

DRISCOLL, LEO

OIC NO. 16-0002 / SIMBA NUMBER 1339824

# EXHIBIT 11

*EXH 11 – 12/15/14 Driscoll's 2nd Decl*

STATE OF WASHINGTON  
OFFICE OF THE INSURANCE COMMISSIONER  
Docket No. 14-0187

**LJD DECLARATION #2**

The undersigned Leo J. Driscoll declares as follows:

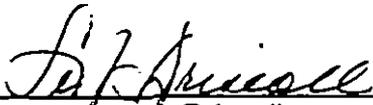
I am over the age of 18 years and make this declaration on my personal knowledge. I am competent to testify to the matters stated herein. This declaration relates to the subject matter of the application dated September 15, 2014 (received by the Hearings Unit September 19, 2014) that I submitted to the Washington State Insurance Commissioner seeking adjudicative proceedings as to four (4) related counts, now pending in the Hearings Unit, Docket No. 14-0187.

1. APPLICANTS EXHIBIT 1 submitted herewith consists of true copies of 17 e-mails provided to me by OIC in response to my public records request of OIC and that are also included in *OIC Exhibit 3* that has been submitted in these proceedings. I have labelled them #1 to # 17, in the sequence in which they were sent by OIC personnel on June 13, 2011 (e-mails #1 to #8), June 22, 2011 (e-mails #9 and #10), and August 22, 2011 (e-mails #11 to #17).
2. APPLICANTS EXHIBIT 2 submitted herewith consists of my public records requests made to OIC July 7, 2014 and July 25, 2014.
3. [Deleted]
4. APPLICANTS EXHIBIT 4 submitted herewith consists of legible copies of Schedules I, II, & III that are attached to and are part of the June 6, 2011 Actuarial Memorandum submitted to OIC in support of the rate increase for the series LTC,04(WA) Policy forms.
5. APPLICANTS EXHIBIT 5 submitted herewith consists of true copies of each and all of the written correspondences that are referenced and described in Count 2 of the application.
6. APPLICANTS EXHIBIT 6 submitted herewith consists of the first seven pages of materials in OIC Tracker file #230615.

7. APPLICANTS EXHIBIT 7 submitted herewith consists of a copy of letter dated 9/25/1999 from actuary Larry Scheinson to OIC pertaining to rate filing for the series LTC.03(WA) policy forms issued by TIAA.
8. APPLICANTS EXHIBIT 8 submitted herewith consists of a copy of a letter dated May 30, 2000, from actuary Larry Scheinson to OIC pertaining to rate filing for the series LTC.04(WA) policy forms issued by T-C Life.
9. [Deleted]
10. APPLICANTS EXHIBIT 10 submitted herewith consists of a copy of the changed "Policy Schedule" form delivered by MetLife for the policy of Leo J. Driscoll issued in 2002 that identifies the new, changed "Effective Date of this Schedule" as August 1, 2012. The form is identical the to a form which was delivered by MetLife for the policy of Mary T. Driscoll, except for name
- 11.. Nether form identifies the name of the Insurer or the policy number.
12. APPLICANTS EXHIBIT 11 submitted herewith consists of copies of excerpts from the February 2002 study report commissioned by AARP and conducted by The Lewin Group, entitled "Long-Term Care Insurance: An Assessment of States' Capacity to Review and Regulate Rates".

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed by me on December 15, 2014, in Spokane County, Washington.

  
\_\_\_\_\_  
Leo J. Driscoll

# APPLICANTS EXHIBIT 1

DOCKET # 14-0187

(Copies of OIC e-mails #1 to #17)

**APPLICANTS EXHIBIT 1**  
**OIC E-Mail in Chronological Order and numbered #1 to #17**

(Cut and Paste Transfers from OIC Exhibit 3, Docket No. 14-0187)

From: Michelson, Lee (OIC) #1  
Sent: Monday, June 13, 2011 1:27 PM  
To: Barclay, Lee (OIC)  
Subject: LTQ Rate Increase Requests: Teachers Insurance and Annuity Association of America, TIAA-Cref Life Insurance Company, and Metropolitan Life Insurance Company

We have received three related LTCI rate increase filings, which the filing company wants us to consider together. The supporting exhibits are the same aggregate exhibits in all the filings. The policies are similar, and the actuary considers the aggregation appropriate. The filing company is Metropolitan Life Insurance Company. It reinsures a block of policies issued by the sister companies

Some of the policies have actually been assumed by Met. For those it is filing in its own name. For the other policies, Met is filing for the issuing companies, with authorization letters.

Teachers issued policies over the period 1992-2002. TIAA-CREF issued policies over the period 2001-2004. There are 28,293 Teachers policies and 10,821 TIAA-CREF policies in force nationwide. There are a total of 983 policies in force in Washington. The filings do not break down the Washington number by issuing company. Nor do they say how much of the business has been assumed by Met. The policies have had no prior rate increases. The pending request is for a 41% rate increase.

The aggregate experience exhibit supports the requested rate increase. I am willing to file the rate increase unless you think that we need some more detailed information.

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From: Barclay, Lee (OIC) #2  
Sent: Monday, June 13, 2011 2:34 PM  
To: Michelson, Lee (OIC)  
Subject: RE: LTCI Rate Increase Requests: Teachers Insurance and Annuity Association of America, TIAA-Cref Ufe Insurance Company, and Metropolitan Life Insurance Company

Do you consider the aggregation appropriate?

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From: Michelson, Lee (OIC) # 3  
To: Barclay, Lee (OIC)  
Subject RE: LTCI Rate Increase Requests: Teachers Insurance and Annuity Association of America, TIAA-Cref Life Insurance Company, and Metropolitan Life Insurance Company  
Date: Monday, June 13, 2011 2:57:09 PM

Yes, they are successive policy forms with only minor changes. WAC 284-60-040(10 supports aggregating them.

From: Barclay, Lee (OIC) #4  
Sent: Monday, June 13, 2011 3:01 PM  
To: Berendt, Beth (OIC)  
Subject: FW: LTCI Rate Increase Requests: Teachers Insurance and Annuity Association of America, TIAA-Cref Life Insurance Company, and Metropolitan Life Insurance Company

Here's another one on which we'd appreciate your guidance.

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From: Berendt, Beth (OIC) #5  
Sent: Monday, June 13, 2011 3:07 PM  
To: Michelson, Lee (OIC); Barclay, Lee (OIC)  
Subject: RE: LTCI Rate Increase Requests: Teachers Insurance and Annuity Association of America, TIAA-Cref Life Insurance Company, and Metropolitan Life Insurance Company

Are they combining experience across different companies and submitting one exhibit? This isn't clear to me.

If so how is this acceptable?

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From: Michelson, Lee (OIC) #6  
Sent: Monday, June 13, 2011 3:11 PM  
To: Berendt, Beth (OIC); Barclay, Lee (OIC)  
Subject: RE: LTCI Rate Increase Requests; Teachers Insurance and Annuity Association of America, TIAA-Cref Life Insurance Company, and Metropolitan Life Insurance Company

Yes, the experience is across different companies. We have seen that in a few other cases in which sister companies issued similar policies. The combination is to increase credibility. If we want a breakdown by company, we can ask for one.

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From: Berendt, Beth (OIC) #7  
Sent: Monday, June 13, 2011 3:17 PM  
To: Michelson, Lee (OIC); Barclay, Lee (OIC)  
Subject: RE: LTQ Rate Increase Requests: Teachers Insurance and Annuity Association of America, TIAA-Cref Life Insurance Company, and Metropolitan Life Insurance Company

But how do we justify the combination or experience across companies? This makes me very uncomfortable - so what am I missing?

From: Michelson, Lee (OIC)

#8

To: Berendt, Beth (OIC); Barclay, Lee (OIC)

Subject: RE: LTCI Rate Increase Requests: Teachers Insurance and Annuity Association of America, TIAA-Cref Life Insurance Company, and Metropolitan Life Insurance Company

Date: Monday, June 13, 2011 3:42:03 PM

That is what credibility theory is about: using experience of a broader block than the one being priced if doing so is expected to result in a more reliable projection. Sometimes some assumptions are based on industry studies. Experience of similar policies of sister companies is likely to be more relevant. Of course, if we think that there may be nonrandom differences that will show up in the experience, we may ask for company experience. I don't see any point in separating policies by whether Met is an assumption reinsurer or just an indemnity reinsurer and administrator. We may want to see a breakdown by issuing company, but I don't think that we actually want to treat the companies differently. TIAA-CREF is a subsidiary of Teachers. I don't think that we want to let a company avoid the requirement under WAC 254-60-040(4) to combine successive generations of similar policy forms by putting new business in a subsidiary.

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From: Berendt, Beth (OIC)

#9

TO: Barclay, Lee (OIC)

Cc: Michelson, Lee (OIC)

Subject: RE: LTCI Rate Increase Requests: Teachers Insurance and Annuity Association of America, TIAA-Cref Life Insurance Company, and Metropolitan Life Insurance Company

Date: Wednesday, June 22, 2011 1:17:22 PM

OK to proceed

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From: Michelson Lee (OIC)

#10

To: BerendL Beth (OIC); Barclay Lee (OIC)

Subject: RE: LTCI Rate Increase Requests; Teachers Insurance and Annuity Association of America, TIAA-Cref Life Insurance Company, and Metropolitan Life Insurance Company

Date: Wednesday, June 22, 2011 1:57:39 PM

I have referred these filings to Mike Bryant for review of the nonforfeiture endorsement.

From: Bryant, Mike (OIC)  
Sent: Wednesday, August 17, 2011 8:25 AM  
To: Michelson, Lee (OIC)  
Subject: Metropolitan Life LTC Rate Increase Fling

#11

Lee-

This morning, I notified Metropolitan Life Insurance Company of our approval of their LTC form filing, SERFF # META-127151671, related to their proposed rate increase. In SIMBA, I note that you were prepared to approve the corresponding rate increase filing, SERFF #META-127151572. Please contact me if you have any questions - thank you.

