

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

031 BUREAU OF INSURANCE

Chapter 130: MINIMUM RESERVE STANDARDS FOR INDIVIDUAL AND GROUP HEALTH INSURANCE CONTRACTS

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Section 1. Purpose

This rule establishes appropriate standards for claim reserves, premium reserves, and contract reserves on individual and group health insurance.

Section 2. Authority

This rule is promulgated by the Superintendent pursuant to Title 24-A M.R.S.A., Sections 212 and ~~901-A 959(1)~~.

Section 3. Scope

~~These~~The standards set forth in Sections 4 through 8 and the Appendices apply to all claims incurred before January 1, 2020 under individual and group health insurance coverages issued by insurance companies doing business in this State, except as provided in this section.

A. Claims incurred on and after January 1, 2020, shall be valued in accordance with the applicable standards as specified in Valuation Manual as adopted in accordance with 24-A M.R.S.A. § 959, including guidance applicable to coverage issued before 2020 as set forth in the NAIC Accounting Practices and Procedures Manual, or its successor publication, as adopted in accordance with 24-A M.R.S.A. § 901-A(1)(A).

- B. Open claims incurred before January 1, 2020 may, at the option of the insurer, be valued in accordance with applicable standards as specified in the Valuation Manual, including any applicable adjustments, modifications, or exceptions, provided that the election is made consistently for all open claims.
- C. Once an insurer has exercised an option to value previously-incurred claims on the basis of a more recent valuation standard, all future valuations of those claims must be made on the same basis, applied consistently to all open claims, unless and until the insurer updates to a still more recent standard.

Section 4. General Requirements and Structure of Rule

A. General Requirements

When an insurer determines that adequacy of its health insurance reserves requires reserves in excess of the minimum standards specified herein, such increased reserves shall be held and shall be considered the minimum reserves for that insurer.

With respect to any block of contracts, or with respect to an insurer's health business as a whole, a prospective gross premium valuation is the ultimate test of reserve adequacy as of a given valuation date. Such a gross premium valuation will take into account, for contracts in force, in a claims status, or in a continuation of benefits status on the valuation date, the present value as of the valuation date of: all expected benefits unpaid, all expected expenses unpaid, and all unearned or expected premiums, adjusted for future premium increases reasonably expected to be put into effect.

Such a gross premium valuation is to be performed whenever a significant doubt exists as to reserve adequacy with respect to any major block of contracts, or with respect to the insurer's health business as a whole. In the event inadequacy is found to exist, immediate loss recognition shall be made and the reserves restored to adequacy. Adequate reserves (inclusive of claim, premium, and contract reserves, if any) shall be held with respect to all contracts, regardless of whether contract reserves are required for such contracts under these standards. Whenever minimum reserves, as defined in these standards, exceed reserve requirements as determined by a prospective gross premium valuation, such minimum reserves remain the minimum requirement under these standards.

B. Categories of reserves

The following sections set forth minimum standards for three categories of health insurance reserves:

Section 5. Claim Reserves

Section 6. Premium Reserves

Section 7. Contract Reserves

Adequacy of an insurer's health insurance reserves is to be determined on the basis of all three categories combined. However, these standards emphasize the importance of determining appropriate reserves for each of the three categories separately.

C. Appendices

These standards contain two appendices which are an integral part of the standards, and one additional "supplementary" appendix which is not part of the standards as such, but is included for explanatory and illustrative purposes only.

Appendix A. Specific minimum standards with respect to morbidity, mortality, and interest, which apply to claim reserves according to year of incurral and to contract reserves according to year of issue.

Appendix B. Glossary of Technical Terms used.

Appendix C. (Supplementary) Waiver of Premium Reserves.

Section 5. Claim Reserves

A. General

- (1) Claim reserves are required for all incurred but unpaid claims on all health insurance policies.
- (2) Appropriate claim expense reserves are required with respect to the estimated expense of settlement of all incurred but unpaid claims.
- (3) All such reserves for prior valuation years are to be tested for adequacy and reasonableness along the lines of claim runoff schedules in accordance with the statutory financial statement including consideration of any residual unpaid liability.

B. Minimum Standards for Claim Reserves

- (1) Disability Income
 - (a) Interest. The maximum interest rate for claim reserves is specified in Appendix A.
 - (b) Morbidity. Minimum standards with respect to morbidity are those specified in Appendix A; except that, at the option of the insurer:
 - (i) For individual disability income claims incurred on or after January 1, 2007, assumptions regarding claim termination rates for the period less than two years from the date of disablement may be based on the insurer's experience, if such experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.

