

Group and Individual Long-Term Care Checklist

Use this checklist:

- When reviewing group and individual long-term insurance products or policies
- To ensure the product or policy meets requirements as listed in the Texas Insurance Code (TIC), the Texas Administrative Code (TAC), department guidelines, and other laws.
- To enter the page number or reference location in the "Page" field.

Policy Face Page

Page _____ : Renewability provision - [28 TAC Section 3.3829\(a\)\(1\)](#) and [Section 3.3822](#)

Page _____ : Right to return policy - [TIC Section 1651.054\(b\)-\(d\)](#) and [28 TAC Section 3.3829\(a\)\(5\)](#)

Page _____ : Caution statement - [28 TAC Section 3.3823\(d\)\(4\)](#)

Page _____ : Notice to buyers with inflation protection - [28 TAC Section 3.3839\(a\)\(11\)\(A\)](#)

Page _____ : Notice to buyers without inflation protection - [28 TAC Section 3.3839\(a\)\(11\)\(B\)](#)

Definitions

Page _____ : Activities of daily living - [28 TAC Section 3.3804\(b\)\(1\)](#)

Page _____ : Acute condition - [28 TAC Section 3.3804\(b\)\(2\)](#)

Page _____ : Adult day care - [28 TAC Section 3.3804\(b\)\(3\)](#)

Page _____ : Adult day care facility - [28 TAC Section 3.3804\(b\)\(4\)](#)

Page _____ : Applicant - [TIC Section 1651.054\(a\)](#) and [28 TAC Section 3.3804\(b\)\(5\)](#)

Page _____ : Attained age rating - [28 TAC Section 3.3804\(b\)\(6\)](#)

Page _____ : Bathing - [28 TAC Section 3.3804\(b\)\(7\)](#)

Page _____ : Care - [28 TAC Section 3.3804\(b\)\(8\)](#)

Page _____ : Certificate - [TIC Section 1651.001\(a\)\(3\)](#), and [28 TAC Section 3.3804\(b\)\(9\)](#)

Page _____ : Continence - [28 TAC Section 3.3804\(b\)\(10\)](#)

Page _____ : Dressing - [28 TAC Section 3.3804\(b\)\(11\)](#)

Page _____ : Eating - [28 TAC Section 3.3804\(b\)\(12\)](#)

Page _____ : Exceptional premium rate increases - [28 TAC Section 3.3804\(b\)\(13\)](#)

Page _____ : Group long-term care insurance - [TIC Section 1651.001](#) and [28 TAC Section 3.3804\(b\)\(14\)](#)

Page _____ : Home health agency - [28 TAC Section 3.3804\(b\)\(15\)](#)

Page _____ : Home health care services - [28 TAC Section 3.3804\(b\)\(16\)](#)

Page _____ : Level premium long-term care policy - [28 TAC Section 3.3804\(b\)\(17\)](#)

Page _____ : Long-term care benefit classifications - [28 TAC Section 3.3804\(b\)\(18\)](#)

Page _____ : Long-term care benefit plan - [TIC Section 1651.003](#), and [28 TAC Section 3.3804\(b\)\(19\)](#)

Page _____ : Long-term care insurance - [28 TAC Section 3.3804\(b\)\(20\)](#)

Page _____ : Long-term care partnership insurance policy - [28 TAC Section 3.3804\(b\)\(21\)](#)

Page _____ : Maintenance or personal care services - [28 TAC Section 3.3804\(b\)\(22\)](#)

Page _____ : Medicare - [28 TAC Section 3.3804\(b\)\(23\)](#)

Page _____ : Mental or nervous disorder - [28 TAC Section 3.3804\(b\)\(24\)](#)

Page _____ : Policy - [28 TAC Section 3.3804\(b\)\(25\)](#)

Page _____ : Pre-existing condition - [28 TAC Section 3.3804\(b\)\(26\)](#)

Page _____ : Qualified actuary - [28 TAC Section 3.3804\(b\)\(27\)](#)

Page _____ : Qualified long-term care insurance contract - [28 TAC Section 3.3804\(b\)\(28\)](#)

Page _____ : Qualified long-term care services - [28 TAC Section 3.3804\(b\)\(29\)](#)

Page _____ : Similar policy forms - [28 TAC Section 3.3804\(b\)\(30\)](#)

Page _____ : Toileting - [28 TAC Section 3.3804\(b\)\(31\)](#)

Page _____ : Transferring - [28 TAC Section 3.3804\(b\)\(32\)](#)