Michael Bryant, JD  
Insurance Policy & Compliance Analyst  
Washington State Office of the Insurance Commissioner  
P.O. Box 40255  
Olympia, WA 93504-0255  
Phone: (350) 725-7123  
Email: MikeBr@oic. wa.gov

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From: Mickelson, Lee (OIC)  
Sent: Wednesday, August 17, 2011 8:29 AM  
To: Bryant, Mike (OIC)  
Subject RE: Metropolitan Life LTC Rate Increase Filing

#12

What about the Teachers and TAA-CREF filings administered by Metropolitan?

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From: Bryant, Mike (OIC)  
Sent: Wednesday, August 17, 2011 8:39 AM  
To: Michelson, Lee (OIC)  
Subject: RE: Metropolitan Life LTC Rate Increase Filing

#13

Are those rate filings ready to go? If so, I will approve the forms.

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From: Michelson, Lee  
To: Bryant, Mike  
Subject: RE; Metropolitan Life LTC Rate Increase Filing  
Date: Wednesday, August 17, 2011 8:38:52 AM

#14

Yes.

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From: Michelson, Lee (OIC) #15  
Sent: Wednesday, August 17, 2011 9:11 AM  
To: Barclay, Lee (OIC)  
Subject: LTCI Rate Increase Requests: Metropolitan Life Insurance Company, Teachers Insurance and Annuity Association of America, and TIAA-CREF Life Insurance Company

The 41% rate increase requests for LTCI policies issued by Teachers Insurance and Annuity Association of America and TIAA-CREF Life Insurance Company, administered and in some cases assumed by Metropolitan Life Insurance Company, Have already been referred to Mike Bryant for review of the contingent nonforfeiture forms; there were no outstanding rates issues. Today Mike is approving the forms. Unless you object, I am going to file the rates. The rates should be filed promptly to keep the forms and rates actions in synch.

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From: Barclay, Lee (OIC) #16  
To: Michelson, Lee (OIC)  
Subject RE: LTCI Rate Increase Requests: Metropolitan Life Insurance Company, Teachers Insurance and Annuity Association of America,, and TIAA-CREF Life Insurance Company  
Date: Wednesday, August 17, 2011 9:25:48 AM

OK

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From: Michelson, Lee (OIC) #17  
To: Hinrich Julia (OIC); Childers Mary (OIC); Holland Marnean (OIC); Bryant, Mike (OIC); Stoner, Bianca (OIC)  
Subject: LTCI Rate Increase: Teachers Insurance and Annuity Association of America, TIAA-CREF Life Insurance Company, and Metropolitan Life Insurance Company  
Date: Wednesday, August 17, 2011 10:03:43 AM  
Attachments; (illegible)

We are allowing a 41% rate increase on policy series LTC.02 and LTC.03, issued by Teachers Insurance and Annuity Association of America, and LTC.04, issued by TIAA-CREF Life Insurance Company. Metropolitan Life Insurance Company administers the policies and has assumed some of them.

The rate increase will be effective on the policy anniversary following 60 days' notice.

The company will offer several benefit reduction options in lieu of the rate increase, as well as a contingent nonforfeiture benefit on lapse.

My spreadsheet listing LTCI rate increases since its inception is attached.

## **APPLICANTS EXHIBIT 2**

**DOCKET # 14-0187**

**(Public Records Requests made of OIC by Leo Driscoll)**

July 7, 2014

Office of the Insurance Commissioner  
Public Records  
PO Box 40255  
Olympia, WA 98504-0255

Ladies and Gentlemen:

This is request made under the Washington Public Records Act for disclosure of OIC records as to processing and disposition made by OIC of a premium rate-increase request submitted to OIC in 2011 pertaining to a specified individual long-term care insurance policy form issued in WA during 2001 to 2004.

My name is Leo Driscoll.

My residence and mailing address: 4511 E. North Glenngrae Ln., Spokane, WA 99223.

My E-Mail address: [oleodl@msn.com](mailto:oleodl@msn.com)

My Telephone number: (509) 747 7468

Explanation of Enclosures: Enclosed are photocopies of two pages of a seven page *SERFF* generated record, i.e., the OIC State Tracking Number 230615 record, relating to OIC processing and disposition of a premium rate increase request for the subject individual long-term care insurance policy form. The OIC records which I seek from OIC, if any such records exist, relate to matters appearing on either one or the other of those two enclosed pages.

For ease of reference, I have marked the first enclosed page with the letter "A". Information on that page identifies the insurer, "TIAA-CREF Life Insurance Company", and the "Project Name/Number" of the record. The "Filing at a Glance" portion of that page presents information in three columns. The following items appear sequentially in the third column:

"State: Washington"; "State Tr Num: 230615"; "State Status: Filed";  
"Reviewer: Lee Michelson"; "Disposition Date: 08/17/2011"  
"Disposition Date: 10/16/2011".

I have marked the second enclosed page of the 230615 record with the letter "B". The "Correspondence Summary" portion of that page includes these items and entries under the heading "Dispositions"

Status	Created By	Created On	Date Submitted
Filed	Lee Michelson	08/17/2011	08/17/2011

Description of Public Records Sought by this request: I request disclosure and production of a true and complete copy of the following records if any such exist:

A. Each and every writing, note, report, memorandum, and/or record of any kind, if any, made by any OIC representative in the course of OIC review, and/or as a result of OIC review, of the premium rate-increase request that was submitted to OIC June 10, 2011 and that is the subject matter of the enclosed "Filing at a Glance" segment of the *SERFF* Washington State Tracking Number 230615 record, including any pertaining to review thereof made by OIC's Lee Michelson who is listed in that segment (see the enclosed page that I have marked "A").

B. Any writing, report, and/or communication, if any, authored by or authorized by OIC representative Lee Michelson, that was submitted to OIC personnel or to any other party by OIC representative Lee Michelson (or was filed in OIC's records) on or about August 17, 2011, as is or as may be referenced in or by the "Correspondence Summary" segment of the *SERFF* Washington State Tracking Number 230615 record (see the enclosed page that I have marked "B").

I look forward to your reply and advice.

Leo Driscoll



**B**

SERFF Tracking Number: META-127130316  
Filing Company: TIAA-CREF Life Insurance Company  
Company Tracking Number: W11-37 TL (TC-LIFE - RATED) CC  
TO: LTCDS Long Term Care - Older  
Product Name: Long Term Care Insurance  
Project Name/Number: LCUL-04-TCLW11-37 TL (T-C LIFE)

State: Washington  
State Tracking Number: 110613  
Sub-TO: LTCDS.000 Long Term Care - Older

### Correspondence Summary

#### Dispositions

Status	Created By	Created On	Date Submitted
Filed	Lee Michelson	08/17/2011	08/17/2011

**Leo Driscoll**

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From: "Leo Driscoll" <oleod1@msn.com>  
Date: Friday, July 25, 2014 11:28 AM  
To: "Ferrell, Stephanie (OIC)" <StephanieF@OIC.WA.GOV>  
Subject: Re: Public records request

Thank you for your July 24, 2014 response to my Public Records Act Disclosure Request dated July 7, 2014.

I now respectfully request that OIC disclose and provide to me a copy of the following described additional writings and records, if any exist, that are now in the possession, custody, and/or control of OIC:

Each and every notice, writing and or item of correspondence and/or communication in whatever form, and copy and/or record thereof, that was communicated by the Insurance Commissioner, or by any employee, representative, or designate of the Commissioner, to Metropolitan Life Insurance Company and/or to TIAA-CREF Life Insurance Company, that in substance and effect advised and/or gave notice that an extension of time was needed for consideration of the request for the 41% increase in premium rates that was submitted to OIC June 10, 2011, and that is the subject of *SERFF* Tracking Number 127150316, State Tracking Number 230615, together with any reply or response thereto received by OIC from either or both of those companies.

Thank you for your courtesy and assistance

Leo Driscoll

From: Ferrell, Stephanie (OIC)  
Sent: Thursday, July 24, 2014 8:37 AM  
To: Leo Driscoll  
Subject: RE: Public records request

Good morning,

Attached please find filing tracker number 230615, including all related documents associated with this filing.

With this response your request is considered complete.  
If you have any questions or require additional assistance, please let me know.

Stephanie Ferrell  
Forms and Records Analyst 3  
Public Records  
Washington State Office of the Insurance Commissioner  
PO Box 40255  
Olympia, WA 98504-0255  
360.725.7005 | [StephanieF@oic.wa.gov](mailto:StephanieF@oic.wa.gov) | [www.insurance.wa.gov](http://www.insurance.wa.gov)

7/25/2014

## **APPLICANTS EXHIBIT 4**

**DOCKET NO. 14-0187**

**(Legible copies of Exhibits I, II, & III  
of Actuarial Memorandum dated June 6, 2011)**

Edi 01  
 Metropolitan Life Insurance Company  
 Metropolitan Life Insurance Company  
 Policy Form 1.70.01, LTO.01, LTO.04