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- (ii) For group disability income claims incurred on or after January 1, 2007:
- (I) Assumptions regarding claim termination rates for the period less than two years from the date of disablement may be based on the insurer's experience, if the experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.
 - (II) Assumptions regarding claim termination rates for the period two or more years but less than five years from the date of disablement may, with the approval of the commissioner, be based on the insurer's experience for which the insurer maintains underwriting and claim administration control. The request for such approval of a plan of modification to the reserve basis must include:
 - An analysis of the credibility of the experience. For experience to be considered credible for purposes of this provision, the insurer must be able to provide claim termination patterns over no more than six years reflecting at least 5,000 claims terminations during the third through fifth claims durations on reasonably similar applicable policy forms;
 - A description of how all of the insurer's experience is proposed to be used in setting reserves; and
 - A description and quantification of the margins to be included.
 - A summary of the financial impact that the proposed plan of modification would have had on the insurer's last filed annual statement;
 - A copy of the approval of the proposed plan of modification by the commissioner of the state of domicile; and
 - Any other information deemed necessary by the commissioner.
- (iii) For disability income claims incurred prior to January 1, 2007, each insurer may elect which of the following to use as the minimum morbidity standard for claim reserves:
- (I) The minimum morbidity standard in effect for claim reserves as of the date the claim was incurred, or

- (II) The standards as defined in Items (i) and (ii), applied to all open claims. Once an insurer elects to calculate reserves for all open claims on the standard defined in Items (i) and (ii), all future valuations must be on that basis.
- (iv) For claim reserves to reflect sound values and reasonable margins, reserve tables based on credible experience should be adjusted regularly to maintain reasonable margins. Demonstrations may be required by the Superintendent based on published literature.
- (c) Duration of Disablement. For contracts with an elimination period, the duration of disablement should be measured as dating from the time that benefits would have begun to accrue had there been no elimination period.
- (2) All Other Benefits
 - (a) Interest. The maximum interest rate for claim reserves is specified in Appendix A.
 - (b) Morbidity or other Contingency. The reserve should be based on the insurer's experience, if such experience is considered credible, or upon other assumptions designed to place a sound value on the liabilities.

C. Claim Reserve Methods Generally

Any generally accepted or reasonable actuarial method or combination of methods may be used to estimate all claim liabilities. The methods used for estimating liabilities generally may be aggregate methods, or various reserve items may be separately valued. Approximations based on groupings and averages may also be employed. Adequacy of the claim reserves, however, shall be determined in the aggregate.

Section 6. Premium Reserves

A. General

- (1) Except as provided in paragraph (2), unearned premium reserves are required for all contracts with respect to the period of coverage for which premiums, other than premiums paid in advance, have been paid beyond the date of valuation.
- (2) Single premium credit disability insurance, both individual and group, is excluded from unearned premium reserve requirements of this Section 6.
- (3) If premiums due and unpaid are carried as an asset, such premiums must be treated as premiums in force, subject to unearned premium reserve determination. The value of unpaid commissions, premium taxes, and the cost of collection associated with due and unpaid premiums must be carried as an offsetting liability.

- (4) The gross premiums paid in advance for a period of coverage commencing after the next premium due date which follows the date of valuation may be appropriately discounted to the valuation date and shall be held either as a separate liability or as an addition to the unearned premium reserve which would otherwise be required as a minimum.

B. Minimum Standards for Unearned Premium Reserves

- (1) The minimum unearned premium reserve with respect to any contract is the pro rata unearned modal premium that applies to the premium period beyond the valuation date, with such premium determined on the basis of:
- (a) The valuation net modal premium on the contract reserve basis applying to the contract; or
 - (b) The gross modal premium for the contract if no contract reserve applies.
- (2) However, in no event may the sum of the unearned premium and contract reserves for all contracts of the insurer subject to contract reserve requirements be less than the gross modal unearned premium reserve on all such contracts, as of the date of valuation. Such reserve shall never be less than the expected claims for the period beyond the valuation date represented by the unearned premium reserve, to the extent not provided for elsewhere.

C. Premium Reserve Methods Generally

The insurer may employ suitable approximations and estimates; including, but not limited to groupings, averages and aggregate estimation; in computing premium reserves. Such approximations or estimates should be tested periodically to determine their continuing adequacy and reliability.

