

## Long Term Care

This list is not a complete list of all statutes and regulations required to be addressed in form filings. It is intended solely to give companies guidance on common areas that are deficient. It is the company's responsibility to keep abreast of all changes to the Montana Insurance Code. Pursuant to § 33-1-501(4), CSI approval of any form may be withdrawn at any point for any reason enumerated in the statute.

The below checklists include hyperlinks to the electronic version of the Montana Code Annotated. MCA [33-1-501](#) and MCA [33-1-502](#) is our authority for forms approval

_____ <b>Non-gender</b>	<a href="#">49-2-309</a>
_____ <b>Policy definitions</b> (must be defined in the policy as defined in the rule)	<a href="#">6.6.3103</a>
_____ <b>Pre-existing Condition provision requirement</b>	<a href="#">6.6.3105(5)</a>
_____ <b>Outline of Coverage</b>	<a href="#">33-22-1111</a>
_____ <b>Outline of coverage inflation protection requirements</b>	<a href="#">6.6.3108</a>
_____ <b>Outline of coverage must contain</b>	<a href="#">6.6.3114</a> & <a href="#">6.6.3117</a>
_____ <b>Required Content for Certificate</b>	<a href="#">33-22-1112</a>
_____ <b>Disclosure and Performance Standards for policies</b>	<a href="#">33-22-1113</a>
_____ <b>Continuation of coverage</b>	<a href="#">33-22-508</a>
_____ <b>Prohibited Practices and Policy Provisions</b>	<a href="#">33-22-1114</a>
_____ <b>Prior Hospitalization or Institutionalization</b>	<a href="#">33-22-1115</a>
_____ <b>Non-forfeiture Benefits – Availability</b>	<a href="#">33-22-1116</a>
_____ <b>Non-forfeiture Benefit requirement</b>	<a href="#">6.6.3119</a>
_____ <b>Right to Return Policy – Free Look</b>	<a href="#">33-22-1119</a>
_____ <b>Extraterritorial Jurisdiction</b>	<a href="#">33-22-1120</a>
_____ <b>Policy Waiting period not Cumulative</b>	<a href="#">33-22-1122</a>
_____ <b>Denial of Claims</b>	<a href="#">33-22-1124</a>
_____ <b>Benefit Triggers</b>	<a href="#">33-22-1125</a>
_____ <b>Required Disclosure Provisions</b>	<a href="#">6.6.3105</a>
_____ <b>Policy Practices and Provisions Policy, Certificate</b>	<a href="#">6.6.3104</a>
_____ <b>Unintentional Lapse</b>	<a href="#">6.6.3104A</a>
_____ <b>Prohibitions Against Post-Claims Underwriting</b>	<a href="#">6.6.3106</a>
_____ <b>Minimum Standards for Home Health Care Benefits in LTC Policies</b>	<a href="#">6.6.3107</a>
_____ <b>Requirement to Offer Inflation Protection</b>	<a href="#">6.6.3108</a>
_____ <b>Requirements for Application Forms and Replacement Coverage</b>	<a href="#">6.6.3109</a>
_____ <b>Standard Format Outline of Coverage</b>	<a href="#">6.6.3114</a>
_____ <b>Filing Requirement</b>	<a href="#">6.6.3113</a>
_____ <b>Filing Requirement for Advertising</b>	<a href="#">6.6.3113A</a>
_____ <b>Standards for Marketing policy certificate outline</b>	<a href="#">6.6.3117</a>
_____ <b>Appropriate Sale Material Personal Worksheet</b>	<a href="#">6.6.3118</a>



## MONTANA STATE AUDITOR

John Morrison  
State Auditor



Commissioner of Insurance  
Commissioner of Securities

To: All Long Term Care Insurers Operating in Montana  
From: John Morrison, State Auditor  
Commissioner of Insurance and Securities  
Subject: Long Term Care Discounts  
Date: August 25, 2003

Since 1985, Montana has, by statute and court decision, prohibited discrimination based on gender or marital status. Mont. Code Ann. § 49-2-309; *Bankers Life and Cas. Co. v. Peterson*, 263 Mont. 156, 866 P.2d 241 (1993). It has come to our attention that this office, in the past, may have approved discounts based on marital status for long term care policies. Because these discounts are contrary to current Montana law, policy forms and premium rates that contain a discount based upon gender or marital status will not be approved.

Because we do not wish to deprive Montana consumers of valuable discounts that do not discriminate on the basis of gender or marital status, this office is suggesting that insurers who wish to offer discounts may take the following action:

- insurers may re-file applicable long term care policy forms and rates using a "caregiver," "multi-policy," "household," or other discount, which individual insurers may define, so long as gender or marital status is not a criterion for the discount; or
- to expedite the policy form filing and approval process, insurers may choose to file an endorsement or other amended documents removing or modifying the discount language from the previously filed rates and forms.

In order to not upset the current long term care marketplace, the Department will not take administrative action against insurers for offering policies with previously approved marital discounts. However, any insurer that sells or offers to sell a long term care policy in Montana after December 1, 2003, that includes a discount based upon gender or marital status, may be subject to administrative penalties, regardless of prior approval by the Department. Insurers may continue to honor discounts for those policies purchased prior to December 1, 2003.

Please do not hesitate to contact Angela Huschka, Deputy Insurance Commissioner or Margaret Miksch, Life/Health Actuary at 406-444-2040, if you have any questions regarding this matter.

Phone 1-800-332-6148 / (406) 444-2040 / Fax: (406) 444-3497  
840 Helena Avenue, Helena, MT 59601 Website: [sao.state.mt.us](http://sao.state.mt.us) E-mail: [stateauditor@state.mt.us](mailto:stateauditor@state.mt.us)