

**Indiana Department of Insurance
Company Filing Checklist - Policy Review Standards**

16 Individual Long Term Care

This checklist must be submitted with any form or rate filings for Individual Long Term Care (LTC) policies.

Please attach this completed checklist as a PDF to your electronic filing.

Company Name_____ **NAIC #** _____

Form number(s)_____ **Filing date**_____

Type: ☐ **Traditional** ☐ **Tax Qualified**
 ☐ **Non Tax Qualified** ☐ **Partnership**

Rate Only Filings: For rate only filings (i.e., those filings which do not include a form filing), reference the “Rate Only Filing” column of the checklist. Those items marked with an “X” in this column indicate items that should be provided for rate only filings.

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Instructions:

This document is intended to provide a checklist for form and rate filings of the applicable Accident and Health product. The checklist contains (1) specific requirements/provisions and (2) certifications that the Insurer has acknowledged and is in compliance with particular laws, regulations and bulletins. Additionally, this checklist is intended to provide supplementary information regarding certain laws, regulations and/or bulletins. When providing the completed checklist, the Insurer is expected to address **each** checklist line item in the column labeled "Response" as follows:

- Provide the specific location(s) in the documents provided which address the requirement; or
- Provide an affirmative statement or initial that the certification is being given; or
- Provide an explanation as to why the Insurer believes the item is not applicable for the product submitted for review.

All checklist line items require a response. Failure to provide a fully completed checklist may result in a delay of regulatory approval.

Statute/Regulation	Requirement	Rate Only Filing	Response	FOR IDOI USE ONLY Yes/No/Comments
General Filing Requirements				
IC 27-1-3-15	FILING FEES: The fees are \$35 per form plus \$35 for rates or the retaliatory fees based on your state of domicile, whichever is greater. Filing fee compliance includes general compliance with SERFF user/filing fees as related to utilizing Electronic Funds Transfer (EFT) payment method.	X		
IC 27-1-26	FLESH READABILITY: Complete a Flesch readability certification.			
Bulletin 125	RATE FILING REQUIREMENTS: All rate filings that involve either an aggregate rate change or a change in the underlying factors utilized to calculate premium MUST submit the applicable Rate Filing Requirements. Rate Filing Requirements must be filed electronically via SERFF. See the IDOI website for filing instructions indicating which Rate Filing Requirements document is applicable to the product being filed.	X		

Statute/Regulation	Requirement	Rate Only Filing	Response	FOR IDOI USE ONLY Yes/No/Comments
Bulletin 125	FILING DESCRIPTION/COVER/LETTER/NAIC TRANSMITTAL: Each filing must contain a complete description of the filing using one of these three methods: 1. In SERFF on the General Tab - Filing Description; 2. As a note referring to a Cover Letter; or 3. As a note referring to an NAIC Transmittal Document. If using a Cover Letter or NAIC Transmittal, please attach the document to the Supporting Documentation Tab within SERFF. Rate Revisions - If this is a revision of previously filed rates, please provide a detailed list of the proposed changes.	X		
Bulletin 125	CONSULTING AUTHORIZATION: If the filing is submitted by an outside consulting firm, a letter giving authorization to file on behalf of the company. If you are filing for multiple companies, you must submit an authorization from each Company, list each company separately on the cover letter by NAIC #, Company Name and form #. Separate filing/retaliatory fees for each company will be applicable.	X		
Bulletin 125	ACKNOWLEDGEMENT: Insurer acknowledges that all IDOI instructions, checklists and requirements for accident and health rate and/or form filings have been satisfied and are in compliance with state requirements.	X		
Required Provisions				
IC 27-8-12-13	RETURN OF POLICY NOTICE: A certificate holder solicited by direct response can return the certificate within 30 days. The first page of the certificate must have a notice outlining this right.			
760 IAC 2-2-3.7	FEDERAL TAX QUALIFIED DEFINITION (TQ): Refer to Citation for TQ Requirements			
760 IAC 2-3-6	PREMIUMS: Premium increases cannot be based on the increasing age of insured at ages beyond 65 OR the duration that the insured has been covered by such policy.			
Bulletin 128	NOTICE: Notice to policyholders regarding filing complaints with the Department of Insurance.			