Section 7. Contract Reserves

A. General

- (1) Contract reserves are required, unless otherwise specified in Section 7(A)(2) for:
- (a) All individual and group contracts with which level premiums are used; or
 - (b) All individual and group contracts with respect to which, due to the gross premium pricing structure at issue, the value of the future benefits at any time exceeds the value of any appropriate future valuation net premiums at that time. For products that are community rated or that use other rating methodology based on cross-subsidies among contracts within the block, this evaluation may be applied on a rating block basis provided that the total premiums for the block were developed to support the total risk assumed and expected expenses for the block each year, and a qualified actuary certifies the premium development. The actuary should state in the certification that premiums for the rating block were developed such

that each year's premium was intended to cover that year's costs without any prefunding. If the premium is also intended to recover costs for any prior years, the actuary should also disclose the reasons for and magnitude of such recovery. If rates are determined such that each year's premium is intended to cover that year's cost, the rating block approach results in no contract reserves unless required by subsection D. If rates are designed to prefund future years' costs, contract reserves will be required. The values specified in this subparagraph (b) shall be determined on the basis specified in Section 7(B).

- (2) Contracts not requiring a contract reserve are:
 - (a) Contracts that cannot be continued after one year from issue; or
 - (b) Contracts already in force on the effective date of these standards for which no contract reserve was required under the immediately preceding standards.
- (3) The contract reserve is in addition to claim reserves and premium reserves.
- (4) The methods and procedures for contract reserves shall be consistent with those for claim reserves for any contract, or else appropriate adjustment must be made when necessary to assure provision for the aggregate liability. The definition of the date of incurral must be the same in both determinations.
- (5) The total contract reserve established shall incorporate provisions for moderately adverse deviations.

B. Minimum Standards for Contract Reserves

- (1) **Morbidity or Other Contingency.** Minimum standards with respect to morbidity are those set forth in Appendix A. Valuation net premiums used under each contract must have a structure consistent with the gross premium structure at issue of the contract as this relates to advancing age of insured, contract duration and period for which gross premiums have been calculated. This requirement only applies to the premium structure applicable to each contract. The relationship among gross premiums for different contracts (e.g., variations by age) has no bearing on the net premium structure. If for a policy form there is no gross premium variation by age, the valuation net premiums will nonetheless vary based on age at issue for each contract since at issue the present value of valuation net premiums for a contract must equal the present value of tabular claim costs.

Contracts for which tabular morbidity standards are not specified in Appendix A shall be valued using tables established for reserve purposes by a qualified actuary and acceptable to the Superintendent. The morbidity tables shall contain a pattern of incurred claims cost that reflects the underlying morbidity and shall not be constructed for the primary purpose of minimizing reserves.

- (a) In determining the morbidity assumptions, the actuary shall use assumptions that represent the best estimate of anticipated future experience, but shall not incorporate any expectation of future morbidity

improvement. Morbidity improvement is a change from the current morbidity tables or experience that will result in a reduction to reserves, taking into account the combined effect of claim frequency and the present value of future expected claim payments given that a claim has occurred. It is not the intent of this provision to restrict the ability of the actuary to reflect the morbidity impact for a specific known event that has occurred and that is able to be evaluated and quantified, such as a new drug release. However, such events are rare.

- (b) Business in force as of the effective date of Section 7(B)(3)(c) may be permitted to retain the original reserve basis which may not meet the provisions of subparagraph (a) above, subject to the acceptability to the Superintendent.
- (2) Interest. The maximum interest rate is specified in Appendix A.
 - (3) Termination Rates. Termination rates used in the computation of reserves shall be on the basis of a mortality table as specified in Appendix A except as noted in the following items:
 - (a) Under contracts for which premium rates are not guaranteed and where the effects of insurer underwriting are specifically used by policy duration in the valuation morbidity standard, or for return of premium or other deferred cash benefits, total termination rates may be used at ages and durations where these exceed specified mortality table rates, but not in excess of the lesser of:
 - (i) Eighty percent of the total termination rate used in the calculation of the gross premiums, or
 - (ii) Eight percent;
 - (b) For long-term care individual policies or group certificates issued on or after January 1, 2007, the contract reserve shall be established on the basis of:
 - (i) Mortality (as specified in Appendix A); and
 - (ii) Terminations other than mortality, where the terminations are not to exceed:
 - (I) For policy year one, the lesser of 80% of the voluntary lapse rate used in the calculation of gross premiums and 6%;
 - (II) For policy years two through four, the lesser of 80% of the voluntary lapse rate used in the calculation of gross premiums and 4%; and
 - (III) For policy years five and later, the lesser of 100% of the voluntary lapse rate used in the calculation of gross

premiums and 2%, except for group long-term care insurance as defined in 24-A M.R.S.A. §5072(3) where the 2% shall be 3%.

