

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 310**

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**Introduced by Assembly Member Mathis**

February 12, 2015

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An act to ~~amend~~ *add and repeal* Section ~~10231.2~~ *10234.71* of the Insurance Code, relating to long-term care insurance.

### LEGISLATIVE COUNSEL'S DIGEST

AB 310, as amended, Mathis. Long-term care insurance.

Existing law provides for the regulation of long-term care insurance, as defined, and requires the Insurance Commissioner to review and approve individual and group policies, certificates, riders, and outlines of coverage.

~~This bill would make technical, nonsubstantive changes to that provision.~~

*This bill would require, only until January 1, 2021, the commissioner to commission an annual study comparing the statutory requirements for long-term care products in this state with the statutory requirements governing long-term care products as set forth in the Interstate Insurance Product Regulation Compact developed by the Interstate Insurance Product Regulation Commission. The bill would also require the commissioner to provide a report to the Legislature, on or before January 1, 2017, and each January 1 thereafter, until January 1, 2021, comparing the marketability and affordability of long-term care insurance products in this state with similar products in New York, Texas, and Florida.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 10234.71 is added to the Insurance Code,*  
2     *immediately following Section 10234.7, to read:*

3     10234.71. (a) *The commissioner shall commission an annual*  
4     *study comparing the statutory requirements for long-term care*  
5     *products in this state with the statutory requirements governing*  
6     *long-term care products as set forth in the Interstate Insurance*  
7     *Product Regulation Compact developed by the Interstate Insurance*  
8     *Product Regulation Commission.*

9     (b) *The commissioner shall provide a report to the Legislature,*  
10    *on or before January 1, 2017, and each January 1 thereafter,*  
11    *comparing the marketability and affordability of long-term care*  
12    *insurance products in this state with similar products in New York,*  
13    *Texas, and Florida. The report shall be made in compliance with*  
14    *Section 9795 of the Government Code.*

15    (c) *This section shall remain in effect only until January 1, 2021,*  
16    *and as of that date is repealed, unless a later enacted statute, that*  
17    *is enacted before January 1, 2021, deletes or extends that date.*

18    ~~SECTION 1. Section 10231.2 of the Insurance Code is~~  
19    ~~amended to read:~~

20    ~~10231.2. (a) "Long-term care insurance" includes any~~  
21    ~~insurance policy, certificate, or rider advertised, marketed, offered,~~  
22    ~~solicited, or designed to provide coverage for diagnostic,~~  
23    ~~preventive, therapeutic, rehabilitative, maintenance, or personal~~  
24    ~~care services that are provided in a setting other than an acute care~~  
25    ~~unit of a hospital. Long-term care insurance includes all products~~  
26    ~~containing any of the following benefit types: coverage for~~  
27    ~~institutional care including care in a nursing home, convalescent~~  
28    ~~facility, extended care facility, custodial care facility, skilled~~  
29    ~~nursing facility, or personal care home; home care coverage~~  
30    ~~including home health care, personal care, homemaker services,~~  
31    ~~hospice, or respite care; or community-based coverage including~~  
32    ~~adult day care, hospice, or respite care. Long-term care insurance~~  
33    ~~includes disability based long-term care policies but does not~~  
34    ~~include insurance designed primarily to provide Medicare~~  
35    ~~supplement or major medical expense coverage.~~

36    ~~(b) Long-term care policies, certificates, and riders shall be~~  
37    ~~regulated under this chapter. The commissioner shall review and~~  
38    ~~approve individual and group long-term care policies, certificates,~~

1 ~~riders, and outlines of coverage. Other applicable laws and~~  
2 ~~regulations shall also apply to long-term care insurance insofar as~~  
3 ~~they do not conflict with the provisions in this chapter. Long-term~~  
4 ~~care benefits designed to provide coverage of 12 months or more~~  
5 ~~that are contained in or amended to Medicare supplement or other~~  
6 ~~disability policies and certificates shall be regulated under this~~  
7 ~~chapter.~~

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