Calendar Year	Total Bill Burdened						Premiums Paid from Investment of Assets for						Surrendered Premiums Only						Interest Rate			
	Formed Premiums	Unpaid (Loss)	Loss Ratio	Life Ratio	Formed Premiums	Unpaid (Loss)	Loss Ratio	Life Ratio	Formed Premiums	Unpaid (Loss)	Loss Ratio	Life Ratio	Formed Premiums	Unpaid (Loss)	Loss Ratio	Life Ratio	Formed Premiums	Unpaid (Loss)	Loss Ratio	Life Ratio	Calendar Year	Rate
1911	11,713	0	0%	0%	5,714	0	0%														1911	4.5%
1912	1,004,196	64,746	6%	9%	2,772,189	93,975	3%														1912	4.5%
1913	1,041,834	64,646	6%	9%	2,897,129	112,138	4%														1913	4.5%
1914	2,362,177	87,277	4%	5%	5,974,793	172,478	3%														1914	4.5%
1915	4,007,341	104,222	3%	4%	7,766,478	209,494	3%														1915	4.5%
1916	6,281,186	172,877	3%	4%	14,302,828	306,821	2%														1916	4.5%
1917	11,474,751	326,195	3%	4%	23,340,808	526,420	2%														1917	4.5%
1918	19,802,645	574,195	3%	4%	41,841,174	948,703	2%														1918	4.5%
1919	33,622,840	1,074,849	3%	4%	70,140,448	1,540,777	2%														1919	4.5%
1920	58,134,751	1,879,175	3%	4%	123,311,870	2,747,879	2%														1920	4.5%
1921	101,749,028	3,219,408	3%	4%	215,899,919	4,813,999	2%														1921	4.5%
1922	181,791,841	5,641,865	3%	4%	394,404,864	8,681,741	2%														1922	4.5%
1923	327,494,460	10,239,803	3%	4%	718,819,819	15,743,204	2%														1923	4.5%
1924	548,181,954	17,140,443	3%	4%	1,171,141,811	25,141,204	2%														1924	4.5%
1925	948,181,811	29,141,811	3%	4%	2,011,141,811	43,141,811	2%														1925	4.5%
1926	1,611,141,811	49,141,811	3%	4%	3,411,141,811	73,141,811	2%														1926	4.5%
1927	2,811,141,811	84,141,811	3%	4%	6,011,141,811	131,141,811	2%														1927	4.5%
1928	4,911,141,811	146,141,811	3%	4%	10,411,141,811	226,141,811	2%														1928	4.5%
1929	8,611,141,811	254,141,811	3%	4%	18,411,141,811	404,141,811	2%														1929	4.5%
1930	15,141,811	454,141,811	3%	4%	31,141,811	674,141,811	2%														1930	4.5%
1931	27,141,811	804,141,811	3%	4%	56,141,811	1,214,141,811	2%														1931	4.5%
1932	49,141,811	1,404,141,811	3%	4%	103,141,811	2,214,141,811	2%														1932	4.5%
1933	91,141,811	2,494,141,811	3%	4%	191,141,811	4,014,141,811	2%														1933	4.5%
1934	167,141,811	4,494,141,811	3%	4%	351,141,811	7,414,141,811	2%														1934	4.5%
1935	307,141,811	8,141,811	3%	4%	641,141,811	13,414,141,811	2%														1935	4.5%
1936	567,141,811	14,941,811	3%	4%	1,181,141,811	25,414,141,811	2%														1936	4.5%
1937	1,047,141,811	27,441,811	3%	4%	2,181,141,811	47,414,141,811	2%														1937	4.5%
1938	1,947,141,811	50,441,811	3%	4%	4,181,141,811	89,414,141,811	2%														1938	4.5%
1939	3,647,141,811	92,441,811	3%	4%	7,681,141,811	161,414,141,811	2%														1939	4.5%
1940	6,747,141,811	170,441,811	3%	4%	14,181,141,811	291,414,141,811	2%														1940	4.5%
1941	12,447,141,811	314,441,811	3%	4%	26,181,141,811	531,414,141,811	2%														1941	4.5%
1942	23,147,141,811	574,441,811	3%	4%	48,181,141,811	911,414,141,811	2%														1942	4.5%
1943	43,147,141,811	1,064,441,811	3%	4%	91,181,141,811	1,691,414,141,811	2%														1943	4.5%
1944	81,147,141,811	1,964,441,811	3%	4%	171,181,141,811	3,211,414,141,811	2%														1944	4.5%
1945	151,147,141,811	3,664,441,811	3%	4%	321,181,141,811	6,011,414,141,811	2%														1945	4.5%
1946	281,147,141,811	6,764,441,811	3%	4%	591,181,141,811	11,111,414,141,811	2%														1946	4.5%
1947	521,147,141,811	12,664,441,811	3%	4%	1,101,181,141,811	20,611,414,141,811	2%														1947	4.5%
1948	961,147,141,811	23,564,441,811	3%	4%	2,001,181,141,811	38,111,414,141,811	2%														1948	4.5%
1949	1,761,147,141,811	44,464,441,811	3%	4%	3,701,181,141,811	71,111,414,141,811	2%														1949	4.5%
1950	3,261,147,141,811	83,364,441,811	3%	4%	6,801,181,141,811	128,111,414,141,811	2%														1950	4.5%
1951	6,061,147,141,811	156,264,441,811	3%	4%	12,601,181,141,811	238,111,414,141,811	2%														1951	4.5%
1952	11,261,147,141,811	291,164,441,811	3%	4%	23,401,181,141,811	448,111,414,141,811	2%														1952	4.5%
1953	21,061,147,141,811	540,664,441,811	3%	4%	44,201,181,141,811	848,111,414,141,811	2%														1953	4.5%
1954	39,461,147,141,811	1,010,164,441,811	3%	4%	82,601,181,141,811	1,568,111,414,141,811	2%														1954	4.5%
1955	73,861,147,141,811	1,860,164,441,811	3%	4%	155,001,181,141,811	2,968,111,414,141,811	2%														1955	4.5%
1956	139,261,147,141,811	3,510,164,441,811	3%	4%	290,401,181,141,811	5,568,111,414,141,811	2%														1956	4.5%
1957	261,661,147,141,811	6,560,164,441,811	3%	4%	540,801,181,141,811	10,468,111,414,141,811	2%														1957	4.5%
1958	494,061,147,141,811	12,460,164,441,811	3%	4%	1,031,201,181,141,811	19,768,111,414,141,811	2%														1958	4.5%
1959	927,461,147,141,811	23,360,164,441,811	3%	4%	1,921,601,181,141,811	36,668,111,414,141,811	2%														1959	4.5%
1960	1,760,861,147,141,811	44,260,164,441,811	3%	4%	3,612,001,181,141,811	69,168,111,414,141,811	2%														1960	4.5%
1961	3,311,261,147,141,811	83,160,164,441,811	3%	4%	6,702,401,181,141,811	128,068,111,414,141,811	2%														1961	4.5%
1962	6,144,661,147,141,811	156,060,164,441,811	3%	4%	12,592,801,181,141,811	247,968,111,414,141,811	2%														1962	4.5%
1963	11,478,061,147,141,811	294,960,164,441,811	3%	4%	23,483,201,181,141,811	467,868,111,414,141,811	2%														1963	4.5%
1964	21,811,461,147,141,811	559,860,164,441,811	3%	4%	45,373,601,181,141,811	907,768,111,414,141,811	2%														1964	4.5%
1965	41,144,861,147,141,811	1,079,760,164,441,811	3%	4%	85,747,001,181,141,811	1,717,668,111,414,141,811	2%														1965	4.5%
1966	77,478,261,147,141,811	2,079,660,164,441,811	3%	4%	159,494,401,181,141,811	3,237,568,111,414,141,811	2%														1966	4.5%
1967	145,311,661,147,141,811	4,079,560,164,441,811	3%	4%	313,988,801,181,141,811	6,317,468,111,414,141,811	2%														1967	4.5%
1968	277,145,061,147,141,811	7,979,460,164,441,811	3%	4%	587,987,201,181,141,811	11,717,368,111,414,141,811	2%														1968	4.5%
1969	519,988,461,147,141,811	15,579,360,164,441,811	3%	4%	1,121,986,601,181,141,811	22,517,268,111,414,141,811	2%														1969	4.5%
1970	983,831,861,147,141,811	30,379,260,164,441,811	3%	4%	2,043,985,001,181,141,811	41,037,168,111,414,141,811	2%														1970	4.5%
1971	1,867,663,261,147,141,811	60,758,520,164,441,811	3%	4%	3,987,970,401,181,141,811	82,074,336,111,414,141,811	2%														1971	4.5%
1972	3,551,496,661,147,141,811	121,517,040,164,441,811	3%	4%	7,271,940,801,181,141,811	144,148,672,111,414,141,811	2%														1972	4.5%
1973	6,743,331,061,147,141,811	243,034,080,164,441,811	3%	4%	13,943,881,601,181,141,811	288,297,344,111,414,141,811	2%														1973	4.5%
1974	12,743,662,461,147,141,811	486,068,160,164,441,811	3%	4%	26,187,763,201,181,141,811	536,594,688,111,414,141,811	2%														1974	4.5%
1975	24,143,993,861,147,141,811	972,136,320,164,441,811	3%	4%	49,375,526,401,181,141,811	1,073,189,376,111,414,141,811	2%														1975	4.5%
1976	45,544,325,261,147,141,811	1,944,272,640,164,441,811	3%	4%	92,751,052,801,181																	

**Exhibit 1**  
**Metropolitan Life Insurance Company**  
 Investment Performance Presentation with 40% Insurance  
 Policy Form: L TO 02, L FC 63 & FC 64

Calendar Year	Market Value of				Investment				Effective Duration from Reported Values (in Months) (Percentage Only)				Interest Rate Factors		
	Earned Premiums	Unearned Claims	Loss Ratio	Loss Ratio	Earned Premiums	Unearned Claims	Loss Ratio	Loss Ratio	Fixed Rate	Variable Rate	30 Day	90 Day	1 Year	2 Year	3 Year
1991	7,177,773	8	0.0%	113	541,143	8	0.0%								
1992	1,004,410	16,344	1.6%	671	2,112,180	15,933	1.6%								4.31%
1993	1,541,054	6,600	0.0%	1,217	2,272,133	17,136	0.0%								4.31%
1994	2,362,013	6,379	0.0%	1,779	3,114,755	17,433	0.0%								4.31%
1995	4,227,841	304,301	6.1%	2,577	5,114,755	319,454	6.1%								4.31%
1996	6,051,004	177,077	3.0%	3,411	7,402,000	308,021	3.0%								4.31%
1997	11,474,781	118,485	0.2%	7,763	12,968,420	1,051,420	0.2%								4.31%
1998	10,807,443	974,333	9.0%	11,011	12,999,174	1,949,301	9.0%								4.31%
1999	10,072,830	1,174,849	0.8%	76,180	10,308,119	2,340,877	0.8%								4.31%
2000	10,134,711	2,011,175	7.3%	11,423	11,131,472	4,577,827	7.3%								4.31%
2001	10,178,000	4,710,000	0.0%	17,157	71,899,649	6,273,009	0.0%								4.31%
2002	13,791,041	6,041,853	11.0%	46,614	71,404,081	9,024,713	11.0%								4.31%
2003	12,901,600	10,499,001	17.0%	43,907	64,811,100	14,343,300	17.0%								4.31%
2004	14,410,994	14,410,994	23.3%	61,908	84,400,071	18,783,200	23.3%								4.31%
2005	14,011,301	11,617,011	33.0%	61,707	79,348,007	17,044,100	33.0%								4.31%
2006	15,112,004	24,776,336	42.3%	61,151	73,341,100	11,844,101	42.3%								4.31%
2007	15,998,700	24,973,042	60.0%	61,094	71,912,400	40,200,001	60.0%								4.31%
2008	17,730,100	13,334,100	60.0%	48,140	66,100,100	40,643,100	60.0%								4.31%
2009	15,112,004	11,617,011	33.0%	61,151	73,341,100	11,844,101	33.0%								4.31%
2010	11,134,711	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%								4.31%
2011	15,112,004	11,617,011	33.0%	61,151	73,341,100	11,844,101	33.0%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2012	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2013	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2014	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2015	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2016	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2017	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2018	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2019	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2020	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2021	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2022	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2023	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2024	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2025	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2026	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2027	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2028	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2029	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2030	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2031	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2032	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2033	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2034	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2035	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2036	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2037	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2038	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2039	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2040	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2041	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2042	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2043	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2044	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2045	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2046	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2047	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2048	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2049	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2050	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2051	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2052	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2053	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2054	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2055	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.47%	1.000%	0.37%	1.000%	0.37%	0.31%	1.000%
2056	16,041,000	10,000,177	11.1%	11,423	61,400,177	47,111,111	11.1%	1.000%	0.4						