Statute/Regulation	Requirement	Rate Only Filing	Response	FOR IDOI USE ONLY Yes/No/Comments
Policy Provisions				
IC 27-8-12-9	POLICY TERMINATION: Insurer may not cancel, decline to renew or otherwise terminate a policy based solely on the age or deterioration in mental or physical health of the insured individual or certificate holder.			
IC 27-8-12-10(b)	PREEXISTING CONDITION: No LTC policy may exclude loss or confinement that results from pre-existing condition unless loss or confinement begins within: 12 months following effective date for insureds 65 or older on effective date OR 24 months following the effective date of an insured person under 65 on the effective date of coverage.			
IC 27-8-12-10.5	LOSS OR CONFINEMENT: An individual LTC policy may not exclude coverage for a loss or confinement caused by a pre-existing condition unless such loss begins within 6 months of the policy effective date. A LTC policy may not exclude, by policy or rider, or reduce coverage or benefits for a specifically named or described pre-existing disease or physical condition beyond the above referenced waiting period.			
IC 27-8-12-10.6	DELIVERY: A LTC may not be delivered or issued for delivery if it conditions eligibility for: any benefits on a prior hospitalization requirement, or on receipt of higher level of institutional care (for institutional care).			
IC 27-8-12-10.6	LIMITATIONS OR CONDITIONS: A LTC policy that contains a post-confinement, post-acute or recuperative benefit must clearly label, in a separate paragraph, a statement entitled "limitations or conditions on eligibility for benefits".			
IC 27-8-12-10.6	NON-INSTITUTIONAL BENEFITS: A LTC policy or rider that conditions eligibility of non-institutional benefits on the prior receipt of institutional care must not require a prior institutional stay of > 30 days.			
IC 27-8-12-10.6	READMISSION: A LTC policy or rider that provides benefits only following institutionalization may not condition such benefits upon admissions to a facility for the same or related conditions within a period of < 30 days after discharge from the institution.			

Statute/Regulation	Requirement	Rate Only Filing	Response	FOR IDOI USE ONLY Yes/No/Comments
760 IAC 2-3-8	UNINTENTIONAL LAPSE: Provides for notification of additional person if policy lapses due to non-payment; time frame for notification and reinstatement; provides for reinstatement if lapse due to cognitive impairment.			
760 IAC 2-6-1	HOME HEALTH & CC CARE BENEFITS: Lists minimum benefit standards, limitations, and allowable exclusions for these services.			
760 IAC 2-7-1(a)	INFLATION PROTECTION OFFER: Offer no less favorable than one (1) of the following: 1) Annual Compound 5% inflation 2) GPO at least 5% annual compound 3) Cover a specified % of actual or reasonable charges without maximum limit. (Additional inflation offers not less than 3%.)			
760 IAC 2-7-1-3(b)	INFLATION PROTECTION: Inflation protection continues at same level for policy benefit.			
760 IAC 2-7-1-3(d)	SIGNATURE REQUIRED: Requires signature to reject inflation protection.			
760 IAC 2-16.1-1	NON-FORFEITURE BENEFIT: Non-forfeiture offer to be included, if rejected, contingent benefit offer.			
760 IAC 2-16.1-2 760 IAC 2-16.1-3	BENEFIT TRIGGERS: Benefit payments triggered by deficiency in not more than 3 ADLs or cognitive impairment. Triggers defined for TQ policy.			
760 IAC 2-20-34(10)	NON-PARTNERSHIP POLICY: LTC Policies that are not Partnership compliant must state so, in accordance with Rule 34(10).			
Disclosures				
760 IAC 2-4-1(a)	RENEWABILITY: Individual policies must contain a renewability provision, which should be displayed on the first page of policy, and clearly state the terms and any limitations.			
760 IAC 2-4-1(b)	SIGNATURE REQUIRED: Applicant signature required for changes to policy that reduce or eliminate benefits.			
760 IAC 2-4-1(c)	TERMS: Terms such as "reasonable and customary", "usual and customary" or similar must be defined in the accompanying outline of coverage.			

