

# STATE OF COLORADO

DEPARTMENT OF REGULATORY AGENCIES

## DIVISION OF INSURANCE

1560 Broadway, Suite 850  
Denver, Colorado 80202



### Bulletin No. B-4.30

#### Expedited Review Process for Long-term Care Partnership Program

##### I. Background and Purpose

The purpose of this bulletin is to provide guidance regarding the submission of long-term care insurance products for review and certification for the long term care partnership program.

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 long-term care insurers issuing or modifying Long-Term Care Insurance policies that qualify for the long term care partnership program.

##### III. Division Position

Under Section 1917(b)(5)(B)(iii) of the Social Security Act (42 U.S.C. 1396p(b)(5)(B)(iii)), the Insurance Commissioner of a state implementing a Long-term Care Partnership Program may certify that long-term care insurance policies (including certificates issued under a group insurance contract) covered under the Long-term Care Partnership Program meet certain consumer protection requirements, and policies so certified are deemed to satisfy such requirements. These consumer protection requirements are set forth in Section 1917(b)(5)(A) of the Social Security Act (42 U.S.C. 1396p(b)(5)(A)) and principally include certain specified provisions of the Long-Term Care Insurance Model Regulation and Long-Term Care Insurance Model Act promulgated by the National Association of Insurance Commissioners (as adopted as of October 2000) (referred to herein as the "2000 Model Regulation" and "2000 Model Act", respectively).

In order to provide the Colorado Insurance Commissioner with information necessary to provide a certification for policies, Qualified Partnership (QP) checklist will need to be submitted with respect to policy forms that may be covered under the Colorado Long-term Care Partnership Program. The actual policy forms will need to be submitted with the QP checklist.

An insurance company may request certification of policies from time to time and, accordingly, may submit this QP Checklist with the policy forms, e.g., as it introduces new qualified long-term care insurance policy forms for issuance.

##### IV. Additional Division Resources

###### 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>

**V. History**

- Issued November 8, 2007.

## QP CHECKLIST (LONG-TERM CARE PARTNERSHIP PROGRAM)

Under Section 1917(b)(5)(B)(iii) of the Social Security Act (42 U.S.C. 1396p(b)(5)(B)(iii)), the Insurance Commissioner of a state implementing a Long-term Care Partnership Program may certify that long-term care insurance policies (including certificates issued under a group insurance contract) covered under the Long-term Care Partnership Program meet certain consumer protection requirements, and policies so certified are deemed to satisfy such requirements. These consumer protection requirements are set forth in Section 1917(b)(5)(A) of the Social Security Act (42 U.S.C. 1396p(b)(5)(A)) and principally include certain specified provisions of the Long-Term Care Insurance Model Regulation and Long-Term Care Insurance Model Act promulgated by the National Association of Insurance Commissioners (as adopted as of October 2000) (referred to herein as the "2000 Model Regulation" and "2000 Model Act", respectively).

In order to provide the Colorado Insurance Commissioner with information necessary to provide a certification for policies, QP Checklist will need to be submitted with respect to policy forms that may be covered under the Colorado Long-term Care Partnership Program. The actual policy forms will need to be submitted with the QP checklist.

An insurance company may request certification of policies from time to time and, accordingly, may submit this QP checklist with the policy forms, e.g., as it introduces new qualified long-term care insurance policy forms for issuance.

### I. GENERAL INFORMATION

A. Name of Issuer		Telephone Number	
Address	City	State	Zip Code
B. Name of an Employee of Issuer Who Will be the Contact Person for Information Relating to this Form		Telephone Number	
Address	City	State	Zip Code
Email Address (if available)			

C. Policy Form Number(s) (or other identifying information such as certificate series) and edition date for policies covered by this DP checklist:

Policy Information	Date

Specimen copies of each of the above policy forms, including any riders and endorsements, shall be provided with the checklist.

### II. APPLICABLE PROVISIONS OF THE 2000 MODEL REGULATION AND 2000 MODEL ACT

Please answer each of the questions below with respect to the policy forms identified in Section I.C above. For purposes of answering the questions below, any provision of the 2000 Model Regulation or 2000 Model Act listed below shall be treated as including any other provision of the 2000 Model

Regulation or 2000 Model Act necessary to implement the provision.