- (c) Where a morbidity standard specified in Appendix A is on an aggregate basis, such morbidity standard may be adjusted to reflect the effect of insurer underwriting by policy duration. The adjustments must be appropriate to the underwriting and be acceptable to the Superintendent.
- (4) Reserve Method.
- (a) For insurance except long-term care insurance or nursing home care insurance as defined in Title 24-A M.R.S.A., Sections 5051 or 5072, and return of premium or other deferred cash benefits, the minimum reserve is the reserve calculated on the two-year full preliminary term method; that is, under which the terminal reserve is zero at the first and also the second contract anniversary.
 - (b) Prior to December 31, 1993, for long-term care insurance or nursing home care insurance as defined in Title 24-A M.R.S.A., Section 5051, and for riders (or policy provisions) which only provide return of premium or other deferred cash benefits, the minimum reserve is the reserve calculated on the two-year full preliminary term method.
 - (c) Effective December 31, 1993, for long-term care insurance or nursing home care insurance as defined in Title 24-A M.R.S.A., Sections 5051 or 5072, the minimum reserve is the reserve calculated on the one-year full preliminary term method.
 - (d) Effective December 31, 1993, for riders (or policy provisions) which only provide return of premium or other deferred cash benefits, the minimum reserve is the reserve calculated as follows:
 - (i) On the one-year full preliminary term method if benefits are provided at any time before the rider's (or policy's) twentieth anniversary; and
 - (ii) On the two-year preliminary term method if benefits are only provided on or after the rider's (or policy's) twentieth anniversary.

The preliminary term method may be applied only in relation to the date of issue of a contract. Reserve adjustments introduced later, as a result of rate increases, revisions in assumptions (e.g., projected inflation rates), or for other reasons, are to be applied immediately as of the effective date of adoption of the adjusted basis.

- (5) Negative Reserves. Negative reserves on any benefit may be offset against positive reserves for other benefits in the same contract, but the total contract reserve with respect to all benefits combined may not be less than zero.

- (6) Nonforfeiture Benefits for Long-Term Care Insurance. The contract reserve on a policy basis shall not be less than the net single premium for the nonforfeiture benefits at the appropriate policy duration, where the net single premium is computed according to the above specifications.

C. Alternative Valuation Methods and Assumptions Generally

Provided the contract reserve on all contracts to which an alternative method or basis is applied is not less in the aggregate than the amount determined according to the applicable standards specified above; an insurer may use any reasonable assumptions as to interest rates, termination and/or mortality rates, and rates of morbidity or other contingency. Also, subject to the preceding condition, the insurer may employ methods other than the methods stated above in determining a sound value of its liabilities under such contracts, including, but not limited to the following: the net level premium method; the one-year full preliminary term method; prospective valuation on the basis of actual gross premiums with reasonable allowance for future expenses; the use of approximations such as those involving age groupings, groupings of several years of issue, average amounts of indemnity, grouping of similar contract forms; the computation of the reserve for one contract benefit as a percentage of, or by other relation to, the aggregate contract reserves exclusive of the benefit or benefits so valued; and the use of a composite annual claim cost for all or any combination of the benefits included in the contracts valued.

D. Tests for Adequacy and Reasonableness of Contract Reserves

Annually, an appropriate review shall be made of the insurer's prospective contract liabilities on contracts valued by tabular reserves, to determine the continuing adequacy and reasonableness of the tabular reserves giving consideration to future gross premiums. The insurer shall make appropriate increments to the tabular reserves if such tests indicate that the basis of such reserves is no longer adequate; subject, however, to the minimum standards of Section 7(B).

In the event a company has a contract or a group of related similar contracts, for which future gross premiums will be restricted by contract, insurance department regulations, or for other reasons, such that the future gross premiums reduced by expenses for administration, commissions, and taxes will be insufficient to cover future claims, the company shall establish contract reserves for such shortfall in the aggregate.

Section 8. Reinsurance

Increases to, or credits against reserves carried, arising because of reinsurance assumed or reinsurance ceded, must be determined in a manner consistent with these minimum reserve standards and with all applicable provisions of the reinsurance contracts which affect the insurer's liabilities.