Page _____ : Policy summary - [28 TAC Section 3.3860\(a\)](#)

Page _____ : Summary may be incorporated into illustration - [28 TAC Section 3.3860\(b\)](#)

Page _____ : Monthly report to insured required during benefit period - [28 TAC Section 3.3860\(c\)](#)

Page _____ : Statement of unavailability of inflation protection - [28 TAC Section 3.3860\(a\)\(4\)](#)

Partnership Long Term Care Insurance

Page _____ : Notification and offer of exchange - [28 TAC Section 3.3870\(a\)](#)

Page _____ : New coverage availability - [28 TAC Section 3.3870\(b\)](#)

Page _____ : Exchange requirements - [28 TAC Section 3.3870\(c\)](#)

Page _____ : Exchanges and not replacements - [28 TAC Section 3.3870\(d\)](#)

Page _____ : One-time reporting requirement - [28 TAC Section 3.3870\(e\)](#)

Eligibility

Eligibility for long-term care benefits and services must be conditioned upon either of the following events: [28 TAC Section 3.3818\(a\)\(1\) and \(2\)](#)

Page _____ : The inability to perform, without assistance, any 2 activities of daily living that meet the requirements of [28 TAC Section 3.3818\(a\)\(1\)](#); or

Page _____ : The impairment of cognitive ability as explained under [28 TAC Section 3.3818\(a\)\(2\)](#)

Page _____ : Policies that comply with [28 TAC Section 3.3818\(a\)](#) may also offer coverage based on the inability to perform without assistance any 3 activities of daily living, if the requirements are met under [28 TAC Section 3.3818\(b\)](#)

Renewability

Page _____ : Minimum standards for renewability - [28 TAC Section 3.3822](#)

Page _____ : Guaranteed renewability definition - [28 TAC Section 3.3807\(a\)](#)

Page _____ : Non-cancellability definition - [28 TAC Section 3.3810\(a\)](#)

Page _____ : Standards for noncancellable policies - [28 TAC Section 3.3810\(b\)](#)

Page _____ : Standards for guaranteed renewable policies - [28 TAC Section 3.3807](#)

Page _____ : Renewability provision must be on first page of policy - [28 TAC Section 3.3829\(a\)\(1\)](#)

Required Disclosures Policy Provisions

Page _____ : Renewability provision - [28 TAC Section 3.3829\(a\)\(1\)](#)

Page _____ : Riders and endorsements - signed acceptance - [28 TAC Section 3.3829\(a\)\(2\)](#)

Page _____ : If used, must define terms such as usual, reasonable, and customary - [28 TAC Section 3.3829\(a\)\(3\)](#)

Page _____ : Define pre-existing condition - [28 TAC Section 3.3829\(a\)\(4\)](#)

Page _____ : 30-day free look requirement and notice - [28 TAC Section 3.3829\(a\)\(5\)](#)

Page _____ : Separate paragraph for "Limitations or Conditions on Eligibility for Benefits" [28 TAC Section 3.3829\(a\)\(6\)](#)

Page _____ : Caption and describe nonforfeiture benefit provision - [28 TAC Section 3.3829\(a\)\(7\)](#)

Page _____ : Requirements for a properly captioned claim denial provision in policy - [28 TAC Section 3.3829\(a\)\(8\)](#)

Page _____ : If eligibility for benefits is based on activities of daily living and/or cognitive impairment requirements under [28 TAC Section 3.3818\(b\)](#), describe benefit levels payable for the coverage - [28 TAC Section 3.3829\(a\)\(9\)](#)

Page _____ : Include prescribed disclosure if intended to be a "qualified" policy - [28 TAC Section 3.3829\(a\)\(10\)](#)

Page _____ : Include prescribed disclosure if not intended to be a qualified policy - [28 TAC Section 3.3829\(a\)\(11\)](#)

Page _____ : Include provision disclosing that notice will be given 45 days in advance of premium increases - [28 TAC Section 3.3829\(a\)\(12\)](#)

Page _____ : Prohibitions regarding the use of prior hospitalization or institutionalization as condition for eligibility for benefits - [28 TAC Section 3.3825](#)

Page _____ : Policy must have Extension of Benefits provision - [28 TAC Section 3.3827](#)

Page _____ : Notice before lapse or termination to insured and/or third party - [28 TAC Section 3.3841\(1\)\(A\)](#)

Page _____ : Payroll or pension deduction - [28 TAC Section 3.3841\(1\)\(B\)](#)