**Exhibit 11**  
**Metropolitan Life Insurance Company**  
**Retirement Calendar Year Experience with No Increase**  
**Actual to Expected Ratio**  
**Policy Years: LTC-82, LTC-83 & LTC-84**

Calendar Year	Actual vs. Projected Experience			Expected Pricing Experience			On-C/P Actual to Expected Ratio	Accumulation Loan Ratio		
	A	B	C = B/A	D	E	F = E/D		H	I	J = H/I
	Expected Premium	Actual Claims	Loss Ratio	Expected Premium	Actual Claims	Loss Ratio		Actual/Projected at 4.51% (20-C)	Expected at 5.75% (20-F)	Actual to Expected Ratio
1981	237,773	0	0.0%	238,762	1,713	0.4%	0.00	0.5%	0.4%	0.50
1982	1,004,478	18,344	1.8%	837,208	18,238	2.2%	0.74	1.3%	1.7%	0.73
1983	1,841,024	848	0.0%	1,379,540	83,280	3.0%	0.01	0.6%	3.0%	0.18
1984	2,643,872	63,227	2.4%	2,381,908	123,867	5.2%	0.80	1.9%	4.1%	0.43
1985	4,027,341	208,263	5.2%	3,812,933	213,183	5.6%	2.37	3.1%	4.7%	0.88
1986	6,028,304	272,877	4.5%	7,083,328	378,479	5.3%	3.84	3.2%	5.9%	0.53
1987	11,474,211	928,183	8.1%	9,923,362	623,983	7.0%	0.73	4.0%	5.7%	0.70
1988	18,923,643	1,274,533	6.7%	14,381,181	1,025,231	7.1%	0.72	4.5%	6.3%	0.71
1989	29,822,028	1,879,343	6.3%	23,914,883	1,722,167	6.9%	0.83	4.8%	6.8%	0.71
1990	38,534,731	2,829,173	7.3%	44,438,513	2,824,879	6.3%	1.13	5.8%	6.3%	0.92
1991	48,871,028	4,219,128	8.6%	68,822,084	4,823,447	6.9%	1.13	6.8%	7.0%	0.97
1992	53,782,043	6,381,563	11.9%	88,214,223	7,221,172	10.9%	1.03	7.8%	8.0%	0.98
1993	61,628,483	10,429,263	17.0%	70,218,630	9,545,480	13.6%	1.34	9.8%	8.1%	1.04
1994	84,818,824	14,418,883	17.0%	71,543,816	12,287,162	17.2%	1.28	11.6%	13.0%	1.11
1995	84,871,823	21,882,828	25.8%	67,308,228	15,225,027	22.6%	1.80	14.8%	13.8%	1.22
1996	63,322,804	26,778,556	42.3%	63,858,233	18,425,280	28.9%	1.47	17.2%	13.7%	1.30
1997	62,981,740	35,298,842	56.0%	80,432,203	22,178,448	27.6%	1.53	21.8%	13.7%	1.58
1998	62,725,521	65,214,543	104.1%	58,882,873	23,147,633	39.3%	1.63	22.2%	17.7%	1.54
1999	62,223,828	72,811,212	117.0%	53,538,848	30,254,717	56.5%	2.03	33.8%	19.7%	1.71
2000	71,134,739	63,884,122	89.8%	73,381,638	17,281,171	23.6%	1.81	27.2%	21.2%	1.28

\* Historical experience through June 30, 2000

**Exhibit B**  
**Metropolitan Life Insurance Company**  
**Historical Loss Ratio with Active Life Reserves**  
**Nationwide Experience, without Interest**  
**Policy Forms: LTC.02, LTC.03, LTC.04**

	Calendar Year	Earned Premium	Incurred Claims	Change in Active Life Reserve	Loss Ratio
Historical Experience	1991	237,773	-		0.0%
	1992	1,004,479	16,244		1.6%
	1993	1,841,034	548		0.0%
	1994	2,583,972	85,227		3.3%
	1995	4,007,341	206,200		5.1%
	1996	8,035,304	272,877		3.4%
	1997	11,474,751	598,165		5.2%
	1998	16,903,445	824,535		4.9%
	1999	23,623,536	1,576,348		6.7%
	2000	38,554,751	2,829,175		7.3%
	2001	48,878,008	4,219,108		8.6%
	2002	53,783,045	6,381,583		11.9%
	2003	61,638,460	10,459,300		17.0%
	2004	64,819,894	14,418,863		22.2%
	2005	64,018,203	21,832,899	296,708,102*	497.4%
	2006	63,322,804	29,778,558	84,966,821	182.3%
	2007	62,998,740	33,295,842	54,171,369	142.0%
	2008	62,720,531	55,524,143	52,824,213	172.7%
	2009	62,269,538	72,311,212	61,733,785	215.8%
	2010	31,134,788	40,668,122	24,432,535	209.7%
	<b>Total</b>	<b>630,920,470</b>	<b>294,634,975</b>	<b>584,838,835</b>	<b>127.3%</b>

\* Cumulative change, prior years are not available

## APPLICANTS EXHIBIT 5

DOCKET # 14-0187

(Correspondences pertaining to request for documentary information  
requested of T-C Life by Leo and Mary Driscoll)

Mailed 10-1-12

Leo and Mary Driscoll  
4511 E. North Glenngrae Ln.  
Spokane, WA 99223

September 29, 2012

TIAA-CREF Life Insurance Company  
Long-Term Care Department  
730 Third Avenue  
New York, NY 10017-3206

Metropolitan Life Insurance Company  
Administrator for TIAA-CREF Life Insurance Company  
P.O. Box 737  
Westport CT 06881-0937

Re: TIAA-CREF Life Insurance Company Long-Term Care Insurance Policies Nos.  
09852450 and 09852488 issued to Leo J. Driscoll and Mary T. Driscoll, respectively

Ladies and Gentlemen:

As insureds, we are affected by the premium rates for our above-identified policies, increases of which were made in 2011 by TIAA-CREF Life Insurance Company ("T-C Life") and by its' Administrator for such polices, Metropolitan Life Insurance Company ("MetLife").

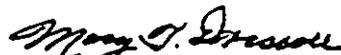
Pursuant to the provisions of RCW 48.19.300, we request that T-C Life furnish (or cause to be furnished) to us a single copy of each of the items that are listed in the attachment, each of which items are pertinent to the rates that affect us. We also address this letter to MetLife for informational purposes and coordination appropriate to responding to this request

Please inform us whether the items requested are available in electronic form. If so, please e-mail a copy of each requested item to the undersigned Leo Driscoll at [oleod1@msn.com](mailto:oleod1@msn.com)

If any items are not available in electronic form, please mail paper copies to us by U.S. mail at our above listed residence address. We will make payment by check of your reasonable charges for furnishing the information. Please inform us as to that amount.

Thank you for your courtesy and cooperation in responding to this request.

  
Leo J. Driscoll

  
Mary T. Driscoll

Two - page Attachment to Driscoll letter dated September 29, 2012 to T-C Life and MetLife

All items listed below were filed with the Office of the Insurance Commissioner ("OIC") of the state of Washington but are not available to us there. The actuarial memorandum dated June 6, 2011 filed by MetLife in support of the 41% rate increase that has been implemented for our policies makes it evident that the items listed below include information that is pertinent to our rates, as follows:

The first two items listed below seek information as to our policy forms, the LTC.04 Policy Form Series which T-C Life issued from 2001 to 2004. The remaining items seek information pertaining to two (2) earlier series of policy forms, i.e., the LTC.02 and LTC.03 Policy Form Series that were issued by a different insurer than ours, reportedly the parent company of T-C Life. The June 6, 2011 actuarial statement says in substance and effect that MetLife and T-C Life have bundled the three series of forms together "as one block of business" for purposes of implementing the 41% rate increase, each of the three having been deemed by them to be within the same "premium class" for such purpose. Thus all three of those series of forms affect the rates of our policies and each item of information listed below is information that is relevant and pertinent to those rates within the meaning of RCW 48.19.300.

The items of information that we request our insurer to furnish to us are these:

1. Application(s) and actuarial memoranda that were submitted to OIC in gaining approval of the initial rates of the LTC.04 Policy Form Series (including TCL-LTC.04 (WA) Ed.4/00 Policy Form including any riders or endorsements approved for issue with that policy form.
2. Application(s), forms, and other writings submitted to OIC for purposes of gaining approval of the form of the LTC.04 Policy Form Series.

