***Comments as of 7-21-21 Noted***

**Checklist for Premium Increase Communications**

# AUTHORITY

The Long-Term Care Insurance Reduced Benefit Options (RBO) (EX) Subgroup is composed of regulators from 17 state insurance departments. It has been tasked with assisting the Long-Term Care Insurance (EX) Task Force in completing the following charge:

*Identify options to provide consumers with choices regarding modifications to long-term care insurance (LTCI) contract benefits where policies are no longer affordable due to rate increases.*

The Long-Term Care Insurance (EX) Task Force adopted the Long-Term Care Insurance RBO Communication Principles. The Long-Term Care Insurance RBO EX Subgroup has been charged with developing a complementary checklist that can be leveraged by state regulators and Long-Term Care Insurance insurers.

INTRODUCTION

This checklist is intended to establish a consistent approach to drafting and reviewing Long-Term Care Insurance RBO policyholder communications. The checklist can be used as guidance and does not carry the weight of law or impose any legal liability.

State regulators may consider the checklist excessive, deficient, or not focused on issues specific to consumer experience in a particular state. State regulators are encouraged to modify the checklist to suit the needs of the Department.

Leveraging the checklist could enable insurers and state regulators to mitigate consumer confusion and complaints, improve the quality of the communication, and ensure the information presented:

* Reads in a clear, logical, not overly complex manner.
* Identifies the options are fair and without subtle coercion.
* Includes appropriate referrals to external resources, definitions, disclosures, and visualization tools.

State regulators who consider the checklist excessive, deficient, or not focused on issues specific to consumer experience in their state are encouraged to modify the checklist to suit the needs of the Department.

Leveraging the checklist could enable insurers and state regulators to mitigate consumer confusion and complaints, improve the quality of consumer communications, and to ensure the information presented. The checklist seeks to ensure that consumer communications:

* Read in a clear, logical, not overly complex manner.
* Identify if the options are presented fairly and without subtle coercion.
* Include appropriate referrals to external resources, definitions, disclosures, and visualization tools.

**[The LTC Task Force? The RBO Subgroup?] RECOMMENDS** that state regulators adapt the checklist to reflect their state regulations, laws, or statutes and use the checklist when reviewing filed Long-Term Care Insurance RBO Communications.

**CALLS ON** all insurance companies to consider the checklist when developing reduced benefit option policyholder communications in the event of a rate increase.

**Checklist for Premium Increase Communications**

|  |  |
| --- | --- |
| **Insurer name:** |  |
| **Date of filing:** |  |
| **Product form:** |  |
| **Tracking number(s) SERFF *rate* filing:** |  |
| **Tracking number(s) SERFF *form* filing:** |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Yes** | **No** | **N/A** | **SERFF FILING** | **Page Reference and Filing Notes** |
| [ ]  | [ ]  | [ ]  | 1. Does the filing contain all required materials including: policyholder communication, supplemental FAQ, graphs, illustrations, website screenshots (expected if communication refers policyholder to website for more information)?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Has actuarial review of the rate increase been completed?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Will notice of the rate action be mailed at least 45 days prior to the policyholder anniversary date (or billing date if state law allows)?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Have all new innovative RBO options presented in the communication been clearly explained in the filing? Have they been vetted by policy and actuarial staff?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Do reviewers understand any variable information that appears in the communication?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Are there insurer rules and training for customer service interactions regarding RBOs?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Were state-specific pre-rate increase filing notification procedures followed? For example: VT has insurers notify consumers of rate increases when filed in addition to notification Y before effective date. PA posts filed rate increase details on their website.
 |  |
| **Yes** | **No** | **N/A** | **READABILITY AND ACCESSIBILITY** | **Page Reference and Filing Notes** |
| [ ]  | [ ]  | [ ]  | 1. Is the communication easy to follow? Does it flow logically? Does it display the essential information and/or the primary action first (followed by the nonessential information)? Is the primary message of the communication presented first and clearly worded?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Are all technical insurance terms clearly explained in the communication?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Are all technical terms used consistently throughout the communication?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Is the communication in an easily readable font? For example: Is the type at least 11-pointtype?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication use headings to help the reader find information easily?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Is white space (margins, lines spacing, and spacing between paragraphs) sufficient and consistent?
 |  |
|[ ] [ ]  [ ]  | 1. Are tables, charts, and other graphics, easy to read and understand? (See question 18 for reference).
 |  |
| [ ]  | [ ]  | [ ]  | 1. Are the grade level and reading ease scores appropriate according to state readability standards? D?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Are reduced benefit options clear and not misleading? For example: Are there side-by-side illustrations of options compared with current benefits?
 |  |
| [ ]  | [ ]  | [ ]  | 1. If FAQs are included, are they succinct and easy to understand?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the insurer provide appropriate accommodations for policyholders with disabilities or for policyholders for whom English is not a first language?