Page _____ : Lapse or termination for nonpayment of premium - [28 TAC Section 3.3841\(1\)\(C\)](#)

Page _____ : Reinstatement if lapse is due to cognitive impairment or loss of functional capacity - [28 TAC Section 3.3841\(2\)](#)

Required Disclosures Rating Practices

Page _____ : Filing is not required if the recommended format for the Personal Worksheet and Potential Rate Increase disclosure form is used - [28 TAC Section 3.3829\(b\)\(8\)\(B\)](#)

Page _____ : Required disclosures of rating practices - [28 TAC Section 3.3829\(b\)\(1\)-\(9\)](#)

Page _____ : Long-Term Care Insurance Personal Worksheet - [28 TAC Section 3.3829\(b\)\(8\)\(H\)](#)

Page _____ : Long-Term Care Insurance Potential Rate Increase Disclosure Form - [28 TAC Section 3.3829\(b\)\(8\)\(I\)](#)

Page _____ : Notice of premium increase - [28 TAC Section 3.3829\(b\)\(9\)](#)

Provider Standards

Page _____ : Policy standards for providers (must be operated pursuant to state and federal law) [28 TAC Section 3.3812](#)

Pre-Existing Conditions

Page _____ : Cannot deny claim for loss incurred more than six months after effective date - [TIC Section 1651.052](#), and [28 TAC Section 3.3824\(a\)](#)

Page _____ : Cannot use waivers or riders to exclude, limit or reduce coverage beyond six-month waiting period - [28 TAC Section 3.3824\(b\)](#)

Page _____ : Must waive time periods applicable to pre-existing conditions when policy is replaced, to the extent time periods were satisfied - [28 TAC Section 3.3824\(c\)](#)

Page _____ : A pre-existing conditions provision must be appropriately captioned - [28 TAC Section 3.3829\(a\)\(4\)](#)

Prohibited Provisions Required Disclosures

Page _____ : May not terminate on grounds of age or mental/physical health- [28 TAC Section 3.3823\(a\)](#)

Page _____ : May not establish new waiting period when policy is replaced, except for new or increased benefits - [28 TAC Section 3.3823\(b\)](#)

Page _____ : May not provide for skilled nursing care only, or more coverage for skilled than lower levels of care - [28 TAC Section 3.3823\(c\)](#)

Page _____ : Post-claims underwriting prohibited - [28 TAC Section 3.3823\(d\)](#)

Page _____ : Discretionary clauses prohibited - [TIC Section 1701.062](#), and [28 TAC Section 3.1202](#) and [Section 3.1203](#)

Mandated Offers

Page _____ : Nonforfeiture and contingent nonforfeiture benefits - [28 TAC Section 3.3844](#)

Page _____ : Inflation protection, non-partnership - [TIC Section 1651.051\(c\)\(15\)](#), and [28 TAC Section 3.3820](#)

Optional Benefit Offers

Page _____ : Refund of premium as prescribed in the rule - [28 TAC Section 3.3845](#)

Page _____ : Standards for home health and adult day care - [28 TAC Section 3.3815](#)

Limited Premium Payment Options

Page _____ : Definition and applicability - [28 TAC Section 3.3848\(a\)](#)

Page _____ : Notice - [28 TAC Section 3.3848\(b\)\(1\)](#)

Page _____ : Minimum standards - [28 TAC Section 3.3848\(b\)\(2\)](#)

Page _____ : Single-premium payment option - [28 TAC Section 3.3848\(b\)\(3\)](#)

Page _____ : One-to-four year premium payment options - [28 TAC Section 3.3848\(b\)\(4\)](#)

Page _____ : Five-to-ten-year premium payment options - [28 TAC Section 3.3848\(b\)\(5\)](#)

Page _____ : Renewability provision - [28 TAC Section 3.3848\(b\)\(5\)\(A\)](#)

Page _____ : Return of premium upon cancellation - [28 TAC Section 3.3848\(b\)\(5\)\(B\)-\(E\)](#)

Limitations and Exclusions

Page _____ : A pre-existing condition per [Section 3.3824](#), and [Section 3.3826\(a\)\(1\)](#)

Page _____ : Mental or nervous disorders, but must include coverage for Alzheimer's disease and related disorders (listed) in conformance with rule language - [28 TAC Section 3.3826\(a\)\(2\)\(A\) and \(B\)](#)