Section 9. Effective Date

Prior to December 31, 1992, the new standards set forth in this Rule will apply only to those insurers who elect in writing to use these standards. All others will be subject to the previously

existing standards. The new standards will be effective for all insurers on December 31, 1992. The 2006 amendments will be effective December 24, 2006. The 2022 amendments will be effective _____.

EFFECTIVE DATE:

This rule is effective December 31, 1991

EFFECTIVE DATE (ELECTRONIC CONVERSION):

January 14, 1997

AMENDED:

December 24, 2006 – filing 2006-516

APPENDIX A

SPECIFIC STANDARDS FOR MORBIDITY, INTEREST AND MORTALITY

I. MORBIDITY

A. Minimum morbidity standards for valuation of specified individual contract health insurance benefits are as follows:

(1) Disability Income Benefits Due to Accident or Sickness.

(a) Contract Reserves:

Contracts issued on or after January 1, 1965 and prior to January 1, 1987:

The 1964 Commissioners Disability Table (64 CDT).

Contracts issued on or after January 1, 1993:

The 1985 Commissioners Individual Disability Tables A (85CIDA); or

The 1985 Commissioners Individual Disability Tables B (85CIDB).

Contracts issued during the years 1987 through 1992:

Optional use of either the 1964 Table or the 1985 Tables.

Each insurer shall elect, with respect to all individual contracts issued in any one statement year, whether it will use Tables A or Tables B as the minimum standard. The insurer may, however, elect to use the other tables with respect to any subsequent statement year.

(b) Claim Reserves:

(i) For claims incurred on or after ~~effective date of this amendment~~ January 1, 2007:

The 1985 Commissioners Individual Disability Table A (85CIDA) with claim termination rates multiplied by the following adjustment factors:

Duration	Adjustment Factor	Adjusted Termination Rates*
Week 1	0.366	0.04831
2	0.366	0.04172
3	0.366	0.04063
4	0.366	0.04355
5	0.365	0.04088
6	0.365	0.04271
7	0.365	0.04380
8	0.365	0.04344
9	0.370	0.04292
10	0.370	0.04107
11	0.370	0.03848
12	0.370	0.03478
13	0.370	0.03034
Month 4	0.391	0.08758
5	0.371	0.07346
6	0.435	0.07531
7	0.500	0.07245
8	0.564	0.06655
9	0.613	0.05520
10	0.663	0.04705
11	0.712	0.04486
12	0.756	0.04309
13	0.800	0.04080
14	0.844	0.03882
15	0.888	0.03730
16	0.932	0.03448
17	0.976	0.03026
18	1.020	0.02856
19	1.049	0.02518
20	1.078	0.02264
21	1.107	0.02104
22	1.136	0.01932
23	1.165	0.01865
24	1.195	0.01792
Year 3	1.369	0.16839
4	1.204	0.10114
5	1.199	0.07434
6 and later	1.000	**

* The adjusted termination rates derived from the application of the adjustment factors to the DTS Valuation Table termination rates shown in exhibits 3a, 3b, 3c, 4, and 5 (Transactions of the Society of Actuaries

(TSA) XXXVII, pp. 457-463) is displayed. The adjustment factors for age, elimination period, class, sex, and cause displayed in exhibits 3a, 3b, 3c, and 4 should be applied to the adjusted termination rates shown in this table.

** Applicable DTS Valuation Table duration rate from exhibits 3c and 4 (TSA XXXVII, pp. 462-463).

The 85CIDA table so adjusted for the computation of claim reserves shall be known as 85CIDC (The 1985 Commissioners Individual Disability Table C).

- (ii) For claims incurred prior to ~~effective date of this amendment~~ January 1, 2007:

Each insurer may elect which of the following to use as the minimum standard for claims incurred prior to ~~effective date of this amendment~~ January 1, 2007:

- (I) The minimum morbidity standard in effect for contract reserves on currently issued contracts, as of the date the claim is incurred, or
- (II) The standard as defined in Item (i), applied to all open claims.
- (III) Once an insurer elects to calculate reserves for all open claims on the standard defined in Item (i), all future valuations must be on that basis.

- (2) Hospital Benefits, Surgical Benefits and Maternity Benefits (Scheduled benefits or fixed time period benefits only).

- (a) Contract Reserves:

Contracts issued on or after January 1, 1955, and before January 1, 1982:

The 1956 Intercompany Hospital-Surgical Tables.

