

OIC Rules Coordinator

From: Steve Forman <steve@ltc-associates.com>
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Good afternoon,

As a result of ESSB 5291 requiring the Commissioner to write rules related to supplemental long-term care insurance, the Commissioner has [solicited public comment](#). Since much of the rulemaking at this stage concerns new processes as much as product, there's only so much to remark upon until more is written.

Having said that, I'd recommend—and I expect this is already the Commissioner's plan—to use the LTCI Rules under [284-83 WAC](#) as a blueprint, and deviate only where needed. Here are some of those departures from the norm:

- **Marketing practices:** Regarding Section 25 (c) where six specific disclosures required in an Outline of Coverage are also required “in any marketing materials,” I’d recommend interpreting this generously. As it is, some of these disclosures aren’t even true for all cases, which would lead to confusion.
- **Marketing practices:** Regarding Section 38, it’s not clear when and how this consumer guide is to be used. If a producer meets with a consumer, are they still required to deliver an LTC Shopper’s Guide, but this (more appropriate) one is voluntary, and obtained from the OIC?
- **Marketing practices:** Regarding Section 38 and “expanded programs,” I would recommend that the OIC publicize which issuers make SLTCI policies available, and perhaps as part of their marketing materials, they be allowed to co-brand with the WA Cares logo so consumers know these are SLTCI policies designed to coordinate specifically with WA Cares. This would help distinguish from non-WA Cares plans.
- **Patient privacy:** Regarding Section 27 (info sharing between issuers and DSHS), this might be better as Dept-written boilerplate that all carriers can include on their authorization forms, rather than leaving it for each carrier to write on its own.
- **Suitability:** Regarding section 34(a) and (b), developing suitability standards for SLTCI using a “best interest” standard, the language here could be read as broadly as establishing a new training regime borrowed from the NAIC’s [annuity model regulations](#) (#275), or something as limited as an attestation included on the suitability and worksheet forms in development. I do not know if this is already the Commissioner’s plan, but I recommend rules which support the latter approach.

Please don't hesitate to reach out if you have any questions or I can be of assistance.

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