Are the following requirements of the 2000 Model Regulation met with respect to all policies (including certificates issued under a group insurance contract) intended to be covered under the Qualified Partnership Program plan, policy or certificate that are issued on each of the policy forms identified in Section I.C above?

		Yes	No	NA
A.	Colo Reg 4-4-1 Section 6 A (relating to guaranteed renewal or noncancellability).			
B.	Colo Reg 4-4-1, Section 6 B (relating to prohibitions on limitations and exclusions) other than paragraph Colo Reg 4-4-1, Section 6 B 7 thereof.			
C.	Colo Reg 4-4-1, Section 6 C (relating to extension of benefits).			
D.	Colo Reg 4-4-1, Section 6 D (relating to continuation or conversion of coverage).			
E.	Colo Reg 4-4-1, Section 6 E (relating to discontinuance and replacement of policies).			
F.	Colo Reg 4-4-1, Section 7 (relating to unintentional lapse).			
G.	Colo Reg 4-4-1, Section 6 (relating to required disclosure provisions),			
H.	Colo Reg 4-4-1, Section 9 (relating to required disclosure of rating practices to consumer).			
I.	Colo Reg 4-4-1, Section 11 (relating to prohibitions against post-claims underwriting).			
J.	Colo Reg 4-4-1, Section 12 (relating to minimum standards).			
K.	Colo Reg 4-4-1, Section 13 (relating to application forms and replacement coverage).			
L.	Colo Reg 4-4-1, Section 14 (relating to reporting requirements).			
M.	Colo Reg 4-4-1, Section 20 (relating to filing requirements for advertising).			
N.	Colo Reg 4-4-1, Section 21 (relating to standards for marketing), including inaccurate completion of medical histories, other than subsection 3(a), (f) and (i).			
O.	Colo Reg 4-4-1, Section 22 (relating to suitability).			
P.	Colo Reg 4-4-1, Section 23 (relating to prohibition against preexisting conditions and probationary periods in replacement policies or certificates).			
Q.	The provisions Colo Reg 4-4-1, Section 29 C relating to contingent nonforfeiture benefits, if the policyholder declines the offer of nonforfeiture provision described in section 7702B(g)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 7702B(g)(4)).			
R.	Colo Reg 4-4-1, Section 24 (relating to standard format outline of coverage).			
S.	Colo Reg 4-4-1, Section 25 (relating to requirement to deliver shoppers guide).			
T.	Colo Reg 4-4-1, Section 8 M (relating to requirements for certificates under group plans).			

Are the following requirements of the 2000 Model Act met with respect to all policies (including certificates issued under a group insurance contract) intended to be covered under the Qualified Partnership plan, policy or certificate that are issued on each of the policy forms identified in section I.C above?

Yes	No	NA

A.	CRS 10-19-108 (relating to preexisting conditions).			
B.	CRS 10-19-109 (relating to prior hospitalization).			
C.	CRS 10-19-113.4(3) relating to contingent nonforfeiture benefits.			
D.	CRS 10-19-111 (relating to right to return).			
E.	CRS 10-19-112 (1) (relating to outline of coverage).			
G.	CRS 10-19-112 (7) (relating to policy summary).			
H.	CRS 10-19-112 (8) (relating to monthly reports on accelerated death benefits).			
I.	CRS 10-19-108 (relating to incontestability period).			

In order for a policy to be covered under the Colorado Long-term Care Partnership Program, the answers to all questions above should be "yes" (or "N/A" where all requirements with respect to a provision above are not applicable). If answers differ between policy forms (e.g., a requirement would be answered "Yes" for one form and "N/A" for another), you should use separate Issuer Certification Forms for such policies.

### III. CERTIFICATION

I hereby certify that the answers, accompanying documents, and other information set forth herein are, to the best of my knowledge and belief, true, correct, and complete.

Name of Officer of the Issuer	Title		
Signature		Date	