For example, accessibility of its online and written material to all interested parties, including those with disabilities such as blindness or macular degeneration deafness and hearing loss, learning disabilities, cognitive limitations, limited movement, speech disabilities, photosensitivity and combinations of these. |  |
| [ ]  | [ ]  | [ ]  |  |  |
| **Yes** | **No** | **N/A** | **IDENTIFICATION** | **Page Reference and Filing Notes** |
| [ ]  | [ ]  | [ ]  | 1. Does the communication answer what is happening?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication answer why the consumer is receiving a rate increase?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication reflect negatively on the Department of Insurance?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication indicate when the rate increase will be effective?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication clearly indicate the policyholder has options?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication clearly indicate how the consumer may elect an option? Does the election documentation allow the consumer to clearly indicate his or her choice? For example, when check boxes are used to indicate a choice there may be some way to verify that choice on the form returned to the insurer to avoid mistakes.?
 |  |
| [ ]  | [ ]  | [ ]  | Does the communication clearly explain that the consumer is not being singled out for the increase?” |  |
| **Yes** | **No** | **N/A** | **COMMUNICATION TOUCH AND TONE** | **Page Reference and Filing Notes** |
| [ ]  | [ ]  | [ ]  | 1. Does the communication remind consumers to reflect on the original reason they bought the policy?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication express an understanding of the difficulty of evaluating choices?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Is there a statement telling consumers how to contact the insurer for more information or help understanding their options?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Are the options represented fairly? Options are **not** presented fairly If one option is emphasized, mentioned multiple times or bolded when the other options are not.
 |  |
| [ ]  | [ ]  | [ ]  | 1. Are words used that could influence a policyholder’s decision, such as *must* or *avoid*? For instance, consider demonstrating immediacy by using the word “now and avoiding words like “must.” Consider “manage an increase” instead of “avoid an increase.”
 |  |
| **Yes** | **No** | **N/A** | **CONSULTATION AND CONTACT INFORMATION** | **Page Reference and Filing Notes** |
| [ ]  | [ ]  | [ ]  | 1. Is the insurer’s consumer service number easy to find? Is it clear what hours and days consumer service is open? Regulators may consider testing the phone number to ensure it connects easily to live company representatives without long wait times.
 |  |
| [ ]  | [ ]  | [ ]  | 1. Are website links accurate and functional?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the Insurer encourage consumers to consult with multiple sources to include any of the following: Financial advisor, producer, state SHIP program (where applicable) with the state-specific name of the program or trusted family member?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the Insurer encourage consumers to consult the Department of Insurance?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication encourage consumers to consult with a tax advisor if the reduction options include a cash buy out or could cause loss of Partnership status?
 |  |
| **Yes** | **No** | **N/A** | **UNDERSTANDING OPTIONS - PRESENTATION** | **Page Reference and Filing Notes** |
| [ ]  | [ ]  | [ ]  | 1. Does the communication have a clearly worded, descriptive title or subject line? For example: **Your Long-Term Care Premiums Are Increasing**.
 |  |
| [ ]  | [ ]  | [ ]  | 1. Are the options included with the rate increase notification communication? Is it clear that the policyholder can ask for additional options?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Are the number of options presented reasonable? If there are more than 5, engage with insurer to understand what is being presented
 |  |