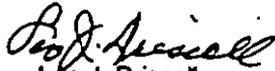
3. Applications, Rate Filing materials, and actuarial memoranda that were submitted to OIC in relation to and in support of the initial rates of the LTC.02 Policy Form Series, including those for each of the following policy forms:

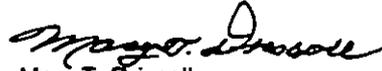
LTC-WA.02 Ed 2-94  
LTC-E-WA.02 Ed. 2-94  
LTC-WA.02 Ed. 4-97

LTC-E-WA.02 Ed. 4-97  
QLTC-WA.02 Ed. 4-97  
QLTC-E-WA.02 Ed. 4-97

Including any riders or endorsements approved for issue with any of those.

4. Application(s), forms, and other writings submitted to OIC for purposes of gaining approval of the form(s) of the LTC.02 Policy Form Series,
5. Application(s), Rate Filing materials, and actuarial memoranda submitted to OIC in relation to and in support of the initial rates of the LTC.03 Policy Form Series, including for the following policy form(s): LTC.03 (WA) including any riders or endorsements approved for issue with that policy.
6. Application(s), forms, and other writings submitted to OIC for purposes of gaining approval of the form of the LTC.02 Policy Form Series.
7. Application(s), Rate Filing materials, and actuarial memoranda submitted to OIC in relation to and in support of the rate reduction for Policy form series LTC.02 (as referenced at paragraph no. 16, page 6 of the June 6, 2011 actuarial memorandum).

  
Leo J. Driscoll

  
Mary T. Driscoll

11/20/12 JLD



Metropolitan Life Insurance Company  
as insurer or administrator\* for TIAA-CREF Life  
Insurance Company and Teachers Insurance and  
Annuity Association of America  
Long-Term Care  
P.O. Box 990028  
Hartford, CT 06199-0028

November 14, 2012

Leo J. Driscoll  
Mary T. Driscoll  
4511 E. North Glenngate Ln.  
Spokane, WA 99223

Re: Policy Number: 09852450 for Leo J. Driscoll  
Policy Number: 09852468 for Mary T. Driscoll

Dear Mr. and Mrs. Driscoll:

We are writing in response to your letter dated 9/29/2012 that is addressed to Metropolitan Life Insurance Company ("MetLife") and TIAA-CREF Life Insurance Company ("T-C Life"). In your letter you requested copies of the applications, actuarial memoranda, and forms involving the approval of the initial rates and forms for the T-C Life Long-Term Care policies currently administered by MetLife.

Per your request, we have enclosed the following documents for your review:

**LTC-04 Policy Form Series**

1. Washington 04 Forms, Rates, and Approval
2. Washington 04 Amendments, Correspondence

We note that you have requested that T-C Life provide you the documents listed in your letter pursuant to RCW 48.19.300. This statute, though, does not apply to disability insurance as stated in RCW 48.19.010. Under Washington law, long-term care insurance is a form of disability insurance as prescribed in RCW 48.11.030. Accordingly, the statute cited in your letter is inapplicable here, and as such, T-C Life is not required under Washington law to send you the documents requested in your letter.

We appreciate the opportunity to address your concerns. For assistance with any questions about your coverage you may contact MetLife Customer Service at 1-888-748-4824. Our Customer Service Representatives are available Monday through Friday 8:00 a.m. to 11:00 p.m. EST.

Sincerely,

Laura H. Gilbertson  
Client Liaison  
MetLife Long-Term Care

\* Metropolitan Life Insurance Company ("MetLife") is the insurer only for those TIAA-CREF Life Insurance Company ("T-C Life") and Teachers Insurance and Annuity Association of America ("TIAA") policyholders who have accepted the transfer of their Long-Term Care coverage to MetLife. MetLife is the administrator for all other T-C Life and TIAA policyholders.

Signed + mailed 1/8/13

Leo and Mary Driscoll  
4511 E. North Glenngrae Ln.  
Spokane, WA 99223

January 8, 2013

TIAA-CREF Life Insurance Company  
730 Third Avenue  
New York, NY 10017-3206

Atten: Long-Term Care Insurance

Metropolitan Life Insurance Company  
Administrator for TIAA-CREF Life Insurance Company  
P.O. Box 737  
Westport, CT 06881-0937

Atten: Laura H. Gilbertson, Long-Term Care

Re: TIAA-CREF Life Insurance Company Long-Term Care Insurance (LTCI) Policies Nos. 09852450 and 09852468 issued to Leo J. Driscoll and Mary T. Driscoll, respectively

Ladies and Gentlemen:

This letter relates to the MetLife 11/14/12 letter response (with enclosures) to our 9/29/12 letter request for information from T-C Life (with attachment) that is pertinent to the rates of our above-referenced LTCI policies. Our request was made pursuant to RCW 48.19.300. No separate response to or acknowledgement of our 9/29/12 letter was received by us from T-C Life. The response provided certain documents for which we thank you.

We here address three (3) aspects of the MetLife 11/14/12 response:

FIRST: MetLife's erroneous assertion that T-C Life is not required to provide the requested documents, claiming that LTCI allegedly "... is a form of disability insurance as prescribed by RCW 48.11.030" and, that accordingly, RCW 48.19.300 is inapplicable here.

Apart from the statutes that it cited, the MetLife 11/14/12 response did not cite any authority to support its contention that "Under Washington law, long-term care insurance is a form of disability insurance" and/or its' assertion that RCW 48.19.300 is inapplicable here.

"Insurance" is defined by RCW 48.01.040: "Insurance is a contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies".

RCW 48.11.030 defines "disability insurance" as follows: "Disability insurance" is insurance against bodily injury, disablement or death by accident, against disablement resulting from sickness, and every insurance appertaining thereto including stop loss insurance. "Stop loss insurance" is insurance against the risk of economic loss assumed under a self-funded employee disability benefit plan." [Note: the bold print emphasis and underlining emphasis are ours. In bold print are the determinable contingencies insured against; the underlined words both extend and limit what is meant by 'disability insurance',

RCW 48.84.020 defines LTCI: "Long-term care insurance" or "long-term care benefit contract" means any insurance policy or benefit contract primarily advertised, marketed, offered, or designed to provide coverage or services for either institutional or community-based convalescent, custodial, chronic, or terminal ill care \* \* \*. Again, we have used bold print to identify the 'determinable contingencies' insured against by that form of insurance.

Clearly, the determinable contingencies insured against by 'disability insurance', as defined by RCW 48.11.030, do not include any requisite element that the insured incur need for care -- care of any kind whatsoever. As to disability insurance, as so defined, the incurrance of care is a non-issue. And not every disablement is embraced within the statutory definition of 'disability insurance'. It does not include naturally-occurring enfeeblement or disablement, it includes only those caused by accident or sickness.

Conversely, the determinable contingencies insured against by LTCI as defined by RCW 48.84.020 do not include any requisite element of injury, accident, or sickness. Those are non-issues as to LTCI. Indeed, the need for long-term care often arises from natural aging or undetermined causes which cannot be linked to injury, accident, or sickness.

Thus, the determinable contingencies -- the essential, requisite elements -- of disability insurance, as per RCW 48.11.030, and of LTCI, as per RCW 48.84.020, are distinctly-different. They have different purposes and functions. As we understand it, disability insurance is principally designed and touted to insure against the risk of loss of one's expected paycheck or earning power resulting from injury, accident, or sickness during one's working years whereas LTCI is principally designed and touted to insure against the risk of loss of accumulated assets by the devastating costs of LTC that may arise in elder, retirement years.

Obviously, the words in RCW 48.11.030 "and every insurance appertaining thereto" somewhat extends the scope of the description of 'disability insurance' appearing in that statute yet those same words likewise *limit* that extension. The ordinary, accepted meaning

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of the word *appertaining* is: *belonging to, a part of, or an adjunct of.* The statute logically identifies 'stop loss' insurance (i.e., insurance against risk of loss "under a self-funded employee disability benefit plan.") as being within the limits of the extension. That insurance appropriately and logically belongs to, is parts of, is an *adjunct of the 'disability'* species of insurance within the intent of RCW 48.11.030. LTCI, so differently defined by RCW 48.84.020, does not appropriately or logically belong to that species.

SECOND: The MetLife 11/14/12 response did not provide to us a key actuarial memorandum requested by item #1 of our attachment to our 9/29/12 letter relative to the LTC.04(WA) base policy form.

A document that was provided relates to optional riders being offered for the base policy form WTC.04 policy form. It is entitled "Amendment to Actuarial Memorandum and Rate Filing" and was submitted to OIC in July, 2001. At page numbered 2, it includes a section entitled "Premium Rate Development" that references the missing actuarial form. It reads in part as follows:

*"The rates for these riders were developed using a simulation model, and the actuarial assumptions (incidence rates, mortality rates, lapse rates, termination rates, underwriting savings, interest rate and expenses) as described in the Actuarial Memorandum that is currently on file with your department. \* \* \* \*"*

The 11/14/12 response to our 9/29/12 response did not include a copy of that actuarial memorandum which addresses pricing of the initial rates for WTC.04 policies.

THIRD: The 11/14/12 response from MetLife did not include any of the information relative to the LTC.02 or LTC.03 policy forms that was requested by items #3 to #7 of our attachment to our 9/29/12 letter.

That attachment to our 9/20/12 letter explained the pertinence of the requested LTC.02 and/ LTC.03 information to the rates of our policies. We now supplement that explanation by noting that we and our LTC.04(WA) policies were and are affected by the rates of the LTC.02 and LTC.03 form policies as initially approved, and by any changes made to those rates. That is evident from the June 6, 2011 actuarial memorandum filed with OIC in support of the 41% increase in rates, including without limitation its' references at pages 6 to 8 as to the initial premium schedule and pricing assumptions for the bundled LTC.02, LTC.03, and LTC.04 policy forms

Concluding Requests. We ask that you consider this letter and, as to the FIRST matter above, we ask that you reconsider and promptly withdraw the contentions made in the MetLife 11/14/12 response that RCW 48.19.300 is inapplicable here. As to the SECOND

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matter above, we ask that you promptly provide us with a copy of the missing actuarial memorandum as to the LTC.04 policy form that is specifically referenced in the July 2001 "Amendment to Actuarial Memorandum". As to the THIRD matter above, we reiterate our requests for pertinent information as requested by items #3 to #7 of our attachment to our 9/29/12 letter.