Contracts issued on or after January 1, 1982:

The 1974 Medical Expense Tables, Table A, Transactions of the Society of Actuaries, Volume XXX, pg. 63. Refer to the paper (in the same volume, pg. 9) to which this table is appended, including its discussions, for methods of adjustment for benefits not directly valued in Table A: "Development of the 1974 Medical Expense Benefits," Houghton and Wolf.

- (b) Claim Reserves:
 - No specific standard. See (6).
- (3) Cancer Expense Benefits (Scheduled benefits or fixed time period benefits only).
 - (a) Contract Reserves:
 - Contracts issued on or after January 1, 1986:
 - The 1985 NAIC Cancer Claim Cost Tables.
 - (b) Claim Reserves:
 - No specific standard. See (6).
- (4) Accidental Death Benefits.
 - (a) Contract Reserves:
 - Contracts issued on or after January 1, 1965:
 - The 1959 Accidental Death Benefits Table.
 - (b) Claim Reserves:
 - Actual amount incurred.
- (5) Single Premium Credit Disability.
 - (a) Contract Reserves:
 - (i) For contracts issued on or after ~~effective date of this amendment~~January 1, 2007:
 - (I) For plans having less than a thirty-day elimination period, the 1985 Commissioners Individual Disability Table A (85CIDA) with claim incidence rates increased by 12%.
 - (II) For plans having a thirty-day and greater elimination period, the 85CIDA for a fourteen-day elimination period with the adjustment in Item (I).
 - (ii) For contracts issued prior to January 1, 2007, each insurer may elect either Item (I) or (II) to use as the minimum standard. Once an insurer elects to calculate reserves for all contracts on the standard defined in Item (i), all future valuations must be on that basis.

- (I) The minimum morbidity standard in effect for contract reserves on currently issued contracts, as of the date the contract was issued, or
- (II) The standard as defined in Item (i), applied to all contracts.

(b) Claim Reserves:

Claim reserves are to be determined as provided in subsection 5(C).

(6) Other Individual Contract Benefits.

(a) Contract Reserves:

For all other individual contract benefits, morbidity assumptions are to be determined as provided in the reserve standards.

(b) Claim Reserves:

For all benefits other than disability, claim reserves are to be determined as provided in the standards.

B. Minimum morbidity standards for valuation of specified group contract health insurance benefits are as follows:

(1) Disability Income Benefits Due to Accident or Sickness.

(a) Contract Reserves:

Contracts issued prior to January 1, 1993:

The same basis, if any, as that employed by the insurer as of January 1, 1993;

Contracts issued on or after January 1, 1993:

The 1987 Commissioners Group Disability Income Table (87CGDT).

(b) Claim Reserves:

For claims incurred on or after January 1, 1993:

The 1987 Commissioners Group Disability Income Table (87CGDT);

For claims incurred prior to January 1, 1993:

Use of the 87CGDT is optional.

(2) Single Premium Credit Disability

(a) Contract Reserves:

- (i) For contracts issued on or after ~~effective date of this amendment~~ January 1, 2007:
 - (I) For plans having less than a thirty-day elimination period, the 1985 Commissioners Individual Disability Table A (85CIDA) with claim incidence rates increased by 12%.
 - (II) For plans having a thirty-day and greater elimination period, the 85CIDA for a fourteen-day elimination period with the adjustment in item (I).
- (ii) For contracts issued prior to ~~effective date of this amendment~~ January 1, 2007, each insurer may elect either Item (I) or (II) to use as the minimum standard. Once an insurer elects to calculate reserves for all contracts on the standard defined in Item (i), all future valuations must be on that basis.
 - (I) The minimum morbidity standard in effect for contract reserves on currently issued contracts, as of the date the contract was issued, or
 - (II) The standard as defined in Item (i), applied to all contracts.

(b) Claim Reserves:

Claim reserves are to be determined as provided in Subsection 5(C).

(3) Other Group Contract Benefits.

(a) Contract Reserves:

For all other group contract benefits, morbidity assumptions are to be determined as provided in the reserve standards.

(b) Claim Reserves:

For all benefits other than disability, claim reserves are to be determined as provided in the standards.

II. INTEREST

- A. For contract reserves the maximum interest rate is the maximum rate permitted by law in the valuation of whole life insurance issued on the same date as the health insurance contract.

- B. For claim reserves on policies that require contract reserves, the maximum interest rate is the maximum rate permitted by law in the valuation of whole life insurance issued on the same date as the claim incurral date.
- C. For claim reserves on policies not requiring contract reserves, the maximum interest rate is the maximum rate permitted by law in the valuation of single premium immediate annuities issued on the same date as the claim incurral date, reduced by one percentage point.

