THE APPLICATION OF THE LIFE ILLUSTRATIONS MODEL REGULATION TO POLICIES WITH INDEX-BASED INTEREST SOLD AFTER [greater of 5 months after LATF adoption and 3 months after EX/Plenary Adoption*]

Background

The Life Insurance Illustrations Model Regulation (#582) was adopted by the NAIC in 1995. Since that time there has been continued evolution in product design, including the introduction of benefits that are tied to an index or indices. Although these policies are subject to Model #582, not all of their features are explicitly referenced in the model, resulting in a lack of uniform practice in its implementation. In the absence of uniform guidance, two illustrations that use the same index and crediting method often illustrated different credited rates. The lack of uniformity can be confusing to potential buyers and can cause uncertainty among illustration actuaries when certifying compliance with Model #582.

In 2019, the NAIC decided that illustrations of products with multipliers, cap buy-ups, and other enhancements should not illustrate better than products without such features. This new requirement is intended to apply to illustrations on policies sold on or after the effective date of this guideline while the existing requirements continue to apply for inforce illustrations on policies sold before the effective date of this guideline.

This guideline provides uniform guidance for policies with index-based interest. In particular, this guideline:

1. Provides guidance in determining the maximum crediting rate for the illustrated scale and the earned interest rate for the disciplined current scale.
2. Limits the policy loan leverage shown in an illustration.
3. Requires additional consumer information (side-by-side illustration and additional disclosures) that will aid in consumer understanding.

Text

1. Effective Date

This Actuarial Guideline shall be effective for all new business and in force illustrations on policies sold on or after [greater of 5 months after LATF adoption and 3 months after EX/Plenary Adoption*].

2. Scope

This Actuarial Guideline shall apply to any life insurance illustration that meets both (i) and (ii), below:

i. The policy is subject to Model #582.
ii. The policy offers Indexed Credits.

3. Definitions

A. Alternate Scale: A scale of non-guaranteed elements currently being illustrated such that:

i. The total annual percentage rate [Annualized Percentage Rate] of Indexed Credits for each Index Account does not exceed the lesser of the maximum total percentage rate [Annualized Percentage Rate] of Indexed Credits for the illustrated scale less 100 basis points and the credited rate for the Fixed Account. If the insurer does not offer a Fixed Account with the illustrated policy, the total annual percentage rate [Annualized Percentage Rate] of Indexed Credits for each Index Account shall not exceed the average of the maximum total percentage rate [Annualized Percentage Rate] of Indexed Credits for the illustrated

*Commented [A1]: “Annual Percentage Rate” has a specific meaning, is this too similar as to create confusion? A review of “annual vs annualized” throughout the document has not been completed.
scale and the guaranteed total percentage rate of Indexed Credits for that account. However, the total percentage rate of Indexed Credits for each Index Account shall never be less than the guaranteed total percentage rate of Indexed Credits for that account.

ii. If the illustration includes a loan, the illustrated Policy Loan Interest Credited Rate shall not exceed the illustrated Policy Loan Interest Rate. For example, if the illustrated Policy Loan Interest Rate is 4%, the Policy Loan Interest Credited Rate shall not exceed 4%.

iii. All other non-guaranteed elements are equal to the non-guaranteed elements for the illustrated scale.

B. Annual Net Investment Earnings Rate: Gross portfolio annual earnings rate of the general account assets (excluding hedges for Indexed Credits), less provisions for investment expenses and default cost, allocated to support the policy. Charges of any kind are not included and cannot be used to increase the Annual Net Investment Earnings Rate.

C. Annualized Percentage Rate of Indexed Credits: The annualized total Indexed Credits divided by the account value used to determine index credits according to the policy features.

