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KATHLEEN A. BIRRANE.
Commissioner

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January 1, 2021

The Honorable Bill Ferguson
President of the Senate
State House, H-107
Annapolis, MD 21401-1991

The Honorable Adrienne Jones
Speaker of the House of Delegates
State House, H-101
Annapolis, MD 21401-1991

Re: 2020 Annual Report on Long-Term Care Partnership Program (MSAR # 8834)

Dear President Ferguson and Speaker Jones:

On behalf of the Maryland Insurance Administration (MIA) and Maryland Department of Health (MDH), we are pleased to submit the annual report “*Long-Term Care Partnership Program*” report in accordance with § 15-407(3) of the Health-General Article of the Annotated Code of Maryland. Section 15-407(3) requires MIA and MDH to report on the effectiveness of the Long-Term Care Partnership Program (“the Program”); the impact of the Program on State expenditures for medical assistance; the number of enrollees in the Program; and the number of long-term care policies offered in the State under the Program.

In response to this request, we are pleased to submit the enclosed report. The report details the current status of the program, regulatory changes, and the impact of the program within the State. We appreciate your continued support of our coordinated efforts to provide an update for the long-term care population in Maryland.

Five printed copies of this report have been mailed to the DLS Library for their records. Should you have any questions regarding this report, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Kathleen A. Birrane". The signature is written in a cursive style with a large initial 'K'.

Kathleen A. Birrane
Commissioner
Maryland Insurance Administration

cc: Sarah T. Albert, Library Associate, Department of Legislative Services (5 copies)



MSAR# 8834

**2020 Long-Term Care Partnership Program
Report**

Kathleen A. Birrane

Commissioner

January 1, 2021

For further information concerning this document contact:

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This document is available in alternative format upon request
from a qualified individual with a disability.

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INTRODUCTION

The Maryland Department of Health and the Maryland Insurance Administration are required to annually report certain information specified in §15-407 of the Health-General Article on the effectiveness of the Long-Term Care Partnership Program (“Program”). This report addresses, as of July 1, 2020: (i) the effectiveness of the Program; (ii) the impact of the Program on State expenditures for medical assistance; (iii) the number of enrollees in the Program; and (iv) the number of long-term care policies offered in the State under the Program.

THE PROGRAM

The Program permits Maryland residents to purchase certain long-term care insurance policies that not only pay for expenses associated with the costs of long-term care, but also are taken into account when the insured applies for Medicaid. Each dollar that the long-term care policy pays for an insured is subtracted from the insured’s assets at the time of application for Medicaid for determining eligibility for Medicaid. For example, if a Partnership policy pays \$100,000 of benefits for an insured, when that insured applies for Medicaid, \$100,000 of the insured’s assets will not be counted. This is attractive to insureds who are interested in passing these assets on to heirs.

The Program is still in its early stages. The first companies certified to sell Program policies in Maryland began selling such policies in 2010. Since the inception of the Program, 15 insurers have been certified to sell this coverage, but four of these insurers have since withdrawn from Maryland’s long-term care market and the long-term care market nationwide.¹ Additionally, one carrier² ceased offering long-term care insurance in Maryland as of August 1, 2012, but has not withdrawn the contracts from use in anticipation of a more favorable future market. These market withdrawals and cessation of sales do not impact those individuals who purchased Program policies from the withdrawing insurer. Program policies are guaranteed renewable for life and will continue to provide Program benefits to the insureds covered under the policies.

Insurers have received approval to sell 60 different long-term care policies as Program policies in Maryland’s non-group (or “individual”) market.³ One insurer is selling this coverage in both the group and individual markets.⁴ While long-term care insurance can be sold as a stand-alone policy, it also may be sold as an additional benefit to a life insurance policy or an annuity contract in Maryland. To date, no insurer has applied for certification to enroll Maryland residents in the Program in Maryland through an additional benefit to a life insurance policy or an annuity contract. Instead, all of the Program policies are being marketed as stand-alone long-term care insurance policies.