Statute/Regulation	Requirement	Rate Only Filing	Response	FOR IDOI USE ONLY Yes/No/Comments
760 IAC 2-4-1(d)	PRE-EXISTING LIMITATIONS: Pre-existing limitations must be listed separately and labeled.			
760 IAC 2-4-1(e)	ELIGIBILITY CONDITIONS: Eligibility conditions or limitations shall be fully described in a separate paragraph and labeled.			
760 IAC 2-4-1(f)	LIFE INSURANCE POLICIES: Life insurance policies that provide an accelerated benefit for LTC must include a disclosure statement (at time of application and at the time the benefit request is submitted) that receipt of such benefit may be taxable and assistance should be sought from the individual's tax advisor. Disclosure should be prominently displayed on the first page of the policy or rider and on any related documents.			
760 IAC 2-4-1(g)	ADLs & COGNITIVE IMPAIRMENT: ADLs and Cognitive Impairment shall be used as benefit triggers, described, and labeled.			
760 IAC 2-4-1(h) & (i)	TAX STATUS: Tax status of policy shall be disclosed in policy and outline of coverage.			
760 IAC 2-4-2(e)	RATING PRACTICES: Disclose rating practices to applicant (Refer to 2-19.5-1 and 2-19.5-2 for format).			
760 IAC 2-15-1(a)(3)	NOTICE TO BUYER: "Notice to Buyer" verbatim statement required on 1 st page of outline and policy.			
760 IAC 2-15-1(a)(6)	MARKETING STANDARDS: Information page about the SHIP/Partnership Program to be included as a separate page or listed as additional item on outline. (download from http://www.in.gov/iltcp/2344.htm)			
Application				
IC 27-8-12-14(E) 760 IAC 2-7-4 760 IAC 2-17-1	OUTLINE OF COVERAGE: Refer to citations for Outline of Coverage requirements and contents.			
760 IAC 2-5-1	MEDICATION: Medications prescribed to be listed if queried.			
760 IAC 2-5-2	SUPPLEMENTAL INFORMATION: Caution statements prominently displayed and verbatim on application and policy except for guaranteed issue.			

Statute/Regulation	Requirement	Rate Only Filing	Response	FOR IDOI USE ONLY Yes/No/Comments
760 IAC 2-8-1	QUESTIONS: Application questions to use regarding existing coverage and replacement.			
760 IAC 2-8-3 760 IAC 2-8-4	REPLACEMENT: Required notice for replacement of existing policy. (Refer to citation for format)			
760 IAC 2-8-6	LIFE INSURANCE REPLACEMENT: Required notice for replacement for life insurance with long term care.			
760 2-15.5-1(d)	SUITABILITY: Submit "Long Term Care Personal Worksheet" to be reviewed. Refer to 760 2-19.5 for format.			
760 IAC 2-19.5	STANDARD FORMS: Required Forms to Be Given To Applicant			
760 IAC 2-19.5-1	WORKSHEET: Long Term Care Personal Worksheet (Refer to citation for format)			
760 IAC 2-19.5-2	POTENTIAL RATE INCREASE: Potential Rate Increase Disclosure Form (Refer to citation for format)			
760 IAC 2-19.5-3	DISCLOSURE FORM: Things You Should Know Before You Buy Long Term Care Insurance (Refer to citation for format)			
Indiana Long Term Care Partnership Policies (ILTCIP)				
Policy Requirements	Requirements below apply specifically to Indiana Partnership ("qualified") Filings.			
760 IAC 2-20-33	Partnership policies, riders, and certificates must comply with specific requirements to be Partnership compliant.			
760 IAC 2-20-34(1)(A-E)	Standards and provisions for policies, certificates, and riders. Refer to citation for format.			
760 IAC 2-20-34(2)	To offer a facility only Partnership qualified policy, an Insurer must also offer an integrated Partnership qualified policy.			
760 IAC 2-20-34(3)	Must offer option to have application date as the policy effective date.			
760 IAC 2-20-34(4)	"Important Message" document describing asset protection to be delivered to applicant.			