Page _____ : Alcoholism and drug addiction - [28 TAC Section 3.3826\(a\)\(3\)](#)

Page _____ : Illness, treatment or medical condition arising from war or act of war - [28 TAC Section 3.3826\(a\)\(4\)\(A\)](#)

Page _____ : Illness, treatment or medical condition arising from participation in a felony,

riot, or insurrection - [28 TAC Section 3.3826\(a\)\(4\)\(B\)](#)

Page _____ : Illness, treatment or medical condition arising from service in the armed forces - [28 TAC Section 3.3826\(a\)\(4\)\(C\)](#)

Page _____ : Illness, treatment or medical condition arising from suicide, self-inflicted injury - [28 TAC Section 3.3826\(a\)\(4\)\(D\)](#)

Page _____ : Illness, treatment or medical condition arising from aviation activity as a non-fare paying passenger - [28 TAC Section 3.3826\(a\)\(4\)\(E\)](#)

Page _____ : Treatment in governmental facility (unless required by law), benefits under Medicare or other governmental program (except Medicaid), worker's compensation, employer's liability, occupational disease law, motor vehicle no-fault law, services performed by a family member or for which there is normally no charge - [28 TAC Section 3.3826\(a\)\(5\)](#)

Page _____ : Expenses for services or items available or paid under another long-term care insurance or health insurance policy - [28 TAC Section 3.3826\(a\)\(6\)](#)

Page _____ : Unfair discrimination of a living organ donor - An insurer may not prevent an insured from donating all or part of an organ; or limit, cancel, refuse to renew, deny coverage, or vary an individual's or group's rate, based solely on the status of an individual as a living organ donor, unless actuarially justified. - [TIC Section 544.602](#) and [TIC Section 544.603](#), as added by HB 317.

Group Required Provisions and Disclosures

Page _____ : Limits on group long-term care insurance - [28 TAC Section 3.3821](#)

Page _____ : Continuation or conversion - [28 TAC Section 3.3828\(a\)](#)

Page _____ : Discontinuance and replacement - [28 TAC Section 3.3828\(b\)](#)

Page _____ : Outline of coverage (identical to individual outline) - [28 TAC Section 3.3833](#)

Page _____ : Standards for policy and certificates - [TIC Section 1651.051](#) and [28 TAC Section 3.3836](#)

Page _____ : Payroll or pension deduction - [28 TAC Section 3.3841\(1\)\(B\)](#)

Individual General Required Policy Provisions

Page _____ : Entirety of contract; policy changes - [TIC Section 1201.207](#)

Page _____ : Incontestability - [TIC Section 1201.208](#) and [28 TAC Section 3.3846](#)

Page _____ : Grace period - [TIC Section 1201.209](#)

Page _____ : Reinstatement - [TIC Section 1201.210](#)

Page _____ : Notice of claim - [TIC Section 1201.211](#)

Page _____ : Claim forms - [TIC Section 1201.212](#)

Page _____ : Proof of loss - [TIC Section 1201.213](#)

Page _____ : Time of payment of claim - [TIC Section 1201.214](#)

Page _____ : Payment of claims - [TIC Section 1201.215](#)

Page _____ : Physical examination and autopsy - [TIC Section 1201.216](#)

Page _____ : Legal actions - [TIC Section 1201.217](#)

Page _____ : Change of beneficiary - [TIC Section 1201.218](#)

Individual Optional Provisions

Page _____ : Misstatement of age - [TIC Section 1201.220](#)

Page _____ : Unpaid premium - [TIC Section 1201.223](#)

Page _____ : Conformity with state statutes - [TIC Section 1201.225](#)

Group General Required Provisions

Page _____ : Payment of premiums - [TIC Section 1251.102](#)

Page _____ : Incontestability - [TIC Section 1251.103](#), and [28 TAC Section 3.3846](#)

Page _____ : Entire contract - [TIC Section 1251.104](#)

Page _____ : Statement made by policyholder or insured - [TIC Section 1251.105](#)

Page _____ : Adjustment of premiums or benefits if age is misstated - [TIC Section 1251.109](#)

Page _____ : Deadline for notice of claim - [TIC Section 1251.110](#)

Page _____ : Claim forms - [TIC Section 1251.111](#)

Page _____ : Deadline for claims - [TIC Section 1251.112](#)

Page _____ : Prompt payment of benefits required - [TIC Section 1251.113](#)

Page _____ : Payment of benefits - [TIC Section 1251.114](#)