¹ Assurity Life Insurance Company withdrew from the Maryland market effective March 11, 2011; Berkshire Life Insurance Company of America withdrew from the Maryland market effective December 30, 2011; Prudential Insurance Company of America withdrew from the Maryland market effective March 31, 2012, and United of Omaha Life Insurance Company withdrew from the Maryland market effective December 1, 2013.

² American General Life Insurance Company.

³ The number of the policies listed is higher than the number found in Table 1 due to two factors: (1) four carriers have withdrawn from the Program; and (2) a number of the carriers in the Program have developed new policies since the Program began and have ceased selling the older policies.

⁴ Genworth Life Insurance Company.

REGULATORY CHANGES

The Maryland regulations governing Program policies were amended, effective June 6, 2016, to reduce the minimum inflation protection benefit that is required to be purchased by an applicant who is younger than 61 years of age in order for the policy to meet the requirements of a long-term care partnership policy.⁵ Under the amended regulations, an individual who is younger than 61 years of age is required to purchase an inflation protection benefit of at least 1% compounded annually, reduced from the prior requirement of at least 3% compounded annually. This change will reduce the premium for a long-term care partnership policy for individuals under the age of 61 and may permit more individuals to purchase a long-term care partnership policy.

In order for the State to ascertain the effectiveness of the Program, insurers are required to file annual reports with the Maryland Insurance Administration reporting several metrics associated with the Program, including the number of policies sold, the number of enrollees, the number of long-term care partnership policies that are offered in Maryland under the Program, and the number of licensed insurance producers that have met the Maryland training requirements for the sale of long-term care insurance.

Table 1 on the following page illustrates the following:

- insurers that are certified to participate in the Program,
- the date each insurer was certified to participate in the Program,
- the number of enrollees in the Program as of July 1, 2020,
- the number of Program policies the insurer has issued or delivered in Maryland for the 12-month period ending on July 1, 2020,
- the number of Program policy forms available in Maryland as of July 1, 2020, and
- the number of insurance producers that had met the training requirements for the sale of long-term care insurance for each insurer participating in the Program during the reporting period of July 1, 2019—June 30, 2020.

⁵ See 43:11 Md.R. 635 (May 27, 2016); COMAR 31.14.03.05F

TABLE 1

Insurer	Date Insurer Certified to Sell Program Policies in Maryland	Number of Program Enrollees as of July 1, 2020⁶	Number of Program Policies Issued in 12-Month Period Ending July 1, 2020	Number of Program Policy Forms Available for Sale on July 1, 2020	Number of Licensed Producers Who Met Training Requirements July 1, 2018—June 30, 2020
American General Life Insurance Company ⁷	6/7/2010	9	0	0	0
Assurity Life Insurance Company	12/7/2009 (withdrew 3/11/2011)	6	0	0	0
Bankers Life and Casualty Company	9/17/2010	203	1	3	208
Berkshire Life Insurance Company	12/7/2009 (withdrew 12/30/2011)	88	0	0	0
Genworth Life Insurance Company	6/16/2010	8918	0	2	1698
LifeSecure Insurance Company	12/10/2014	547	0	2	114
Massachusetts Mutual Life Insurance Company	12/10/2009	841	0	1	943
Mutual of Omaha Insurance Company	8/12/2010	2343	441	2	753
National Guardian Life Insurance Company	11/19/2019	2	1	1	1
New York Life Insurance Company	6/10/2010	414	35	2	128
The Prudential Insurance Company of America	1/14/2011 (withdrew 3/31/2012)	279	0	0	0
Thrivent Financial for Lutherans	8/30/2012	176	27	1	328
Transamerica Life Insurance Company	2/5/2010	672	44	2	47

⁶ The number of enrollees exceeds the number of policies for two reasons: (1) the number of enrollees represents the enrollees who have purchased coverage since the beginning of the Program and who still have the coverage as of July 1, 2020, while the number of policies issued represents policies issued for a 12-month period ending on July 1, 2020; and (2) many insurers issue one policy to cover both spouses.

