HOUSE BILL 1086
_____

State of Washington   60th Legislature   2007 Regular Session

By Representatives Morrell, Bailey, Green, Cody, Ericks, Dickerson, Linville, Sells, Moeller, Blake, Flannigan, Miloscia, Hunter, Pettigrew, Conway, Lantz, Kagi, Appleton, Ormsby, Hudgins, Clibborn, Kenney, Wallace, Santos, Simpson and Schual-Berke

Read first time 01/10/2007. Referred to Committee on Health Care & Wellness.

1   AN ACT Relating to long-term care insurance; amending RCW 48.84.020
2   and 48.84.040; and adding a new section to chapter 48.84 RCW.

3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4   NEW SECTION. **Sec. 1.** A new section is added to chapter 48.84 RCW
5   to read as follows:
6   The legislature intends that Washington state become qualified to
7   participate in the long-term care partnership program as authorized in
8   the federal deficit reduction act of 2005, P.L. 109-171, now or as
9   hereafter amended. The commissioner may adopt by rule the provisions
10   of the national association of insurance commissioners model long-term
11   care act and model long-term care regulation that are required by the
12   federal deficit reduction act of 2005, Public Law 109-171, or other
13   federal requirements, to allow for the expansion of qualified long-term
14   care insurance partnership programs in Washington.

15   **Sec. 2.** RCW 48.84.020 and 1986 c 170 s 2 are each amended to read
16   as follows:
17   Unless the context requires otherwise, the definitions in this
18   section apply throughout this chapter.

1   (1) "Long-term care insurance" or "long-term care benefit contract"
2   means any insurance policy or benefit contract primarily advertised,
3   marketed, offered, or designed to provide coverage or services for
4   either institutional or community-based convalescent, custodial,
5   chronic, or terminally ill care. Such terms do not include and this
6   chapter shall not apply to policies or contracts governed by chapter
7   48.66 RCW and continuing care retirement communities.

8   (2) "Loss ratio" means the incurred claims plus or minus the
9   increase or decrease in reserves as a percentage of the earned
10   premiums, or the projected incurred claims plus or minus the increase
11   or decrease in projected reserves as a percentage of projected earned
12   premiums, as defined by the commissioner.

13   (3) "Preexisting condition" means a ((covered person's medical
14   condition that caused that person to have received medical advice or
15   treatment during the specified time period before the effective date of
16   coverage)) condition for which medical advice or treatment was
17   recommended by, or received from, a provider of health care services
18   within six months preceding the effective date of coverage of an
19   insured person.

20   (4) "Medicare" means Title XVIII of the United States social
21   security act, or its successor program.

22   (5) "Medicaid" means Title XIX of the United States social security
23   act, or its successor program.

24   (6) "Nursing home" means a nursing home as defined in RCW
25   18.51.010.

26   **Sec. 3.** RCW 48.84.040 and 1986 c 170 s 4 are each amended to read
27   as follows:

28   No long-term care insurance policy or benefit contract may:

29   (1) Use riders, waivers, endorsements, or any similar method to
30   limit or reduce coverage or benefits;

31   (2) Indemnify against losses resulting from sickness on a different
32   basis than losses resulting from accidents;

33   (3) Be canceled, nonrenewed, or segregated at the time of rerating
34   solely on the grounds of the age or the deterioration of the mental or
35   physical health of the covered person;

36   (4) Exclude or limit coverage for preexisting conditions for a

1 period of more than ((one year)) six months prior to the effective date
2 of the policy or contract or more than six months after the effective
3 date of the policy or contract;
4   (5) Differentiate benefit amounts on the basis of the type or level
5 of nursing home care provided;
6   (6) Contain a provision establishing any new waiting period in the
7 event an existing policy or contract is converted to a new or other
8 form within the same company.

--- END ---

HB 1086