C.D. Benchmark Index Account: An Index Account with the following features:

i. The interest calculation is based on the percent change in S&P 500® Index value only, over a one-year period using only the beginning and ending index values. (S&P 500® Index ticker: SPX)

ii. An annual cap is used in the interest calculation.

iii. The annual floor used in the interest calculation shall be 0%.

iv. The participation rate used in the interest calculation shall be 100%.

v. Interest is credited once per year.

vi. The hedge budget used to determine the cap in 3 (C) (ii) does not exceed the Annual Net Investment Earnings Rate. Charges of any kind are not included when determining the applicable annual cap rate.

vii. There are no additional amounts credited that are linked to an index or indices in excess of the interest calculation provided by the annual cap, including but not limited to multipliers and bonuses.

viii. There are no limitations on the portion of account value allocated to the account.

ix. A single Benchmark Index Account will be determined for each policy. This can be either an Index Account offered with the illustrated policy or determined according to Section 4(A)(ii) for purposes of complying with this regulation. A policy shall have no more than one Benchmark Index Account.

D. Fixed Account: An account where the amounts credited are not tied to an index or indices.

E. Indexed Account: An account where some or all of the amount credited are tied to an index or indices.

F. Indexed Credits: Any interest credit, multiplier, factor, bonus, charge reduction, or other enhancement to policy values that is linked to an index or indices. Amounts credited to the policy resulting from a floor on an Index Account are included.

G. Hedge Budget: For each Index Account, the total annualized amount assumed to be used to generate the Indexed Credits of the account, expressed as a percent of the account value in the Index Account. This total annualized amount should be consistent with the hedging program of the company.

Commented [A2]: Question was raised if the company would earn any spread if the hedge budget equaled the NIER, or does it all get credited to the policyholder?

Commented [A3]: Original language had “experience refunds”, why was this removed? Should this language include “cap buy-ups, and other enhancements”?

Commented [A4]: Is there any issue with saying “a floor greater than zero” in the text?
H.I. **Loan Balance**: Any outstanding policy loan and loan interest, as defined in the policy.

I.J. **Policy Loan Interest Rate**: The current annual interest rate as defined in the policy that is charged on any Loan Balance. This does not include any other policy charges.

J.K. **Policy Loan Interest Credited Rate**: The annual interest rate credited that applies to the portion of the account value backing the Loan Balance, as defined in the policy.

  i. For the portion of the account value in the Fixed Account that is backing the Loan Balance, the Policy Loan Interest Credited Rate is the applicable annual interest crediting rate, as defined in the policy.

[OPTION FOR CONSIDERATION: Please see commentary on these approaches in the ACLI Comment Letter; language for Option 1 and Option 2 may need to be tightened up:

Option 1: ii. For any portion of the account value in the Fixed Account that is backing the Loan Balance, the Policy Loan Interest Credited Rate is the total percentage rate of Indexed Credits net of any applicable Supplemental Hedge Budget, for that account, as defined in the policy.

Option 2: ii. For any portion of the account value backing the Loan Balance that is in an Index Account, the Policy Loan Interest Credited Rate is the total percentage rate of Indexed Credits and all illustrated bonuses, charge reductions or other enhancements that impact the portion of the account value backing the Loan Balance as defined in the policy, net of any applicable Supplemental Hedge Budget for that account as defined in the policy.]

K.L. **Supplemental Hedge Budget**: For each Index Account, the Hedge Budget minus the minimum of the Annual Net Investment Earnings Rate and the Hedge Budget that is used in the determination of the Benchmark Index Account. The Supplemental Hedge Budget will never be less than zero. This amount should be consistent with the hedging program of the company.

4. **Illustrated Scale**

The total annual percentage rate of Indexed Credits for the illustrated scale for each Index Account shall be limited as follows:

A. Calculate the geometric average annual credited rate for the Benchmark Index Account for the 25-year period starting on 12/31 of the calendar year that is 66 years prior to the current calendar year (e.g., 12/31/1949 for 2015 illustrations) and for each 25-year period starting on each subsequent trading day thereafter, ending with the 25-year period that ends on 12/31 of the prior calendar year.

  i. If the insurer offers a Benchmark Index Account with the illustrated policy, the illustration actuary shall use the current annual cap for the Benchmark Index Account in 4 (A).

  ii. If the insurer does not offer a Benchmark Index Account with the illustrated policy, the illustration actuary shall use actuarial judgment to determine a hypothetical, supportable current annual cap for a hypothetical, supportable Index Account that meets the definition of the Benchmark Index Account, and shall use that cap in 4 (A).