| [ ]  | [ ]  | [ ]  | 1. Is the right to reduce coverage at any time of a policyholder’s choosing clear? Are the instructions about how to do that clear?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Is there enough information to make a decision? If other sources are referenced like videos, websites, etc. are they supplemental education materials or are they required sources to choose an option?
 |  |
| **Yes** | **No** | **N/A** | **UNDERSTANDING OPTIONS –** **PAST RATE ACTIONS** |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication include a statement that premiums may increase in the future? Is it clear that any future increase will include RBOs? Is the plan for filing future rate increases disclosed and clear?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication include a 10-year nationwide rate increase history for this and similar forms? (if not in the model for policy increases, okay to remove)
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication disclose the policy is guaranteed renewable and clearly explain guaranteed renewable?
 |  |
| **Yes** | **No** | **N/A** | **UNDERSTANDING OPTIONS –** **WINDOW OF TIME TO ACT** | **Page Reference and Filing Notes** |
| [ ]  | [ ]  | [ ]  | 1. Does the communication indicate what the reader must do to elect an option and provide a deadline to do it?
 |  |
| [ ]  | [ ]  | [ ]  | 1. If options are only available during the decision window, is that limitation clear to consumers?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication indicate what happens if the policyholder does not send payment? For example, if the policy lapses within 120 days, does it advise Contingent Benefit Upon Lapse will apply, if applicable?
 |  |
| **Yes** | **No** | **N/A** | **UNDERSTANDING OPTIONS – CURRENT BENEFITS** | **Page Reference and Filing Notes** |
| [ ]  | [ ]  | [ ]  | 1. Does the communication include all the following applicable information? Current policy benefits (daily benefit, elimination period, current lifetime maximum benefit in dollars, inflation option, partnership status)?
 |  |
| [ ]  | [ ]  | [ ]  | 1. If current benefits have an inflation option, does the communication include the lifetime maximum benefit in dollars illustrated both five and fifteen years into the future?
 |  |
| **Yes** | **No** | **N/A** | **UNDERSTANDING OPTIONS –** **PERSONAL DECISION** | **Page Reference and Filing Notes** |
| [ ]  | [ ]  | [ ]  | 1. Can the insurer confirm policyholders will see only those options that are available to them (and not be shown options that are not available to them)?
 |  |
| [ ]  | [ ]  | [ ]  |  |   |
| [ ]  | [ ]  | [ ]  | 1. Does the communication prompt the policyholder to consider their personal situation, such as: current age, health conditions, financial position, availability of caregivers, spouse or partner impacts, and potential need for and cost of care?
 |  |
| [ ]  | [ ]  | [ ]  |  |  |
| **Yes** | **No** | **N/A** | **UNDERSTANDING OPTIONS – VALUE OF OPTIONS** | **Page Reference and Filing Notes** |
| [ ]  | [ ]  | [ ]  | 1. Do options clearly indicate value for consumers? Do Contingent Nonforfeiture (CNF) and other limited options clearly describe the reduction in available LTC benefits? ?
 |  |
| [ ]  | [ ]  | [ ]  |  | .  |
| **Yes** | **No** | **N/A** | **UNDERSTANDING OPTIONS –** **IMPACT OF DECISION** | **Page Reference and Filing Notes** |
| [ ]  | [ ]  | [ ]  | 1. Is there a prominent statement telling policyholders they can maintain their current benefits by paying the increased premium?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Do the options reflect the impact of removing or reducing the inflation option on the growth or reduction of future benefits?
 |  |
| [ ]  | [ ]  | [ ]  | 1. If dropping inflation protection results in the loss of accumulated benefit amount, is that disclosed?
 |  |
| [ ]  | [ ]  | [ ]  | 1. For phased-in increases: Is there a table with all phase-in dates and premium amounts if no RBO is selected? Does the communication clearly state if RBO are limited to the first rate increase or will be available during each phase of the rate increase?
 |  |
| [ ]  | [ ]  | [ ]  | 1. For phased-in increases, are there communications sent 45 days before each phase of the increase?
 |  |
| [ ]  | [ ]  | [ ]  | 1. Does the communication disclose that all reduction options require careful consideration and are not of equal value?
 |  |