Page _____ : Right to conduct physical examination or autopsy - [TIC Section 1251.115](#)

Page _____ : Legal or equitable actions; limitations - [TIC Section 1251.116](#)

Other Group Statutes and Rules

Page _____ : Long term care statutes and regulations do not apply to certificates that are delivered or issued for delivery in this state under a single employer or labor union policy that is delivered or issued for delivery outside this state - [TIC Section 1651.002\(1\)](#)

Page _____ : Long-term care insurance for certain state employees - [TIC Chapter 1552](#)

Page _____ : Long-term care insurance for Texas public school employees - [TIC Chapter 1576](#)

Required Provisions for Tax Qualified Policies and Certificates

Page _____ : Provide protection for only "qualified long-term care services" - [28 TAC Section 3.3847\(a\)\(1\)](#)

Page _____ : Does not provide for a cash surrender value or other money that can be paid, assigned, or pledged as collateral for a loan or borrowed, except on a complete surrender or cancellation of the contract - [28 TAC Section 3.3847\(a\)\(2\)](#)

Page _____ : Refund of premium requirements - [28 TAC Section 3.3847\(a\)\(3\)](#)

Page _____ : Does not reimburse expenses under Medicare except when Medicare is a secondary payor - [28 TAC Section 3.3847\(a\)\(4\)](#)

Coordination with Medicare

Page _____ : Coordination of benefits with Medicare shall not prohibit the offer of long-term care - [28 TAC Section 3.3847\(b\)](#)

Long-Term Care Policies Issued to Associations

Page _____ : Insurer requirements - [28 TAC Section 3.3849\(a\)](#)

Page _____ : Must file insurer certification form, [Figure: 28 TAC Section 3.3849\(e\)\(1\)\(F\)](#) - [28 TAC Section 3.3849\(a\)\(1\)\(C\)](#)

Page _____ : Insurer certification form - [28 TAC Section 3.3849\(e\)](#)

Page _____ : Association disclosure requirements - [28 TAC Section 3.3849\(c\)](#)

Page _____ : Approval by board of directors required - [28 TAC Section 3.3849\(d\)](#)

Application Form

- Page _____ : Include inflation protection rejection - [28 TAC Section 3.3820\(b\)\(1\)](#)
- Page _____ : Disclosure of nonforfeiture benefits - [28 TAC Section 3.3844\(f\)](#)
- Page _____ : Must ascertain health condition of applicant - [28 TAC Section 3.3823\(d\)\(1\)](#)
- Page _____ : List medication if the application contains a question asking whether the applicant has had medication prescribed by a physician - [28 TAC Section 3.3823\(d\)\(2\)](#)
- Page _____ : Except for policies or certificates which do not provide the company with any rights to deny benefits or to rescind coverage based on answers in the application, include specified caution statement (bolded) - [28 TAC Section 3.3823\(d\)\(3\)](#)
- Page _____ : Issuance to applicant age 80 or older - [28 TAC Section 3.3823\(d\)\(5\)](#)
- Page _____ : Delivery of application - [28 TAC Section 3.3823\(d\)\(6\)](#)
- Page _____ : Required questions and listings in application - [28 TAC Section 3.3830\(a\)-\(c\)](#)
- Page _____ : Replacement notice - [28 TAC Section 3.3830\(d\) and \(e\)](#)

Outline of Coverage

- Page _____ : Delivery of outline of coverage - [28 TAC Section 3.3832\(a\)](#)
- Page _____ : Freestanding, no smaller than 12-point type document - [28 TAC Section 3.3832\(a\)\(1\)](#)
- Page _____ : Shall contain no advertising material - [28 TAC Section 3.3832\(a\)\(2\)](#)
- Page _____ : Text of standard format, equal prominence - [28 TAC Section 3.3832\(a\)\(3\)](#)
- Page _____ : Standard format (text and sequence) is mandatory, unless otherwise specifically indicated - [28 TAC Section 3.3832\(a\)\(4\)](#)
- Page _____ : Required format and caution statement - [28 TAC Section 3.3832\(b\)](#)
- Page _____ : Notice to Buyer on first page of the policy or certificate and the outline of coverage - [28 TAC Section 3.3839\(a\)\(11\)](#)
- Page _____ : (1) Policy Designation - [28 TAC Section 3.3832\(b\)\(1\)](#)
- Page _____ : (2) Purpose of Outline of Coverage - [28 TAC Section 3.3832\(b\)\(2\)](#)
- Page _____ : (3) Terms Under Which the Policy or Certificate May Be Returned and Premium