III. MORTALITY

- A. Except as provided in subsections B, C, and D, the mortality basis used shall be according to a table (but without use of selection factors) permitted by law for the valuation of whole life insurance issued on the same date as the health insurance contract.
- B. For long-term care insurance individual policies or group certificates issued on or after January 1, 1997, but before January 1, 2007, the mortality basis used shall be the 1983 Group Annuity Mortality Table without projection. For long-term care insurance individual policies or group certificates issued on or after January 1, 2007, the mortality basis used shall be the 1994 Group Annuity Mortality Static Table.
- C. Other mortality tables adopted by the NAIC and promulgated by the Superintendent may be used in the calculation of the minimum reserves, if appropriate for the type of benefits and if approved by the Superintendent. The request for such approval must include the proposed mortality table and the reason that the standard specified in subsection A is inappropriate.
- D. For single premium credit insurance using the 85CIDA table, no separate mortality shall be assumed.

APPENDIX B

GLOSSARY OF TECHNICAL TERMS USED

As used in this valuation standard, the following terms have the following meaning:

ANNUAL CLAIM COST. The net annual cost per unit of benefit before the addition of expenses, including claim settlement expenses, or a margin for profit or contingencies. For example, the annual claim cost for a \$100 monthly disability benefit, for a maximum disability benefit period of one year, with an elimination period of one week, with respect to a male at age 35 in a certain occupation, might be \$12, while the gross premium for this benefit might be \$18. The additional \$6 would cover expenses and profit or contingencies.

CLAIMS ACCRUED. That portion of claims incurred on or prior to the valuation date which result in liability of the insurer for the payment of benefits for medical services which have been rendered on or prior to the valuation date, and for the payment of benefits for days of hospitalization and days of disability which have occurred on or prior to the valuation date, which the insurer has not paid as of the valuation date, but for which it is liable, and will have to pay after the valuation date. This liability is sometimes referred to as a liability for "accrued" benefits. A claim reserve, which represents an estimate of this accrued claim liability, must be established.

CLAIMS REPORTED. When an insurer has been informed that a claim has been incurred, if the date reported is on or prior to the valuation date, the claim is considered as a reported claim for annual statement purposes.

CLAIMS UNACCRUED. That portion of claims incurred on or prior to the valuation date which result in liability of the insurer for the payment of benefits for medical services expected to be rendered after the valuation date, and for benefits expected to be payable for days of hospitalization and days of disability occurring after the valuation date. This liability is sometimes referred to as a liability for unaccrued benefits. A claim reserve, which represents an estimate of the unaccrued claim payments expected to be made (which may or may not be discounted with interest), must be established.

CLAIMS UNREPORTED. When an insurer has not been informed, on or before the valuation date, concerning a claim that has been incurred on or prior to the valuation date, the claim is considered as an unreported claim for annual statement purposes.

DATE OF DISABLEMENT. The earliest date the insured is considered as being disabled under the definition of disability in the contract, based on a doctor's evaluation or other evidence. Normally this date will coincide with the start of any elimination period.

ELIMINATION PERIOD. A specified number of days, weeks, or months starting at the beginning of each period of loss, during which no benefits are payable.

GROSS PREMIUM. The amount of premium charged by the insurer. It includes the net premium (based on claim cost) for the risk, together with any loading for expenses, profit, or contingencies.

GROUP INSURANCE. The term group insurance includes blanket insurance and franchise insurance and any other forms of group insurance.

LEVEL PREMIUM. A premium calculated to remain unchanged throughout either the lifetime of the policy, or some shorter projected period of years. The premium need not be guaranteed; in which case,

although it is calculated to remain level, it may be changed if any of the assumptions on which it was based are revised at a later time.

Generally, the annual claim costs are expected to increase each year and the insurer, instead of charging premiums that correspondingly increase each year, charges a premium calculated to remain level for a period of years or for the lifetime of the contract. In this case the benefit portion of the premium is more than needed to provide for the cost of benefits during the earlier years of the policy and less than the actual cost in the later years. The building of a prospective contract reserve is a natural result of level premiums.

