

NEW YORK STATE
INSURANCE DEPARTMENT

FIRST AMENDMENT TO REGULATION 144
(11 NYCRR 39)

MINIMUM STANDARDS FOR THE PARTNERSHIP FOR LONG-TERM CARE PROGRAM
ESTABLISHED UNDER CHAPTER 454 OF THE LAWS OF 1989,
AS AMENDED BY CHAPTER 659 OF THE LAWS OF 1997

I, GREGORY V. SERIO, Superintendent of Insurance of the State of New York, pursuant to the authority granted by Sections 201, 301, 3201, 3217, 3221, 3229, 4235, 4237, and Article 43 of the Insurance Law and Section 367-f of the Social Services Law, do hereby promulgate the First Amendment to Part 39 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York to take upon publication in the State Register.

(Material underlined is new; material in brackets is deleted)

The title of Part 39 of Title 11 is amended to read as follows:

MINIMUM STANDARDS FOR THE PARTNERSHIP FOR LONG-TERM CARE PROGRAM
ESTABLISHED UNDER CHAPTER 454 OF THE LAWS OF 1989,
AS AMENDED BY CHAPTER 659 OF THE LAWS OF 1997

Paragraph (1) of subdivision (b) of Section 39.3 of Part 39 of Title 11 of the Official Compilation of Codes, Rules and Regulations is hereby amended to read as follows:

(1) Nursing home care. Nursing home care coverage shall be provided for not less than a lifetime maximum total of 36 months for each covered person. A covered person must be permitted to substitute home care benefits for nursing home care benefits on the basis of two home care days for one nursing home day. Coverage of nursing home care shall consist of payment for skilled nursing care, intermediate care, and custodial care in nursing homes of at least ~~[\$100]~~ \$163 per day. Payment for nursing home care services may be limited to services rendered in a nursing home licensed by the jurisdiction in which it is located. The minimum nursing home daily benefit shall be increased each year on the first day of January beginning in ~~[1994]~~ 2004. Policies/certificates sold after January 1, ~~[1994]~~ 2004 shall provide benefits at the increased minimum standard in the year sold. Minimum daily benefits for the next 10 years shall be as follows:

(i) January 1, ~~[1993]~~ 2003-~~[\$100]~~ \$163 (nursing home), ~~[\$50]~~ \$82 (home care-50 percent);

- (ii) January 1, [1994] 2004-\$105] \$171 (nursing home), [\$52] \$86 (home care-50 percent);
- (iii) January 1, [1995] 2005-\$110] \$180 (nursing home), [\$55] \$90 (home care-50 percent);
- (iv) January 1, [1996] 2006-\$116] \$189 (nursing home), [\$58] \$95 (home care-50 percent);
- (v) January 1, [1997] 2007-\$122] \$198 (nursing home), [\$61] \$99 (home care-50 percent);
- (vi) January 1, [1998] 2008 – [\$128] \$208 (nursing home), [\$64] \$104 (home care-50 percent);
- (vii) January 1, [1999] 2009 –[\$134] \$218 (nursing home), [\$67] \$109 (home care-50 percent);
- (viii) January 1, [2000] 2010 – [\$141] \$229 (nursing home), [\$70] \$115 (home care-50 percent);
- (ix) January 1, [2001] 2011-\$148] \$241 (nursing home), [\$74] \$121 (home care-50 percent);
- (x) January 1, [2002] 2012- [\$155] \$253 (nursing home), [\$77] \$127 (home care-50 percent).

I, Gregory V. Serio, Superintendent of Insurance of the State of New York, do hereby certify that the foregoing is the First Amendment to Part 39 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Regulation No. 144), promulgated by me on March 24, 2003, pursuant to the authority granted by Sections 201, 301, 3201, 3217, 3221, 3229, 4235, 4237, and Article 43 of the Insurance Law and Section 367-f of the Social Services Law.

Pursuant to the provisions of the State Administrative Procedure Act, prior notice of the proposed regulation was published in the State Register on December 31, 2002. No other publication or prior notice is required by statute.

Gregory V. Serio
Superintendent of Insurance

March 24, 2003