Refunded - [28 TAC Section 3.3832\(b\)\(3\)](#)

Page _____ : (4) Medicare Supplement Insurance Disclaimer - [28 TAC Section 3.3832\(b\)\(4\)](#)

Page _____ : (5) Long-Term Care Coverage - [28 TAC Section 3.3832\(b\)\(5\)](#)

Page _____ : (6) Benefits Provided by This Policy: - [28 TAC Section 3.3832\(b\)\(6\)](#)

Page _____ : Describe benefits, deductibles, waiting periods, elimination periods and benefit maximums - [28 TAC Section 3.3832\(b\)\(6\)\(A\)](#)

Page _____ : Describe institutional benefits, by skill level - [28 TAC Section 3.3832\(b\)\(6\)\(B\)](#)

Page _____ : Describe non-institutional benefits - [28 TAC Section 3.3832\(b\)\(6\)\(C\)](#)

Page _____ : Explain eligibility for payment of benefits - [28 TAC Section 3.3832\(b\)\(6\)\(D\)](#)

Page _____ : (7) Limitations and Exclusions - [28 TAC Section 3.3832\(b\)\(7\)](#)

Page _____ : Pre-existing conditions - [28 TAC Section 3.3832\(b\)\(7\)\(A\)](#)

Page _____ : Non-eligible facilities/providers - [28 TAC Section 3.3832\(b\)\(7\)\(B\)](#)

Page _____ : Non-eligible levels of care - [28 TAC Section 3.3832\(b\)\(7\)\(C\)](#)

Page _____ : Exclusions/exceptions - [28 TAC Section 3.3832\(b\)\(7\)\(D\)](#)

Page _____ : Limitations - [28 TAC Section 3.3832\(b\)\(7\)\(E\)](#)

Page _____ : (8) Relationship of Cost of Care and Benefits - [28 TAC Section 3.3832\(b\)\(8\)](#)

Page _____ : Indicate that benefit level will not increase over time - [28 TAC Section 3.3832\(b\)\(8\)\(A\)](#)

Page _____ : Explain any automatic benefit adjustment provisions - [28 TAC Section 3.3832\(b\)\(8\)\(B\)](#)

Page _____ : Indicate and explain any guaranteed option to buy additional benefits - [28 TAC Section 3.3832\(b\)\(8\)\(C\)](#)

Page _____ : If there is a guarantee purchase option, explain if underwriting or health screening is needed, the frequency and amounts of the upgrade options, and any significant restrictions or limitations - [28 TAC Section 3.3832\(b\)\(8\)\(D\)](#)

Page _____ : Any additional premium, and how calculated - [28 TAC Section 3.3832\(b\)\(8\)\(E\)](#)

Page _____ : (9) Terms Under Which the Policy or Certificate May Be Continued in Force and is

Continued - [28 TAC Section 3.3832\(b\)\(9\)](#)

Page _____ : Renewability: guaranteed renewable - [28 TAC Section 3.3832\(b\)\(9\)\(A\)\(i\)](#)

Page _____ : Renewability: Noncancellable - [28 TAC Section 3.3832\(b\)\(9\)\(A\)\(ii\)](#)

Page _____ : Group continuation and conversion provisions - [28 TAC Section 3.3832\(b\)\(9\)\(B\)](#)

Page _____ : Include description of waiver of premium or state there is none
[28 TAC Section 3.3832\(b\)\(9\)\(C\)](#)

Page _____ : (10) Alzheimer's Disease, Other Organic Brain Disorders, and Biologically Based Brain Diseases/Serious Mental Illness - [28 TAC Section 3.3832\(b\)\(10\)](#)

Page _____ : (11) Premium - [28 TAC Section 3.3832\(b\)\(11\)](#)

Page _____ : State total annual premium. If the total premium differs from the annual premium, then also state the total premium. State initial policy fees separately
- [28 TAC Section 3.3832\(b\)\(11\)\(A\)](#)

Page _____ : Indicate portion of annual premium which corresponds to each benefit option -
[28 TAC Section 3.3832\(b\)\(11\)\(B\)](#)

Page _____ : Describe policy's grace period [28 TAC Section 3.3832\(b\)\(11\)\(C\)](#)

Page _____ : (12) Texas Department of Insurance Consumer Help Line - [28 TAC Section 3.3832\(b\)\(12\)](#)

Page _____ : (13) Denial of Application - [28 TAC Section 3.3832\(b\)\(13\)](#)