Statute/Regulation	Requirement	Rate Only Filing	Response	FOR IDOI USE ONLY Yes/No/Comments
760 IAC 2-20-34(5)	Applicants must sign confirming the policy is dollar for dollar not total asset protection and that is their intention.			
760 IAC 2-20-34(6)	State compliance with agent continuing education requirements.			
760 IAC 2-20-34(7)	Front page of policy, application, and outline of coverage must contain verbatim in bold/boxed language regarding asset protection qualification.			
760 IAC 2-20-34(8)	For all LTC facility policies or certificates, must state, on outline and front page, "Long Term Care Facility Policy (Certificate)". Also must include statement as set out in Rule Sec (9).			
760 IAC 2-20-34(9)	Rider must include language verbatim in bold/boxed regarding asset protection qualification.			
760 IAC 2-20-35	Minimum benefit standards for qualifying policies, certificates, and riders. Refer to regulation.			

Statute/Regulation	Requirement	Rate Only Filing	Response	FOR IDOI USE ONLY Yes/No/Comments
Required Provisions	Provisions below apply specifically to Indiana Partnership (“qualified”) Filings.			
760 IAC 2-20-36.1	MINIMUM BENEFITS AND PROVISIONS: To be a qualified <u>Integrated</u> Partnership policy or certificate, it must: 1) Have maximum benefit amount = to at least 365 x the minimum daily nursing facility benefit, and; 2) Offer maximum benefit amount option equivalent to 365 x minimum daily nursing facility benefit, and; 3A) Offer daily nursing benefit at least 75% of average daily rate of private pay rate in nursing facilities rounded to the next highest \$5 or \$10 increment, but no policy shall pay in excess of actual charges, and; 3B) Daily home and community based benefit of at least 50% of daily nursing facility benefit contained in the policy, but may not pay in excess of actual charges, and; 3C) Daily home and community based benefits may not exceed daily nursing facility benefit, and; 4) Provide benefits equal to at least 75% of the per diem cost incurred by insured on expense incurred basis policy. 5) Provide that benefits can be used to purchase nursing facility care or community and home based care (which includes home health nursing, aide services, attendant care, respite care and adult day care), and; 6) All home and community based services shall include case management services delivered by a case management agency, which may be limited, but shall not be less than 13 x daily nursing home benefit a year. 7) Benefits for Residential Care Facilities must: (A) Provide a daily RCF benefit of at least 75% and no more than NF benefit (B) On expense incurred basis, RCF not to exceed 75% of per diem cost. (C) Provide provision to purchase care in NF or RCF.			

Statute/Regulation	Requirement	Rate Only Filing	Response	FOR IDOI USE ONLY Yes/No/Comments
760 IAC 2-20-36.2	MINIMUM STANDARDS & PROVISIONS FOR FACILITY POLICY OR CERTIFICATE: 1) Offer max benefit option equivalent to 365 x the minimum daily nursing facility benefit. 2) Max benefit must be at least 365 x minimum daily nursing facility benefit. 3) Daily nursing facility benefit of at least 75% of the average daily private pay rate in nursing facilities rounded to the nearest \$5 or \$10 increment. May not pay benefits in excess of actual charges. 4) If issued on an expense incurred basis, provide daily nursing facility benefits which are equal to at least 75% of the per diem cost incurred by the insured. 5) May include benefits for residential care facilities, in a LTC facility policy.			
760 IAC 2-20-36.2	RESIDENTIAL CARE FACILITIES: Insurers <u>may</u> include benefits for residential care facilities in a LTC facility policy or certificate, BUT, then they must: 5A) Provide daily residential care benefit of at least 50% of (and no more than) the daily nursing facility benefit, and; 5B) If issued on expense incurred basis, must provide daily benefit which does not exceed 50% of the per diem cost insured, and; 5C) Include a provision that policy or certificate benefits can be used to purchase care in a nursing facility or residential care facility.			
760 IAC 2-20-36.3(c)	MINIMUM STANDARDS FOR RIDERS Partnership Riders that provide home and community based services must provide, at minimum: home health nursing, home health aide services, attendant care, respite care and adult day care.			

