirements of the NAIC model regulation and model act related to LTC insurance.

- b. 73 F.R. 30030 (45 C.F.R. 144.200 – 144.214) requires insurers to report data relating to LTC Partnership insurance on a quarterly basis to the Secretary of the U.S. Department of Health and Human Services.
 - c. 73 F.R. 51302 establishes Reciprocity Standards in the provision of an asset disregard in determining Medicaid eligibility and estate recovery, to a LTC Partnership insurance policyholder or certificate holder who applies for Medicaid benefits in a Partnership State which participates in the interstate reciprocity agreement.
4. This administrative regulation adheres to Federal requirements as referenced in this analysis and establishes the amount of inflation protection that an individual must be afforded in order to qualify as LTC Partnership insurance. Additionally, insurers are required to notify eligible policyholders of the option to exchange an existing LTC insurance policy for a LTC Partnership insurance policy if state and federal requirements are met. Finally, this administrative regulation requires insurers, if requested, to provide a statement of LTC benefits paid to or on behalf of an insured, which may be presented to a state Medicaid program if the insured applies for Medicaid benefits.
5. Additional requirements of this administrative regulation, including the option for a Partnership exchange, statement of LTC benefits paid and administrative forms were developed during discussions with the insurers, Department for Medicaid Services and consumer groups. These requirements are not included and do not conflict with the Federal standards; however, the Department believes the requirements are beneficial to consumers and other stakeholders.

DETAILED SUMMARY AMENDMENTS TO INCORPORATED MATERIAL

806 KAR 17:083, Kentucky long-term care partnership insurance program.

Contact person: Melea Rivera

(1) 806 KAR 17:083 incorporates by reference the following forms:

(a) “Important Information About Your Kentucky Long-Term Care Partnership Insurance, LTCPIP-1” (12/2008), which is a disclosure notice that a policyholder or certificate holder receives after purchasing long-term care partnership insurance;

(b) “The Kentucky Long-Term Care Partnership Insurance Program Notice, LTCPIP-2” (2/2009), which is a notice that is given to a prospective applicant and which was amended to change correct a typo and provide a new edition date;

(c) “Important Notice of Offer to Exchange, LTCPIP-3” (2/2009) which is a notice that is given to an eligible policyholder applicant and which was amended to change correct a typo and provide a new edition date; and

(d) “Long-Term Care Partnership Insurance Program Statement of Benefits Paid, LTCPIP-4” (2/2009), which is a statement provided upon request to an insured and which was amended to:

1. Remove unnecessary questions;
2. Include questions required by the Department for Medicaid services; and
3. Include a new edition date.

(2) The total number of pages that the Department of Insurance has incorporated by reference is seven (7).