

## **Long Term Care Insurance Legislation in Other States**

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### **Issue**

Summarize pending or recently enacted legislation in other states related to long-term care (LTC) insurance, including any policies to mitigate rising premium increases.

### **Enacted or Proposed State Legislation on LTC Insurance in 2023**

We identified eight states other than Connecticut (California, Georgia, Massachusetts, Minnesota, New York, North Dakota, Rhode Island, and Texas) that enacted LTC insurance consumer protections or other industry regulations (e.g., disclosure requirements) in 2023. Table 1 briefly summarizes each of these laws, which are generally unrelated to rising premium increases.

We identified at least seven states other than Connecticut that considered, or are currently considering, legislation in 2023 to mitigate rising LTC insurance premiums. Table 2 briefly summarizes these bills.

**Table 1: Enacted LTC Insurance-Related Legislation, 2023**

<i>State</i>	<i>Enacted Legislation</i>	<i>Summary</i>
California	<a href="#">S.B. 770</a>	Requires the California Health and Human Services secretary to develop the framework for a Medicaid waiver program to implement a unified health care financing system in the state; among other things, requires the framework to include package of LTC supports and services
Georgia	<a href="#">H.B. 294</a>	Specifies certain procedures for insurers in liquidation
Massachusetts	<a href="#">H.B. 4040</a>	Funds a study to analyze existing public and private LTC financing programs and model a public LTC insurance program funded through a payroll deduction
Minnesota	<a href="#">S.F. 2744</a>	Among other things, prohibits direct to consumer genetic testing companies from disclosing results to LTC insurance companies and other insurers
New York	<a href="#">S.B. 2330</a>	Requires various LTC consumer disclosures, including a statement that the premium may increase, a list of the past 10 years of premium increases, and a description of how and when the premium may change
North Dakota	<a href="#">S.B. 2172</a>	Adopts the Interstate Insurance Product Regulation compact, which generally prescribes uniform filing and other regulatory requirements for LTC and other insurers
Rhode Island	<a href="#">23-S 1028</a> <a href="#">23-H 5489</a>	Generally prohibits discrimination in LTC insurance (and other policy types) against organ donors
Texas	<a href="#">H.B 2545</a>	Among other things, prohibits direct to consumer genetic testing companies from disclosing results to LTC insurance companies and other insurers

**Table 2: Proposed LTC Insurance Legislation, 2023**

<i>State</i>	<i>Pending Legislation</i>	<i>Summary</i>
Kentucky	<a href="#">SB 200</a>	Among other things, establishes rating requirements for LTC premium increases, including capping premium increases at 15% per year and prohibiting rate increases to recoup past losses; creates a LTC insurance consumer advisory council;
Massachusetts	<a href="#">HB 652</a>	Establishes a special commission to study incorporating LTC benefits into the state's disability insurance program, including funding sources such as a payroll tax
Minnesota	<a href="#">SF 3047</a>	Amends the constitution to establish a dedicated funding mechanism to provide LTC benefits to seniors and individuals with disabilities

Table 2 (continued)

State	Pending Legislation	Summary
Missouri	<a href="#">HB 46</a>	Establishes an annual maximum LTC insurance premium increase of the lesser of 5% or the inflation rate
	<a href="#">SB 323</a>	Caps LTC insurance premium rate increases at the inflation rate; prohibits charging more than the average rate for a similar policy in a neighboring state
New York	<a href="#">AB 1812</a>	Requires LTC insurers to obtain Department of Financial Services' approval before raising rates
	<a href="#">SB 9082</a>	Establishes the New York long term care trust program to provide LTC benefits for eligible residents, funded by a payroll tax
Pennsylvania	<a href="#">HB 844</a>	Creates a payroll tax to establish a program providing minimum LTC benefits, among other things
Virginia	<a href="#">SB 828</a>	Generally caps LTC insurance premium increases at 6% annually

## Additional Information

Over the last few years, California and Washington made relatively significant legislative changes to mitigate LTC insurance premium increases. In 2019, Washington enacted legislation to establish a [first in the nation](#), state-operated LTC benefits program ([S.S.H.B. 1087](#)). The program is funded through a payroll tax and provides up to \$36,500 in lifetime benefits to help eligible workers pay for in-home LTC services. Workers began contributing this July, and individuals needing care will be able to apply for benefits in 2026. (A nonpartisan summary of the legislation is available [here](#).)

In 2019, California enacted legislation ([AB 567](#)) that established the [Long Term Care Insurance Task Force](#) to, among other things, study a system similar to that enacted by Washington and produce an actuarial study on the feasibility of a statewide LTC insurance program. That study (a draft of which is available [here](#)) is expected to be presented to the California legislature this year.

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