

October 1, 2021

To: Phil Gennace, Chair of the Long-Term Care Insurance Model Regulation Update (B) Subgroup

The undersigned NAIC consumer representatives respectfully offer the following comments on the compatibility of the NAIC Model Regulation on Long-Term Care Insurance (Model 641) with the current LTCI marketplace.

### Section 3: **Applicability and Scope**

This section should be reviewed to determine if any part of it should apply to newer products that trigger benefits on ADLS and Cognitive Impairment, not just DI.

### Section 4: **Definitions**

This section should be reviewed to determine if it covers newer products that provide benefits for long term care expenses

### Section 5: **Policy Definitions**

This section should be reviewed to consider definitions for reduced benefit options.

Subsection E: Should be reviewed to consider changing the wording “safety awareness” to a more specific definition.

### Section 6: **Policy Practices and Provisions**

Subsection A(2) refers to a “class” in regards to rate increases. There should be a definition of a class for the purpose of imposing a premium increase.

Subsection A(4) is a definition of “level premium.” But this term is widely used with a different application and applies to the inability of an insurer to increase premiums on an individual basis. There needs to some clarity about what this term means or an expanded definition.

Subsection B 4(c) allows an exclusion for conditions related to military service and discriminates against members of the military who may have been exposed to conditions that cause a disabling condition later in life. It is long past time to remove this discriminatory exclusion.

Subsection B 8 The drafting note contains language that is specific and should be added to 8: ...if the claim would be approved but for the licensing issue, the claim must be approved.

Subsection B 9: We commented on the issue of extra territoriality in the Model Act, and believe that if changes are made to the Act parallel changes should be made to the Regulation.

Thank you for the opportunity to comment.

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