Page _____ : (14) Offer of Inflation Protection - [28 TAC Section 3.3832\(b\)\(14\)](#)

Page _____ : Graphic comparison of benefit levels - [28 TAC Section 3.3832\(b\)\(14\)\(A\)](#)

Page _____ : Disclosure of any expected premium increases - [28 TAC Section 3.3832\(b\)\(14\)\(B\)](#)

Page _____ : (15) Offer of Nonforfeiture Benefits - [28 TAC Section 3.3832\(b\)\(15\)](#)

Page _____ : Clear explanation, actual numerical example - [28 TAC Section 3.3832\(b\)\(15\)\(A\)](#)

Page _____ : Disclose premium and percentage increase in premium - [28 TAC Section 3.3832\(b\)\(15\)\(B\)](#)

Page _____ : Disclose that if nonforfeiture is rejected, contingent nonforfeiture benefit will be provided upon lapse - [28 TAC Section 3.3832\(b\)\(15\)\(C\)](#)

Page _____ : (16) Disclosure Regarding Federal Tax Treatment of Long-Term Care Insurance Policy - [28 TAC Section 3.3832\(b\)\(16\)](#)

Page _____ : Include substantially similar statement if qualified - [28 TAC Section 3.3832\(b\)\(16\)\(A\)](#)

Page _____ : Include substantially similar statement if non-qualified - [28 TAC Section 3.3832\(b\)\(16\)\(B\)](#)

Page _____ : (17) Additional Features - [28 TAC Section 3.3832\(b\)\(17\)](#)

Page _____ : Indicate if medical underwriting is used - [28 TAC Section 3.3832\(b\)\(17\)\(A\)](#)

Page _____ : Describe other important features, for example, unintentional lapse and reinstatement - [28 TAC Section 3.3832\(b\)\(17\)\(B\)](#)

Rates / Actuarial

Page _____ : Rates must be filed for review and approval - [TIC Section 1651.056](#)

Page _____ : Rates may be disapproved if not actuarially justified or fail to comply with standards - [TIC Section 1651.056\(b\)](#)

Page _____ : Any insurer obtaining a rate approval must provide contingent nonforfeiture benefits - [TIC Section 1651.056\(c\)\(2\)](#)

Page _____ : Requirement for reserve (per [28 TAC Chapter 3 Subchapter GG](#)) - [28 TAC Section 3.3819](#)

Page _____ : Notice of rate increase, 45 days - [TIC Section 1651.056\(c\)\(1\)](#), and [28 TAC Section 3.3829\(a\)\(12\)](#)

Page _____ : Required disclosure of rating practices - [28 TAC Section 3.3829\(b\)](#)

Page _____ : Disclosure rules apply to all but non-cancellable and certain specified group coverages - [28 TAC Section 3.3829\(b\)\(1\)](#)

Page _____ : A statement about future rate increases - [28 TAC Section 3.3829\(b\)\(2\)\(A\)](#)

Page _____ : Explanation of potential future rate revisions, contingent benefits upon lapse, and insured's option if rates increase [28 TAC Section 3.3829\(b\)\(2\)\(B\)](#)

Page _____ : The premium rate or rate schedules applicable to the applicant that will be in effect until a request is made for an increase - [28 TAC Section 3.3829\(b\)\(2\)\(C\)](#)

Page _____ : A general explanation for applying rate adjustments (when adjustments might be effected, and the right to a revised rate schedule) - [28 TAC Section 3.3829\(b\)\(2\)\(D\)](#)

Page _____ : Information about each rate increase for the last 10 years (policy form numbers, years when forms were available, amount or percent of each increase) - [28 TAC Section 3.3829\(b\)\(2\)\(E\)](#)

Page _____ : May provide explanatory information on rate increases - [28 TAC Section 3.3829\(b\)\(3\)](#)

Page _____ : May exclude form disclosure acquired business when increases occurred prior to acquisition - [28 TAC Section 3.3829\(b\)\(4\)](#)

Page _____ : Handling of disclosure information for acquiring insurer and selling insurer - [28 TAC Section 3.3829\(b\)\(5\) and \(6\)](#)

Page _____ : Applicant must be given an acknowledgement to sign that insurer has made required disclosures - [28 TAC Section 3.3829\(b\)\(7\)](#)

