

SERFF Tracking Number: LFCR-125959179 State: Arkansas
Filing Company: Berkshire Life Insurance Company of America State Tracking Number: 41235
Company Tracking Number: 4211
TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.001 Qualified
Product Name: 4211 et al
Project Name/Number: /

Filing at a Glance

Company: Berkshire Life Insurance Company of America

Product Name: 4211 et al	SERFF Tr Num: LFCR-125959179	State: ArkansasLH
TOI: LTC03I Individual Long Term Care	SERFF Status: Closed	State Tr Num: 41235
Sub-TOI: LTC03I.001 Qualified	Co Tr Num: 4211	State Status: Filed-Closed
Filing Type: Advertisement	Co Status:	Reviewer(s): Marie Bennett
	Author: Smith Darlene	Disposition Date: 01/07/2009
	Date Submitted: 12/23/2008	Disposition Status: Filed
Implementation Date Requested: On Approval		Implementation Date:

State Filing Description:

General Information

Project Name:	Status of Filing in Domicile: Not Filed
Project Number:	Date Approved in Domicile:
Requested Filing Mode: Review & Approval	Domicile Status Comments:
Explanation for Combination/Other:	Market Type: Individual
Submission Type: New Submission	Group Market Size:
Overall Rate Impact:	Group Market Type:
Filing Status Changed: 01/07/2009	
State Status Changed: 01/07/2009	Deemer Date:
Corresponding Filing Tracking Number:	
Filing Description:	
long term care advertising filing	

Company and Contact

Filing Contact Information

(This filing was made by a third party - LCA01)

Michael Lewis, Senior Compliance Analyst - michael.lewis@lifecareassurance.com
Advertising

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P.O. Box 4243 (818) 867-2380 [Phone]
Woodland Hills, CA 91365-4243 (818) 867-2508[FAX]

Filing Company Information

Berkshire Life Insurance Company of America CoCode: 71714 State of Domicile: Massachusetts
Long Term Care Administrative Office Group Code: 429 Company Type:
P.O. Box 4243
Woodland Hills, CA 91365-4243 Group Name: State ID Number:
(818) 867-2450 ext. [Phone] FEIN Number: 75-1277524

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Filing Fees

Fee Required? Yes
Fee Amount: \$50.00
Retaliatory? No
Fee Explanation: \$25.00 x 2 forms = \$50.00
Per Company: No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
Berkshire Life Insurance Company of America	\$50.00	12/23/2008	24701673

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Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Filed	Marie Bennett	01/07/2009	01/07/2009

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Disposition

Disposition Date: 01/07/2009

Implementation Date:

Status: Filed

Comment:

Rate data does NOT apply to filing.

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Item Type	Item Name	Item Status	Public Access
Supporting Document	Cover Letter 12-22-08		Yes
Form	LTC Employer Brochure		Yes
Form	LTC Postcard		Yes

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Form Schedule

Lead Form Number: 4211

Review Status	Form Number	Form Type Form Name	Action	Action Specific Data	Readability	Attachment
	4211	Advertising LTC Employer Brochure	Initial		0	4211 Employer Brochure submitted 12-10-08.pdf
	4212	Advertising LTC Postcard	Initial		0	4212 LTCI Postcard submitted 12-10-08.pdf

A closer look at your tax benefits

LTC Choice ProVider long term care insurance can bring valuable tax advantages to your company and your employees. Here is a summary of those benefits. Be sure to consult your tax and legal advisors for more complete guidance specific to your business situation.

	C-Corporation	S-Corporation	Partnerships	Sole Proprietorship
Business Tax Deduction	100% of premiums paid for owner, employees, spouses, dependents and retirees are deductible ¹	100% of total premiums paid for employees are deductible	100% of premium is deductible	100% of eligible premiums paid for owner, spouse and dependents are deductible; 100% of actual premiums paid for non-owner employees and their spouses are deductible ²
Personal Tax Deduction for Owner(s)	None	Owner(s) of more than 2% may deduct 100% of eligible premiums paid for themselves on their personal tax returns	Partners can deduct 100% of premiums paid for themselves on their personal tax returns	The Owner can deduct 100% of premiums paid for themselves on their personal tax return
Income Tax to Employee	Generally no income tax to employees ³	Generally no income tax to employees	Generally no income tax to employees	Generally no income tax to employees
Income Tax to Owner(s)	Generally no income tax to owner(s) ⁴	Premiums paid on behalf of 2% or more owner(s) are treated as taxable income to the owner(s) ⁴	Premiums paid on behalf of Partners are treated as taxable income to the Partners ⁴	Generally no income tax to owner ⁴
Taxation of Benefits Received	Generally tax free	Generally tax free	Generally tax free	Generally tax free

¹ IRC Sec. 162(a)
² IRC Sec. 213(a)

³ IRC Sec. 7702B(a)(3), IRC Sec. 162(a), IRC Sec. 106(a)
⁴ IRC Sec. 104 (a)(3), 7702B(a)(2)

LTC Choice ProVider™ and your Business:

A powerful combination

Put the power of LTC Choice ProVider long term care insurance to work for your company today. You'll receive the outstanding coverage and personal attention you deserve, along with highly competitive rates – all backed by the financial strength of a premier insurance carrier.

Your licensed insurance agent/representative can help you take full advantage of the flexibility LTC Choice ProVider offers. Together, you can design a strategy best suited to your specific business objectives. You'll also receive on-site support for employee communication, awareness activities, enrollment meetings and one-on-one consultation.

