

LONG-TERM CARE PARTNERSHIP
Issuer and State Certification Forms
August 2007

Under section 1917(b)(5)(B)(iii) of the Social Security Act (42 U.S.C. 1396p(b)(5)(B)(iii)), the Director of the Department of Insurance (Director) implementing a qualified State long-term care insurance partnership program ("Qualified Partnership") may certify that long-term care insurance policy forms (including group certificate forms) intended to be used marketed as Partnership Policies meet certain consumer protection requirements. These consumer protection requirements are set forth in section 1917(b)(5)(A) of the Social Security Act (42 U.S.C. 1396p(b)(5)(A)) and principally include certain specified provisions of the Long-Term Care Insurance Model Regulation and Long-Term Care Insurance Model Act promulgated by the National Association of Insurance Commissioners ("NAIC") (as adopted as of October 2000) (referred to herein as the "2000 Model Regulation" and "2000 Model Act" respectively). These requirements apply to policies covered under a Qualified Partnership even if the State has not adopted all of such requirements with respect to its regulation of long-term care insurance. In order to be a Partnership Policy in Nebraska, the policy must meet criteria set forth both under Nebraska laws and regulations and federal law.

The State Certification Form will be used by the Director to provide the certification under section 1917(b)(5)(B)(iii) of the Social Security Act. In providing this certification, the Director may reasonably rely upon the certification of issuers of the policy form that is made in accordance with the Issuer Certification Form ([see Attachment B](#)). The Issuer Certification Form is not intended, however, to preclude the Director from requesting such further information from issuers of policy forms as the Director determines may be needed in order to reach a determination that such policy forms are in compliance with the provisions of the 2000 Model Regulation and 2000 Model Act that are applicable under section 1917(b)(5)(A) of the Social Security Act. The State Certification Form will be sent to The Nebraska Department of Health and Human Services.

The Director may issue new State Certification Forms from time-to-time to include new or additional policy forms.

In addition to the Issuer Certification Form, the company must provide copies of the policy forms, and any applicable riders and endorsements, which will be marketed as a Partnership Policy, if not previously approved by the Department for sale in Nebraska. The Department reserves the right to request copies of previously approved policy forms. If the forms were previously approved, the approval date should be included in the cover letter accompanying the Issuer Certification Form.

In order to satisfy record retention requirements for the partnership program, we are requesting companies file the Issuer Certification Form and if applicable, a copy of the policy forms, via the SERFF system (System for Electronic Rate and Form Filing). Additional information can be found in the SERFF general instructions.

The policy forms to which the State Certification Form applies are identified on an Exhibit attached to the certification. Policies issued on these policy forms are intended to be Partnership Policies. Once a certification is issued with respect to a policy form under a State Certification Form, such certification will continue to apply to policies issued on such form that are intended to be covered by the Qualified Partnership until such time that: (a) the Director revokes such certification, or (b) there is a change made by the U.S. Secretary of Health and Human Services (the "Secretary"), pursuant to section 1917(b)(5)(C) of the Social Security Act (42 U.S.C. 1396p(b)(5)(C)), in the provisions of the NAIC's long-term care insurance models that apply to policies covered by the Qualified Partnership.

Any such change in requirements made pursuant to section 1917(b)(5)(C) of the Social Security Act (42 U.S.C. 1396p(b)(5)(C)) shall apply prospectively only (or in accordance with any effective date rule promulgated by the Secretary in connection with such change), so that policies issued prior to such change will be unaffected, *i.e.*, they will continue to be deemed to satisfy the requirements of section 1917(b)(5)(A) of the Social Security Act. For example, if a new requirement is imposed under section 1917(b)(5)(C) of the Social Security Act and the Secretary specifies that such change will apply to policies issued after a certain date, then Partnership Policies issued on or prior to such date on policy forms covered by this State Certification Form will be treated as certified and will be unaffected by such new requirement. Also, if the policy form is covered by a new State Certification Form that reflects a change in the long-term care insurance model requirements and the new State Certification Form is made effective as of the effective date of such change, then Partnership Policies issued under such policy form after such date also will be treated as certified.

An interactive Issuer Certification Form will be available on the SERFF system as well as the Department website.

Please contact the Life and Health Division at 402-471-2201 if you have questions.