⁷ American General Life Insurance Company did not formally withdraw from the Program, but temporarily ceased selling long-term care insurance in Maryland on August 1, 2012.

Insurer	Date Insurer Certified to Sell Program Policies in Maryland	Number of Program Enrollees as of July 1, 2020⁶	Number of Program Policies Issued in 12-Month Period Ending July 1, 2020	Number of Program Policy Forms Available for Sale on July 1, 2020	Number of Licensed Producers Who Met Training Requirements July 1, 2018—June 30, 2020
United of Omaha Life Insurance Company	8/12/2010 (withdrew (12/1/2013))	214	0	0	0
United Security Assurance Company of Pennsylvania	5/22/2014	2	0	2	34
Total		14,714	549	18	4,254

Below Table 2, which is based on data included in Table 1 and on similar data included in prior annual reports, demonstrates that the Program grew slowly and steadily during the first six years of existence. By July 1, 2010, the first year that Program policies were available in Maryland, seven insurers had been certified to participate in the Program, but only 57 policies were sold, covering 65 individuals. In comparison, by July 1, 2015, the Program had grown to cover 13,613 individuals through 14 different insurers. By July 1, 2016, the number of Program enrollees had decreased slightly to 13,202, and this decrease was due almost entirely to the decline in enrollment of a single carrier.⁸ Over the next four years, enrollment under the Program resumed a slow and steady growth pattern, reaching 14,714 enrollees by July 1, 2020. One new insurer was certified to participate in the Program in 2020¹¹.

TABLE 2

Year	Number of Insurers Certified to Participate in Program as of July 1⁹	Number of Insurers Selling Partnership Policies as of July 1¹⁰	Number of Program Enrollees as of July 1
2010	7	7	65
2011	11	10	3,996
2012	11	8	6,830
2013	12	8	9,238
2014	13	9	11,127

⁸ Genworth Life Insurance Company, which is the largest carrier in the Program based on the number of Program enrollees, covered 1,210 fewer Program enrollees on July 1, 2016 than on July 1, 2015. This decline was due to an increase in the number of enrollees who allowed their policies to lapse during the reporting period, combined with a decrease in the number of new Program policies issued during the reporting period.

⁹ Includes all insurers who have been certified to participate in the Program, even if the insurer has since withdrawn from the Maryland long-term care insurance market.

¹⁰ Represents the number of insurers who have been certified to participate in the Program and have not withdrawn from the Maryland long-term care insurance market or ceased to sell Program policies in Maryland.

¹¹ National Guardian Life Insurance Company was certified to participate in the program in 2020.

Year	Number of Insurers Certified to Participate in Program as of July 1⁹	Number of Insurers Selling Partnership Policies as of July 1¹⁰	Number of Program Enrollees as of July 1
2015	14	9	13, 613
2016	14	9	13,202
2017	14	9	13, 662
2018	14	9	14,124
2019	14	9	14,492
2020	15	10	14,714

One requirement for participation in the Program is that the long-term care insurance policy offered by the insurer meets the requirements for a *qualified long-term care insurance policy*. The requirements for a qualified long-term care insurance policy are set forth in federal law and Maryland regulations. In Maryland, there are 13 insurers that are currently approved to sell qualified long-term care insurance policies in the individual market and one insurer that is currently approved to sell qualified long-term care insurance policies in the group market.

CURRENT STATUS OF THE PROGRAM

Currently, it is too early to assess the impact of the Program on State expenditures for medical assistance. Since long-term care insurance policies are medically underwritten and are issued only to individuals who are unlikely to need long-term care services in the near future, usually there are a number of years from the time a policy is issued to the time claims are made under the policy. It is expected that an individual who purchases long-term care insurance will have protection under the long-term care insurance policy for long-term care needs and will not need to apply for Medicaid until a later date than an individual of the same means who has not purchased this coverage. As a result, Medicaid costs for long-term care may be substantially reduced. However, the extent of savings to the Medicaid program is expected to occur in the distant future.