Statute/Regulation	Requirement	Rate Only Filing	Response	FOR IDOI USE ONLY Yes/No/Comments
760 IAC 2-20-36.3(d)	HOME AND COMMUNITY BASED SERVICES: Home and community based services covered through such Rider must include case management services delivered by a case management agency. Rider may limit such benefits, but not less than 13 x daily nursing home benefit per year, and case management benefits cannot count towards the maximum policy/certificate benefit.			
760 IAC 2-20-36.3(e)	OTHER HOME AND COMMUNITY BASED SERVICE REQUIREMENTS: Such Riders must also (as of effective date): (1) Include a minimum daily home and community based benefit of 50% of the current daily nursing facility benefit of the LTC facility policy/certificate. (2) Provide that the daily home & community based benefit not exceed the current daily nursing facility benefit. (3) If issued on an expense incurred basis, provide benefits = to at least 75% of the per diem cost incurred.			
760 IAC 2-20-36.3(f)(1) & (2)	MAXIMUM BENEFIT: Provide a max benefit of at least 50% of the then current max total benefit amount of the LTC policy/certificate, but not exceeding such max benefit.			
General Regulatory Issues	Under the authority provided by IC 27-4-1-4, 27-8-5-1, and 27-8-5-1.5, the Department monitors various issues that have been determined to be unjust, unfair, inequitable, misleading, or deceptive, or that encourage misrepresentation of the policy or potentially constitute unfair trade practices. The following issues will also be reviewed.			
IC 27-8-5-1.5(l)(2)	APPLICATION QUESTIONS: 1. Questions regarding an applicant's health cannot inquire about non-specific conditions prior to the most recent five years. 2. Questions inquiring if an applicant has had signs or symptoms of a condition are not permitted.			
IC 27-8-5-1.5(i)(2)	ARBITRATION: Mandatory and/or binding arbitration provisions are prohibited.			

Statute/Regulation	Requirement	Rate Only Filing	Response	FOR IDOI USE ONLY Yes/No/Comments
IC 27-8-5-1.5(l)(2)	LARGE ENDORSEMENTS: The Department does not allow use of large or confusing endorsements to bring contracts into compliance. In such cases the entire contract should be refilled to incorporate the multiple changes. On a similar note, Indiana specific certificates should be filed rather than file an endorsement to revise another state's certificate.			
IC 27-8-5-1.5(l)(2)	OPEN ENDORSEMENTS: Highly flexible or "blank check" type endorsement forms that provide unlimited ability to revise forms without regulatory review are not allowed.			
IC 27-8-5-1.5(l)(2)	PRIVACY OF HEALTH INFORMATION: Employers cannot be asked to reveal or certify the accuracy of any knowledge they may have regarding an individual's health condition.			
IC 27-8-5-1.5(l)(2)	PROHIBITED PROVISIONS: The policy form cannot contain provisions that are unjust, unfair, inequitable, misleading, or deceptive, or that encourage misrepresentation of the policy.			
IC 27-8-5-1.5(l)(2)	VARIOUS FEES: Fees charged to accept or process an application are not allowed. One-time fees such as may be charged to issue a policy are acceptable providing they are clearly labeled and accompanied by a disclosure that the fee is fully refundable if the policy is not issued, not taken or returned during the "free look" period.	X		
IC 27-8-5-19(c)(6) IC 27-8-5-2.5 IC 27-8-15-27	FIRST MANIFEST LANGUAGE: Typically first manifest type language creates a permanent exclusion of coverage related to a condition present any time prior to the effective date of coverage contrary to any pre-existing condition provisions included in the form. Such inconsistencies are not permitted.			
Bulletin 103	FULL AND FINAL DISCRETION: No full and final discretion clauses except where policy is governed by ERISA.			
Bulletin 106	FOREIGN LANGUAGE FORMS: Foreign language forms must comply with Bulletin 106.			
760 IAC 1-8	NONCANCELLABLE/GUARANTEED RENEWABLE: Use of terms "Noncancellable" and "Guaranteed Renewable" must not be misleading.			

By signing below, I am certifying on behalf of my company pursuant to Ind. Code 27-8-5-1.5(i)(1)(C) that our policy form(s) submitted with this checklist meets all of the applicable requirements of Indiana law. I understand and acknowledge, on behalf of my company, that the Indiana Department of Insurance is relying on this certification in making its determination whether to approve or disapprove this policy filing. If any policy provision is not in compliance with Indiana law or the Patient Protection and Affordable Care Act, the Indiana Department of Insurance may take regulatory action against my company.

Signature: _____

Printed Name: _____

Title: _____

Company: _____

Date: _____