Respectfully submitted,

Leo J. Driscoll

Mary T. Driscoll

Rec'd 2/13/13

**MetLife®**

Metropolitan Life Insurance Company  
as insurer or administrator\* for TIAA-CREF Life  
Insurance Company and Teachers Insurance and  
Annuity Association of America  
Long-Term Care  
P.O. Box 990028  
Hartford, CT 06199-0028

February 6, 2013

Mr. Leo J. Driscoll  
Mrs. Mary T. Driscoll  
4511 E. North Gleningrae Ln.  
Spokane, WA 99223

Re: Policy Number: 09852450 for Leo J. Driscoll  
Policy Number: 09852468 for Mary T. Driscoll

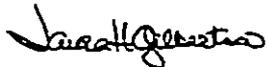
Dear Mr. and Mrs. Driscoll:

We are writing in response to your letter dated 1/08/13 that is addressed to Metropolitan Life Insurance Company ("MetLife") and TIAA-CREF Life Insurance Company ("T-C Life"). We note that you issued an earlier letter to MetLife and T-C Life dated 9/29/12, where you requested copies of the applications, actuarial memoranda, and forms involving the approval of the initial rates and forms for the T-C Life Long-Term Care policies currently administered by MetLife. We also note that on 11/14/12 MetLife issued a response to your earlier letter, where we indicated that MetLife was under no legal obligation to provide you with the foregoing documents. In your latest letter dated 1/08/13, you state that you disagree with MetLife's interpretation of the law, and as such, you reiterate your request for the foregoing documents.

We have thoroughly reviewed the arguments raised in your latest letter, however, MetLife's position remains unchanged. As stated in our letter dated 11/14/12, under Washington law, long-term care insurance is a form of disability insurance as prescribed in RCW 48.11.030. While it is your position that you are entitled to documents pursuant to RCW 48.19.300, this statute does not apply to disability insurance as stated in RCW 48.19.010. Accordingly, it remains MetLife's position that T-C Life is not required under Washington law to provide you with the documents requested in your letter dated 9/29/12.

We appreciate the opportunity to address your concerns. For assistance with any questions about your coverage you may contact MetLife Customer Service at 1-888-748-4824. Our Customer Service Representatives are available Monday through Friday 8:00 a.m. to 11:00 p.m. EST.

Sincerely,



Laura H. Gilbertson  
Client Liaison  
MetLife Long-Term Care

Leo and Mary Driscoll  
4511 E. North Gleangrae Ln.  
Spokane, WA 99223

March 5, 2013

TIAA-CREF Life Insurance Company  
730 Third Avenue  
New York, NY 10017-3206

Atten: Long-Term Care Insurance

Metropolitan Life Insurance Company  
Administrator for TIAA-CREF Life Insurance Company  
P.O. Box 737  
Westport, CT 06881-0937

Atten: Laura H. Gilbertson, Long-Term Care

Re: TIAA-CREF Life Insurance Company Long-Term Care Insurance (LTCI) Policies Nos.  
09852450 and 09852468 issued to Leo J. Driscoll and Mary T. Driscoll, respectively

Ladies and Gentlemen:

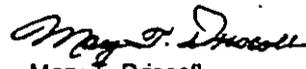
We have received Ms. Gilbertson's letter of 2/06/13 in response to ours of 1/08/13 that identifies requested items of information that you have not provided to us.

Unfortunately, it appears that you and we are at an impasse as to whether RCW 48.19.300 is or is not applicable here.

Without waiving or prejudicing either your position or our position on that issue we respectfully request that, in keeping with good faith and fairness in relation to the imposition of the 41% premium increase and the bundling of policy forms for purposes of that increase, the insurer promptly provide to us (or cause to be provided to us) the items of information described in the attachment to this letter. We request that information so that we may better assess and understand the reasons and justification for the premium increase. All of that information was previously requested in our earlier letters of 9/29/12 and/or 1/08/13.

We will pay your reasonable costs incurred in providing the information. Please advise as to the amount. Respectfully yours,

  
Leo J. Driscoll

  
Mary T. Driscoll

**Attachment to letter dated March 5, 2013 from Leo and Mary Driscoll to TIAA-CREF Life Insurance Company and Metropolitan Life Insurance Company, Administrator for TIAA-CREF Life Insurance Company**

List of items of information requested:

1. All actuarial memoranda submitted to the WA OIC relating to LTC.04(WA) policy form that you have not provided to us, including without limitation the "Actuarial Memorandum" that is described in the following excerpt from page 2 of the "Amendment to Actuarial Memorandum and Rate Filing", under the section entitled "Premium Rate Development", that was filed with the WA OIC in July, 2001, relating to the LTC.04(WA) base policy form:

*"The rates for these riders were developed using a simulation model, and the actuarial assumptions (incidence rates, mortality rates, lapse rates, termination rates, underwriting savings, interest rate and expenses) as described in the Actuarial Memorandum that is currently on file with your department. \* \* \* \**

2. Applications, Rate Filing materials, and all actuarial memoranda that were submitted to the WA OIC in relation to and in support of the initial rates of the LTC.02(WA) Policy Form Series, including those for each of the following policy forms:

LTC-WA.02 Ed 2-94  
LTC-E-WA.02 Ed. 2-94  
LTC-WA.02 Ed. 4-97

LTC-E-WA.02 Ed. 4-97  
QLTC-WA.02 Ed. 4-97  
QLTC-E-WA.02 Ed. 4-97

Including any riders or endorsements approved for issue with any of those.

3. Application(s), forms, and other writings submitted to the WA OIC for purposes of gaining approval of the form(s) of the LTC.02(WA) Policy Form Series,
4. All actuarial memoranda submitted to the WA OIC in relation to and in support of the initial rates of the LTC.03 Policy base form and in relation to and in support of any riders or endorsements approved for issue with that policy.
5. Application(s), Rate Filing materials, and actuarial memoranda submitted to the WA OIC in relation to and in support of the rate reduction for Policy form series LTC.02 (as referenced at paragraph no. 16, page 6 of the June 6, 2011 actuarial memorandum)

Rec'd 4/8/13



Metropolitan Life Insurance Company  
as insurer or administrator\* for TIAA-CREF Life  
Insurance Company and Teachers Insurance and  
Annuity Association of America  
Long-Term Care  
P.O. Box 990028  
Hartford, CT 06199-0028

April 3, 2013

Mr. Leo J. Driscoll  
Mrs. Mary T. Driscoll  
4511 E. North Glenngrae Ln.  
Spokane, WA 99223

Re: Policy Number: 09852450 for Leo J. Driscoll  
Policy Number: 09852468 for Mary T. Driscoll

Dear Mr. and Mrs. Driscoll:

We are writing in response to your letter dated March 5, 2013 that is addressed to MetLife and T-C Life. We note that you issued two previous letters to MetLife and T-C Life dated September 29, 2012 and January 8, 2013, where you requested copies of the applications, actuarial memoranda, and forms involving the approval of the initial rates and forms for the T-C Life Long-Term Care policies currently administered by MetLife. We also note that on November 14, 2012 and February 6, 2013, MetLife issued responses to your previous letters, where we indicated that MetLife was under no legal obligation to provide you with the foregoing documents. In your latest letter dated March 5, 2013, you acknowledge that you and MetLife are at an impasse as to whether the law cited in your letters is applicable to long-term care, and you reiterate your request for the foregoing documents.

As stated in our previous responses, we have carefully reviewed the arguments raised in your previous letters. Your latest letter does not appear to provide any additional information or support that you are entitled to the documents referenced in your letters. Accordingly, MetLife's position that RCW 48.19.300 is inapplicable to long-term care insurance (which is a form of disability insurance) remains unchanged. To that end, it remains MetLife's position that T-C Life is not required under Washington law to provide you with the documents requested in your previous letters.

We appreciate the opportunity to address your concerns. For assistance with any questions about your coverage you may contact MetLife Customer Service at 1-888-748-4824. Our Customer Service Representatives are available Monday through Friday 8:00 a.m. to 11:00 p.m. EST.

Sincerely,

Laura H. Gilbertson  
Client Liaison  
MetLife Long-Term Care

## **APPLICANTS EXHIBIT 6**

**DOCKET # 14-0187**

**(Seven pages of SERFF generated materials included in  
OIC State Tracking file #230615)**



SEAFF Tracking Number: META-127150316                      State: Washington  
 Filing Company: TIAA-CREF Life Insurance Company                      State Tracking Number: 330613  
 Company Tracking Number: W11-27 TL (TC-LIFE - RATES) CC  
 TOI: LTC06 Long Term Care - Other                      Sub-TOI: LTC06.000 Long Term Care - Other  
 Product Name: Long Term Care Insurance  
 Project Name/Number: LCUL04-TCL/W11-27 TL (T-C LIFE)

Bridgewater, NJ 08807

**Filing Company Information**

TIAA-CREF Life Insurance Company	CoCode: 60142	State of Domicile: New York
730 Third Avenue	Group Code:	Company Type:
New York, NY 10017	Group Name:	State ID Number:
(212) 578-2944 ext. 2944(Phone)	FEIN Number: 13-3917848	

**Filing Fees**

Fee Required?                      No  
 Retainatory?                      No  
 Fee Explanation:  
 Per Company:                      No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
TIAA-CREF Life Insurance Company	\$0.00		

**State Specific**

If you are filing a Healthcare or Disability filing, is the Co Tracking # field populated on the General Information Tab? If no, your filing will be rejected. (yes/no): Yes  
 Form Tab Only - Are the Form # and Form Description fields populated corresponding to the attached form? (yes/no): No - Not Applicable to this filing  
 If you are submitting a Fba and Use product, have you populated the Implementation Date field? (yes/no): No - this is a Review and Approval filing

SERFF Tracking Number: META-127150316  
Filing Company: TIAA-CREF Life Insurance Company  
Company Tracking Number: #11-17 TL (TC-LIFE - RATES) CC  
TDI: LTC06 Long Term Care - Other  
Product Name: Long Term Care Insurance  
Project Name/Number: LCUL04-TCL/11-17 TL (T-C LIFE)

State: Washington  
State Tracking Number: 110615  
Sub-TDI: LTC06.000 Long Term Care - Other

### Correspondence Summary

#### Dispositions

Status	Created By	Created On	Date Submitted
Filed	Lee Michelson	08/17/2011	08/17/2011

SEEF Survey Number	MEIA-17130316	State	Washington
Filing Company	TAA-CREF Life Insurance Company	State Filing Number	20043
Company Tracking Number	911-27 FL LTC-LIFE - ALLIED CT	Sub-ID#	LTCB-008 Long Term Care - Other
FD#	LTCB Long Term Care - Other		
Product Name	Long Term Care Insurance		
Product Name/Number	LTCB-LIFE-911-27 FL LTC-LIFE		

**Disposition**

Decision Date: 08/11/2011  
 Implementation Date: 10/16/2011

Status: Filed

Comment:

You have been selected to take part in our online customer survey. Please take a minute or two to give us your feedback so we can better serve you. The survey is completely voluntary and confidential.