B. For the Benchmark Index Account the total Indexed Credits illustrated as a percentage of the account value in the Index Account shall not exceed the minimum of (i) and (ii):

  i. the arithmetic mean of the geometric average annual credited rates calculated in 4 (A).

  ii. 145% of the Annual Net Investment Earnings Rate.
C. For any other Index Account that is not the Benchmark Index Account in 3 (C), the total Indexed Credits illustrated as a percentage of the account value in the Index Account prior to the deduction of any charges used to fund a Supplemental Hedge Budget shall not exceed the minimum of (i) and (ii):

i. The maximum Indexed Credits for the Benchmark Index Account calculated in 4 (B) plus the Supplemental Hedge Budget for the Index Account.

ii. The total Indexed Credits that reflect the fundamental characteristics of the Index Account and the appropriate relationship to the expected risk and return of the Benchmark Index Account. The illustration actuary shall use actuarial judgment to determine this value using lookback methodology consistent with 4 (A) and 4 (B) (i) where appropriate.

D. For pursuance of the Purpose of compliance with Section 6 (C) of Model #582, the Supplemental Hedge Budget may cause be subtracted from the illustrated rate before comparing to exceed the earned interest rate underlying the Disciplined Current Scale— as it is supported by policy charges and not the earned interest rate.

At the beginning of each calendar year, the insurer shall be allowed up to three (3) months to update the credited rate for each Index Account in accordance with 4 (B) and 4 (C).

5. Disciplined Current Scale
The earned interest rate for the disciplined current scale shall be limited as follows:

A. If an insurer engages in a hedging program for Indexed Credits, the assumed earned interest rate underlying the disciplined current scale for the policy, inclusive of all general account assets, both hedge and non-hedge assets, that support the policy, net of default costs and investment expenses (including the amount spent to generate the Indexed Credits of the policy) shall not exceed:

i. the Annual Net Investment Earnings Rate, plus

ii. 45% of the lesser of (1) and (2):

1. Hedge Budget minus any annual floor.

2. [The minimum of the Annual Net Investment Earnings Rate and the Hedge Budget that determined used in the determination of the Benchmark Index Account.]

These amounts should be adjusted for timing differences to ensure that fixed interest is not earned on the hedge cost. The assumed return on hedges shall only be used in the disciplined current scale testing to support the illustrated Index Credits in the policy.

Guidance Note: The above approach does not stipulate any required methodology as long as it produces a consistent limit on the assumed earned interest rate underlying the disciplined current scale.

For a product with multiple Index Accounts with different Hedge Budgets that are less than or equal to the Annual Net Investment Earnings Rate a maximum rate in 5. A. should be calculated for each set of accounts with different Hedge Budgets.

B. If an insurer does not engage in a hedging program for Indexed Credits, the assumed earned interest rate underlying the disciplined current scale shall not exceed the Annual Net Investment Earnings Rate.

C. These experience limitations shall be included when testing for self-support and lapse-support under Model #582, accounting for all illustrated benefits including any illustrated benefits and bonuses that impact the policy’s account value.

6. Policy Loans
If the illustration includes a loan, the illustrated Policy Loan Interest Credited Rate shall not exceed the illustrated Policy Loan Interest Rate by more than 100 basis points. For example, if the illustrated Policy Loan Interest Rate is 4%, the Policy Loan Interest Credited Rate shall not exceed 5%.

7. Additional Standards

The basic illustration shall also include the following:

A. A ledger using the Alternate Scale shall be shown alongside the ledger using the illustrated scale with equal prominence.

B. A table showing the minimum and maximum of the geometric average annual credited rates calculated in 4 (A).

C. For each Index Account illustrated, a table showing actual historical index changes and corresponding hypothetical Indexed Credits using current index parameters for the most recent 20-year period.