LONG-TERM CARE INSURANCE. Any insurance policy or rider advertised, marketed, offered or designed to provide coverage for not less than twelve (12) consecutive months for each covered person on an expense incurred, indemnity, prepaid or other basis; for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance or personal care services, provided in a setting other than an acute care unit of a hospital. Such term also includes a policy or rider which provides for payment of benefits based upon cognitive impairment or the loss of functional capacity. Long-term care insurance may be issued by insurers; fraternal benefit societies; nonprofit health, hospital, and medical service corporations; prepaid health plans; health maintenance organizations or any similar organization to the extent they are otherwise authorized to issue life or health insurance. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income or related asset-protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage.

MODAL PREMIUM. This refers to the premium paid on a contract based on a premium term which could be annual, semi-annual, quarterly, monthly, or weekly. Thus if the annual premium is \$100 and if, instead, monthly premiums of \$9 are paid, then the modal premium is \$9.

NEGATIVE RESERVE. Normally the terminal reserve is a positive value. However, if the values of the benefits are decreasing with advancing age or duration it could be a negative value, called a negative reserve.

PRELIMINARY TERM RESERVE METHOD. Under this method of valuation the valuation net premium for each year falling within the preliminary term period is exactly sufficient to cover the expected incurred claims of that year, so that the terminal reserves will be zero at the end of the year. As of the end of the preliminary term period, a new constant valuation net premium (or stream of changing valuation premiums) becomes applicable such that the present value of all such premiums is equal to the present value of all claims expected to be incurred following the end of the preliminary term period.

PRESENT VALUE OF AMOUNTS NOT YET DUE ON CLAIMS. The reserve for "claims unaccrued" (see definition), which may be discounted at interest.

RATING BLOCK. "Rating block" means a grouping of contracts determined by the valuation actuary based on common characteristics filed with the commissioner, such as a policy form or forms having similar benefit designs.

RESERVE. The term "reserve" is used to include all items of benefit liability, whether in the nature of incurred claim liability or in the nature of contract liability relating to future periods of coverage, and whether the liability is accrued or unaccrued.

An insurer under its contracts promises benefits which result in:

- (a) Claims which have been incurred, that is, for which the insurer has become obligated to make payment, on or prior to the valuation date. On these claims, payments expected to be made after the valuation date for accrued and unaccrued benefits are liabilities of the insurer which should be provided for by establishing claim reserves; or
- (b) Claims which are expected to be incurred after the valuation date. Any present liability of the insurer for these future claims should be provided for by the establishment of contract reserves and unearned premium reserves.

TERMINAL RESERVE. This is the reserve at the end of a contract year, and is defined as the present value of benefits expected to be incurred after that contract year minus the present value of future valuation net premiums.

UNEARNED PREMIUM RESERVE. This reserve values that portion of the premium paid or due to the insurer which is applicable to the period of coverage extending beyond the valuation date. Thus if an annual premium of \$120 was paid on November 1, \$20 would be earned as of December 31 and the remaining \$100 would be unearned. The unearned premium reserve could be on a gross basis as in this example, or on a valuation net premium basis.

VALUATION NET MODAL PREMIUM. This is the modal fraction of the valuation net annual premium that corresponds to the gross modal premium in effect on any contract to which contract reserves apply. Thus if the mode of payment in effect is quarterly, the valuation net modal premium is the quarterly equivalent of the valuation net annual premium.

APPENDIX C

RESERVES FOR WAIVER OF PREMIUM (Supplementary explanatory material)

Waiver of premium reserves involve several special considerations. First, the disability valuation tables promulgated by the NAIC are based on exposures that include contracts on premium waiver as in-force contracts. Hence, contract reserves based on these tables are NOT reserves on "active lives" but rather reserves on contracts "in force." This is true for the 1964 CDT and for both the 1985 CIDA and CIDB tables.

Accordingly, tabular reserves using any of these tables should value reserves on the following basis:

Claim reserves should include reserves for premiums expected to be waived, valuing as a minimum the valuation net premium being waived.

Premium reserves should include contracts on premium waiver as in-force contracts, valuing as a minimum the unearned modal valuation net premium being waived.

Contract reserves should include recognition of the waiver of premium benefit in addition to other contract benefits provided for, valuing as a minimum the valuation net premium to be waived.

If an insurer is, instead, valuing reserves on what is truly an active life table, or if a specific valuation table is not being used but the insurer's gross premiums are calculated on a basis that includes in the projected exposure only those contracts for which premiums are being paid, then it may not be necessary to provide specifically for waiver of premium reserves. Any insurer using such a true "active life" basis should carefully consider, however, whether or not additional liability should be recognized on account of premiums waived during periods of disability or during claim continuation.