Take the survey at: <http://www.seef.wa.gov/Pages/Forms/FeedbackForm>

Company Name:	Overall % Indicated Change:	Overall % Rate Impact:	Written Premium Change for this Program:	# of Policy Holders Affected for this Program:	Written Premium for this Program:	Maximum % Change (where required):	Minimum % Change (where required):
TAA-CREF Life Insurance Company	41.000%	41.000%	\$35,747	55	\$87,187	41.000%	41.000%

**SERFF Tracking Number:** META-137150316      **State:** Washington  
**Filing Company:** TIAA-CREF Life Insurance Company      **State Tracking Number:** 230615  
**Company Tracking Number:** W11-37 TL (TC-LIFE - RATES) CC  
**TDE:** LTC06 Long Term Care - Other      **StS-TDI:** LTC06.000 Long Term Care - Other  
**Product Name:** Long Term Care Insurance  
**Project Name/Number:** LCUL04-TCL/W11-37 TL (T-C LIFE)

Schedule	Schedule Item	Schedule Item Status	Public Access
Supporting Document	Actuarial Memorandum		Yes
Supporting Document	Long Term Care Rates		Yes
Supporting Document	Cover Letter		Yes
Supporting Document	Authorization Letter		Yes
Rate	Generic Rates		Yes

SERFF Filing Number: MET-4-778316  
 Filing Company: TAA-CREF Life Insurance Company  
 Company Filing Number: 971-E-01-47C-LIFE - RATES-CC  
 FIC: LTCR Long Term Care - Other  
 Product Type: Long Term Care Insurance  
 Program Number: 422448-971-01-01-01-01-01

State: Michigan  
 State Filing Number: 220621  
 Sub-FIC: LTCR Long Term Care - Other

**Rate Information**

Rate data applies to filing.

Filing Method: SERFF  
 Rate Change Type: Increase  
 Overall Percentage of Last Rate Revision: %  
 Effective Date of Last Rate Revision:  
 Filing Method of Last Filing: See section 18 of the Actuarial Memo

**Company Rate Information**

Company Name:	Overall % Included Change:	Overall % Rate Impact:	Written Premiums Change for this Program:	# of Policy Holders Affected for this Program:	Written Premiums for this Program:	Maximum % Change (where required):	Minimum % Change (where required):
TAA-CREF Life Insurance Company	41.000%	41.000%	\$25,747	55	\$87,187	41.000%	41.000%

FIC Filing # 971 Filing Number: MET-4-778316 Contract # 971-01-01-01-01-01

SCRFF Tracking Number: META-127150316 State: Washington  
 Filing Company: TIAA-CREF Life Insurance Company State Tracking Number: 210013  
 Company Tracking Number: W11-17 TL (TC-LIFE - RATES) CC  
 TOI: LTC06 Long Term Care - Other Sub-TOI: LTC06.000 Long Term Care - Other  
 Product Name: Long Term Care Insurance  
 Project Name/Number: LCUL04-TCL/W11-17 TL (T-C LIFE)

**Rate/Rule Schedule**

Schedule Item Status:	Document Name:	Affected Form Numbers: (Separated with commas)	Rate Action:	Rate Action Information:	Attachments
	Generic Rates	TCL-LTC.04 (WA) Ed. 4/00	Revised	Previous State Filing Number: Percent Rate Change Request: 41.000	Generic Rates.pdf

## APPLICANTS EXHIBIT 7

DOCKET # 14-0187

[Letter 9/25/1998 from actuary Larry Scheinson to OIC re LTC.03(WA) Rate filing,

OIC Tracker ID #98994)



Teachers Insurance and  
Annuity Association  
730 Third Avenue, New York, NY 10017-3206  
212 490-9000 1 800 842-2733

Larry Schizas, F.S.A.  
Assistant Actuary  
1-800-842-2733 ext.6638

September 25, 1998

**RECEIVED**

SEP 28 1998

**INSURANCE COMMISSIONER  
RATES & CONTRACTS**

Janis LaFlash  
Insurance Commissioner  
Washington Office of Insurance Commissioner  
Insurance Building  
Post Office Box 40255  
Olympia, WA 98504-0255

Re: Long-Term Care Form LTC.03(WA) et al  
Rate Filing  
Actuarial Memorandum

Dear Ms. Janis LaFlash:

Enclosed for your approval please find a Rate Filing and Actuarial Memorandum in support of our new individual long-term care policy form LTC.03(WA). This form is structured in accordance with tax-qualified guidelines under Section 7702B(b) of the Internal Revenue Code. We plan to issue this new policy form beginning January 1, 1999.

Some of the new policy options and features being introduced with this form are:

1. Benefit Period: Unlimited (3 year, 5 year, and 7 year periods are also available)
2. Benefit Waiting Period: 365 days (30 day and 90 day periods are also available)
3. Nonforfeiture Option: Shortened Benefit Period
4. A 10% Spousal Discount (if both spouses are issued a policy under this form)
5. Benefit Trigger: - 2 of 6 Activities of Daily Living  
- use of "standby assistance" language instead of  
"active one-to-one assistance" language
6. Assisted Living Facility Care Benefits
7. Alzheimer's Facility Care Benefits
8. Hospice Facility Benefits
9. Benefits for Caregiver Training, Emergency Response Systems and Durable Medical Equipment
10. Home and Community-Based Care Benefits
  - 100% Home Health (50% Home Health remains available)
  - Homemaker services
  - Licensed home health care providers not affiliated with an agency

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In pricing this new policy form we modified our assumptions for morbidity, mortality, interest, and contribution to contingency reserves. The morbidity assumptions are based both on our pool of experience and the input of our reinsurer.

We have also changed the method used to calculate the level premium. In the past we have assumed premiums are paid while an insured is on claim, and we pay a corresponding waiver of premium benefit. Now we simply assume that premiums are not paid while an insured is on claim, so that a corresponding waiver of premium benefit is not included in the pricing.

The calculation of the 100% Home Health Care option has also changed. We now assume that the full 100% of the Nursing Facility Care Daily Benefit Maximum is utilized, whereas before we assumed less than this would be used. In conjunction with this, the Home Health Care day per week assumption has been lowered.

Except as mentioned above, this filing is substantially based on the prior filings of our current policy forms QLTC-WA.02 and QLTC-E-WA.02, Ed. 4-97 et al, which were most recently placed on file with your Department on December 30, 1997.

Current policyholders will be handled as follows:

Since the premiums for this new form (LTC.03(WA) et al) are in many cases lower than the premiums for our current form (QLTC-WA.02 and QLTC-E-WA.02, Ed. 4-97 et al), we will be instituting a rate reduction on the current form. Most policyholders will receive a rate reduction.

*A filing for this rate reduction on forms QLTC-WA.02 and QLTC-E-WA.02, Ed. 4-97 et al was filed on September 16, 1998.*

Additionally, we will offer this new form (LTC.03(WA) et al) to all current policyholders who have coverage under forms QLTC-WA.02 and QLTC-E-WA.02, Ed. 4-97 et al. This offer will be available on a guaranteed issue basis if accepted within a limited period of time (i.e. 30 days). Policyholders will be able to switch to the plan most comparable to their current plan (or perform a limited upgrade) without underwriting. If the policyholder is impaired in 2 or more ADL's or is Cognitively Impaired at the time of the offer, the offer must still be accepted within the limited period of time, but the upgrade will not be made effective until after the policyholder has not been impaired in 2 or more ADLs or Cognitively Impaired for 180 days.

The premium for the new form (LTC.03(WA) et al) for policyholders accepting the above offer will be the attained age premium for the new form less a premium credit. The methodology of the premium credit is described in the Rate Filing and Actuarial Memorandum.

We wish to except from disclosure all actuarial information and memoranda as well as any other information deemed proper by the Department.

NON-REVENUE

We look forward to your assistance in placing these rates on file with the Department. If you have any questions, please contact me at 1-800-842-2733 ext. 6638, or in my absence you can contact Earl Klayman at ext. 2810.

Sincerely,



Larry Scheinson, F.S.A.  
Assistant Actuary

NON • CONFIDENTIAL

## APPLICANTS EXHIBIT 8

DOCKET # 14-0187

(Letter dated May 30, 2000 from actuary Larry Scheinson to OIC

Re Rate Filing for LTC.04(WA) Policy Forms ,

OIC State Tracker file #141617)



Teachers Insurance and  
Annuity Association

730 Third Avenue, New York, NY 10017-3206  
212 490-9000 1 800 842-7733

Larry Schriener, FSA, MAAA  
Associate Actuary  
1-800-842-7733 ext. 6638

May 30, 2000

Deborah Senn, Insurance Commissioner  
Washington Office of Insurance Commissioner  
Insurance Building  
Post Office Box 40255  
Olympia, WA 98501

At: Ms. Gail J. Nixon  
Policy and Rate Analyst II

Re: TIAA-CREF Life Insurance Company  
(TIAA-CREF Life)  
NAIC ID#: 60142 FEIN #: 13-3917848  
Long-Term Care Form TCL-LTC.04(WA) et al  
  
Rate Filing  
Actuarial Memorandum

Dear Ms. Nixon:

Enclosed for your approval, please find in duplicate a Rate Filing and Actuarial Memorandum in support of our individual long-term care policy forms TCL-LTC.04(WA). These forms are being filed on behalf of TIAA-CREF Life Insurance Company ("TIAA-CREF Life"), a subsidiary of Teachers Insurance and Annuity Association. Minimal changes were made to the forms mainly to support the administration of the new subsidiary (i.e., changing TIAA to TIAA-CREF Life).