Page _____ : Insurer must use the prescribed text and order of presentation of information in the form for disclosure of rating practices. The format for the form is a recommended format. An insurer may format the text in a different format from that specified if the insurer files the form for review and approval no later than 60 days prior to use - Long Term Care Insurance Personal Worksheet [28 TAC Section 3.3829\(b\)\(8\)\(A\) - \(F\) and \(H\)](#)

Page _____ : Insurer shall provide notice to all insureds of upcoming rate increases at least 45 days in advance - [28 TAC Section 3.3829\(b\)\(9\)](#)

Page _____ : Group insurer must provide notice 60 days in advance - [TIC Section 1254.001\(b\)](#)

Page _____ : Required loss ratio standards - [28 TAC Section 3.3831\(a\)](#)

Page _____ : Benefits are reasonable if expected loss ratio is at least 60%; all listed factors in rule must be considered - [28 TAC Section 3.3831\(a\)\(1\)](#)

Page _____ : Actuarial memorandum must be submitted prior to the use of a long-term care policy/certificate - [28 TAC Section 3.3831\(a\)\(2\)](#)

Page _____ : Initial premium rate filing - [28 TAC Section 3.3831\(b\)](#)

Page _____ : File initial rate filing 60 days prior to use - [28 TAC Section 3.3831\(b\)\(1\)](#)

Page _____ : Include copy of disclosure form required in - [28 TAC Section 3.3829\(b\)](#) and [Section 3.3831\(b\)\(1\)\(A\)](#)

Page _____ : Include actuarial memorandum with all prescribed components - [28 TAC Section 3.3831\(b\)\(1\)\(B\)\(i\) - \(v\)](#)

Page _____ : Department may ask insurer to provide demonstration that benefits are reasonable in relation to premiums - [28 TAC Section 3.3831\(b\)\(2\)](#)

Page _____ : Premium rate schedule increases - [28 TAC Section 3.3831\(c\)](#)

Page _____ : Exceptional premium rate increases - [28 TAC Section 3.3831\(c\)\(1\)](#)

Page _____ : All premium rate schedule increases - [28 TAC Section 3.3831\(c\)\(2\)](#)

Page _____ : Insurer must submit rate increase request 60 days in advance of implementation, and include all prescribed information in rule - [28 TAC Section 3.3831\(c\)\(2\)\(A\)](#)

Page _____ : Instructions for determining premium rate schedule increases - [28 TAC Section 3.3831\(c\)\(2\)\(B\)\(i\) - \(iv\)](#)

Page _____ : For each rate increase the insurer shall file updated projections for review (some group insurers must also provide to the policyholder) - [28 TAC Section 3.3831\(c\)\(2\)\(C\)](#)

Page _____ : Instructions if revised premium rate schedule is more than 200% of initial rate - [28 TAC Section 3.3831\(c\)\(2\)\(D\)](#)

Page _____ : If actual experience does not match projected experience, department may require insurer to make adjustments or other measures - [28 TAC Section 3.3831\(c\)\(2\)\(E\) and \(F\)](#)

Page _____ : Instructions when majority of policies and certificates with rate increases are eligible for contingent benefit upon lapse - [28 TAC Section 3.3831\(c\)\(2\)\(G\)](#)

Page _____ : Department will review projected and past lapse rates to determine if there is significant adverse lapsing - [28 TAC Section 3.3831\(c\)\(2\)\(H\)](#)

Page _____ : If department determines that a rate spiral exists, insurer may be required to offer insureds reasonably comparable replacement coverage (requirements listed in rule) - [28 TAC Section 3.3831\(c\)\(2\)\(I\)](#)

Page _____ : If department determines an insurer has persistently filed inadequate initial rates, department may prohibit the insurer from marketing comparable coverage for five years, or offer similar coverages - [28 TAC Section 3.3831\(c\)\(2\)\(J\)\(i\) and \(ii\)](#)

Page _____ : Group coverages to which (E), (H), (I) do not apply - [28 TAC Section 3.3831\(c\)\(2\)\(K\)](#)

Miscellaneous

Page _____ : An entity that offers Medicare Supplement Benefit Plans to individuals 65 years of age or older, must offer the same coverage to individuals younger than 65 years of age who are eligible to enroll in Medicare because of end stage renal disease or amyotrophic lateral sclerosis – [TIC Section 1652.059](#)

Page _____ : An issuer offering coverage for gender affirming treatments must also provide coverage for the reversal of any such procedure, necessary follow-up testing and screening, as well as coverage for any possible complications that may subsequently arise because of these procedures – [TIC Section 1373.003](#)