The forms are structured in accordance with tax-qualified guidelines under Section 7702B(b) of the Internal Revenue Code. We plan to issue these new policy forms in early 2000, depending on the number of state-approvals that we receive.

The Rate Filing and Actuarial Memorandum are virtually identical to the TIAA, LTC.03(WA) material approved by your Department on January 7, 2000.

The only significant changes are:

1. Rates are now level at issue ages 25 and under (for LTC.03(WA), rates are level at issue ages 44 and under).
2. There are changes in the policy change and premium credit discussion.

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3. The addition of a simplified underwriting enrollment that is available for certain employees of employer-sponsored institutions endorsing this approach. This simplified underwriting approach is available to employees who on the effective date of their coverage, are actively at work on a full time basis away from their place of residence and who are not above age 74. Such employees can receive a policy without full underwriting within an enrollment period (or within 31 days of employment for new hires) if they certify that they are not currently impaired in any Activities of Daily Living, and have not used LTC services in the past 12 months.

Employees not meeting the above requirements, retirees, spouses, and other family members would go through full underwriting. The premium rates for this approach would apply to each policy issued through the institution, whether or not simplified underwriting was used for the specific policy.

We wish to except from disclosure all actuarial information and memoranda as well as any other information deemed proper by the Department.

I look forward to your assistance in placing these rates on file with the Department. If you have any questions, please contact me at 1-800-842-2733 ext. 6638.

Sincerely,



Larry Scheinson, FSA, MAAA  
Associate Actuary

01 • OIG • 10/10/01

## APPLICANTS EXHIBIT 10

DOCKET # 14-0187

(Changed "Policy Schedule" form delivered by MetLife for policy of Leo J. Driscoll, showing "Effective Date of this Schedule, August 1, 2012"; does not identify name of the Insurer or the policy number)

## POLICY SCHEDULE

### GENERAL POLICY INFORMATION

Name of Insured: LEO J DRISCOLL  
Date of Birth: 11/14/1926  
Policy Effective Date: August 1, 2002  
(Effective 12:01 AM)  
Effective Date of this Schedule: August 1, 2012

SS#: XXX-XX-8482  
Age: 75 Years  
Policy Number: 09852450

This Policy was issued in the state of Washington.

### BENEFITS

Lifetime Benefit Maximum (as of the Effective Date of this Schedule)	\$325,324.50**
**the amount shown does not reflect any claims paid or payable	
Nursing Facility Care Daily Benefit Maximum	\$178.26 per day
Home and Community-Based Care Daily Benefit Maximum	\$89.13 per day
Benefit Waiting Period	90 days

This policy is sufficient to provide at least 5 years of benefits.

### SUPPLEMENTAL BENEFITS

Caregiver Training	Lifetime Maximum of \$891.30
Respite Care	Maximum of 24 Days in any 12 Month Period
Durable Medical Equipment	Lifetime Maximum of \$8,913.00
Emergency Response System	Maximum of up to \$35.00 per Month up to 36 Months
Initial Installation Fee	Maximum of up to \$75.00

### OPTIONAL BENEFITS

Shared Care Option	Rider is attached to the Policy
Inflation Protection Option	Rider is attached to the Policy

### PREMIUM SUMMARY

Basic Benefits	\$5,477.51
Optional Benefit(s):	
Shared Care	\$31.22
Inflation Protection Option	\$138.43
Total Monthly Premium	\$468.28
Total Monthly Premium With Spousal Discount	\$421.45
Elected Payment Mode	MONTHLY
Total Modal Premium	\$421.45

THIS POLICY SCHEDULE REPLACES ANY POLICY SCHEDULE AND ANY SCHEDULE OF  
ADDITIONAL BENEFITS AND PREMIUMS PREVIOUSLY ISSUED TO YOU

## POLICY SCHEDULE

### GENERAL POLICY INFORMATION

Name of Insured: LEO J DRISCOLL  
Date of Birth: 11/14/1926  
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(Effective 12:01 AM)  
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Total Monthly Premium	\$468.28
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Elected Payment Mode	MONTHLY
Total Modal Premium	\$421.45

THIS POLICY SCHEDULE REPLACES ANY POLICY SCHEDULE AND ANY SCHEDULE OF  
ADDITIONAL BENEFITS AND PREMIUMS PREVIOUSLY ISSUED TO YOU

# APPLICANTS EXHIBIT 11

DOCKET # 14-0187

(Excerpts from The Lewin Group Study)

#2002-02  
February 2002

**Long-Term Care Insurance: An Assessment of States'  
Capacity to Review and Regulate Rates**

by

**Steven Lutzky  
Lisa Maria B. Alecxih  
Ryan Foreman  
The Lewin Group**

The AARP Public Policy Institute, formed in 1985, is part of the Policy and Strategy Group at AARP. One of the missions of the Institute is to foster research and analysis on public policy issues of importance to mid-life and older Americans. This publication represents part of that effort.

The views expressed herein are for information, debate, and discussion, and do not necessarily represent official policies of AARP.

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AARP, 601 E Street, N.W., Washington, DC 20049

From IV + 2

States primarily use the "loss ratio" to evaluate LTCI premiums (the percentage of claims paid divided by premiums collected from policyholders.) However the loss ratio is an imperfect measure of the extent to which a policy benefits consumers, and is often not enforced. All but one of the states reviewing rates use some sort of loss ratio criteria to evaluate LTCI premiums; the most common requirement is that a policy meet a loss ratio of 60 percent or better. Enforcement of loss ratio requirements, however, is limited - only 17 states evaluate loss ratios at times other than when rate increases are filed. Thus, if a policy is initially overpriced, there may not be an opportunity for the state to step in and correct it. In addition, only 13 states have a criterion for determining whether a new policy is priced too low, meaning that many policies reach the market that will almost certainly experience rate increases in the future. Because of the complexity of LTCI pricing, loss ratios can be manipulated by altering many of the underlying assumptions, such as the lapse rate, mortality tables, and (especially) interest rates. Thus, it is possible for an insurer to create a higher loss ratio to justify a rate increase simply by altering assumptions (e.g., assuming a lower interest rate on reserves) and without changing any substantive elements of a policy or its experience. Most states do not stipulate that specific assumptions be used; for example, only five percent of responding states dictated the interest rate that insurers could use in computing loss ratios.

Loss ratios, which appear to have been adopted for use from health insurance regulation,<sup>11</sup> are an imperfect tool for assessing whether a LTCI policy is appropriately priced, because of the prefunded nature of the product. Most states calculate the present value of premiums paid<sup>12</sup> and interest earned on those premiums when determining loss ratios over time.<sup>13</sup> The loss ratio will tend to be very low when a block of new policies is first sold because very few people will be receiving benefits, while everyone will be paying premiums. As the block of business ages, the

<sup>11</sup> U.S. House of Representatives, Select Committee on Aging, Subcommittee on Health and Long-Term Care, *Long-Term Care Insurance: State Regulatory Practices Provide Inconsistent Consumer Protection*, Washington, DC: General Accounting Office (April 1989).

<sup>12</sup> AARP, *State Variation in the Regulation of Long-Term Care Insurance Products*, Prepared by Project Hope, Washington, DC: AARP (January 1992); U.S. House of Representatives, Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, *Wishful thinking: A world view of insurance solvency regulation*, Washington, DC: U.S. Government Printing Office (October 1994).

<sup>13</sup> Gordon R. Trapnell, "Loss ratios in long-term care insurance: Industry practices and regulation," Actuarial Research Corporation (June 1990).

<sup>14</sup> The value in today's dollars of the premiums paid over the life of the policy based on some estimate of the discount rate.

<sup>15</sup> Most states allow insurers to use a lower interest rate assumption for loss ratios than for pricing. This means that the assumptions used for calculating loss ratios can be more favorable toward obtaining higher loss ratios. Personal communication with John Wilken, July, 1995.

From A 3-4

number of people filing for benefits should increase, causing the loss ratio to climb. Thus, for a number of years after a group of new policies is sold, loss ratios should be lower than the 60 percent required by the National Association of Insurance Commissioners (NAIC) model and, in later years, loss ratios should be greater than 60 percent. Theoretically, after all the policies in the block are closed, the total amount of benefits paid should equal 60 percent or more of the total premiums collected plus interest earned.

Several actuaries interviewed by The Lewin Group as part of another study noted that variation in the loss ratio over time adds a considerable amount of uncertainty to the process of setting rates and creates the ability to manipulate loss ratios by altering key actuarial pricing assumptions, such as interest rates.<sup>16</sup> These variations can be especially problematic because some states allow insurers to use interest rate assumptions for pricing a policy that are different from those used for meeting loss ratio requirements. Thus, an insurer seeking to justify a rate increase could alter the interest rate assumption used to calculate the loss ratio to make the loss ratio appear artificially high.

From p. 28

The NAIC revisions to the Model Regulation, adopted in August of 2000, require:

- Greater disclosure to consumers about the possibility that their premiums may increase;
- Elimination of initial loss ratios;
- Strict lifetime loss ratio standards for rate increases (58 percent of the initial rate and 85 percent of the rate increase must go to covering claims);
- Enhanced regulatory monitoring and sanctions if rate increases are requested;
- Actuarial certification from insurers regarding adequacy of all rates (i.e., under moderately adverse experience, no further rate increases are expected for the life of the policy);
- Reimbursement of unnecessary rate increases to policyholders; and
- Specific information about the rate increase history of a carrier for the last 10 years.