▷ **Contact your insurance agent/representative for more information**

This brochure describes coverage offered through Berkshire Life Insurance Company of America's long term care insurance policies. Depending on state availability, coverage will be offered by policy forms BG01P(01/09) et al. In some states, coverage will be offered by the above referenced policy number(s) followed by the state's two-letter abbreviation. In ID, coverage provided by policy forms BG01P(01/09)-ID et al. For costs and further details of coverage, including exclusions and reductions or limitations and the terms under which the long term care insurance policy may be continued in force, contact your agent/representative. An agent/representative may contact you.

Your Solution to a Growing Business Challenge

LTC ChoiceProVider™
LONG TERM CARE INSURANCE

This Long Term Care Insurance is underwritten by and the financial responsibility of

Berkshire Life Insurance Company of America

Berkshire Life Insurance Company of America, Pittsfield, MA, is a wholly owned stock subsidiary of The Guardian Life Insurance Company of America, New York, NY.

The Guardian Life Insurance Company of America
7 Hanover Square, New York, NY 10004

Berkshire Life Insurance Company of America
700 South Street, Pittsfield, MA 01201

Berkshire Life Insurance Company of America, Pittsfield, MA, is a wholly owned stock subsidiary of The Guardian Life Insurance Company of America, New York, NY.

Facing today's business challenges

The success of your business depends on the strength of your workforce. That's why it's so important to provide a comprehensive benefits program that not only helps attract and retain quality people, but also supports the well-being, job satisfaction and productivity of your employees.

Creating an effective benefits strategy in today's competitive and financially-strained business environment can be especially challenging.

Increasingly, employers are realizing that providing individual long term care insurance can provide a "win-win" solution for their business and their employees. LTC Choice ProVider is the benefit solution that is right for your business and your employees.

U.S. business productivity losses related to employee care-giving have been estimated to be as high as \$33.6 billion annually. Experts predict that long term care insurance will become an essential component of a competitive benefits package.¹

Understanding the impact of long term care

The growing need for long term care poses a serious threat to individuals and businesses alike. Long term care services can be very costly and are generally not covered by other types of insurance. Left unprepared, many people will be forced to spend their retirement savings to pay for the long term care services they need. Others will turn to family members for time-consuming care-giving assistance. If your employees were to face a long-term care need within their family, it could have a significant impact on their ability to attend work and perform their jobs productively.

▷ What is long term care?

"Long Term Care" is used to describe assistance with life's everyday activities, such as bathing, dressing, eating, toileting and getting in and out of bed. People often need this type of assistance as they age, become ill, or suffer an injury or disability. Long term care can take place at home, in an assisted living facility, in a nursing home, or in the community through special programs.

▷ Why should working-age individuals create a long-term care plan now?

It's impossible to know when the need for long term care might arise. If a person's health suddenly began to decline or that person became injured, he or she might no longer be eligible for long term care coverage. In addition, rates increase as applicants age. It's also important to note that working-age individuals often have aging family members who may potentially need long term care in the near future and could benefit from obtaining this valuable coverage.

LTC Choice ProVider™:

A flexible, cost-effective solution for today's business challenges

Give your company a distinct competitive advantage by providing individually-owned long term care insurance from Guardian Life Insurance Company.

▷ Including LTC Choice ProVider™ as part of your strategic benefits program can help you:

- ✓ Boost your recruiting power and ability to retain key employees
- ✓ Reduce absenteeism associated with care-giving
- ✓ Save money with valuable tax deductions and highly competitive rates
- ✓ Manage expenses by allowing you to contribute some, all or none of the policy cost
- ✓ Protect your employees' financial security
- ✓ Differentiate your executive-level or key employee benefits
- ✓ Build employee loyalty
- ✓ Show your concern for your employees' financial, physical and emotional well-being

Your employees will benefit from the added financial security provided by LTC Choice ProVider's quality, customizable coverage, giving them an important reason to feel valued and loyal to your company.

▷ Employer-sponsored LTC Choice ProVider™ long term care insurance can help employees:

- ✓ Protect their retirement savings
- ✓ Ease the financial and emotional strain that often arises from needing long-term care
- ✓ Receive important coverage not included with health or disability insurance
- ✓ Earn tax-favored compensation (employer-paid premiums generally do not count as income)
- ✓ Receive valuable premium discounts not otherwise available to individual applicants
- ✓ Obtain portable coverage
- ✓ Offer discounted long term care coverage to family members
- ✓ Enjoy the convenience of payroll deduction

LTC Choice ProVider long term care insurance can strengthen your business by delivering value to your bottom line and supporting your employees' financial goals.



The benefits of sponsoring LTC Choice ProVider

▷ Flexibility to choose the right solution:

- ▷ You can choose to provide LTC Choice ProVider as completely employee-paid, completely employer-paid, or a combination of both.
- ▷ You can provide this benefit to a select group of employees ("carve-out") or to your entire employee population.
- ▷ Each individual policyholder can customize a policy to meet his or her specific needs.
- ▷ Policyholders can take the coverage with them when changing jobs or retiring.
- ▷ Family members can also apply for coverage, which may later relieve your employees from time-consuming care-giving responsibilities that could significantly impact productivity.

▷ Customizable, comprehensive coverage for policyholders:

- ▷ Policyholders can choose a policy that includes Home, Community and Facility Care, or one that covers Facility Care only.*
- ▷ Joint policies are available to provide added coverage for spouses or another household member.*
- ▷ Benefits can be paid as a cash benefit (indemnity) or as reimbursements for covered long-term care expenses.*
- ▷ Additional safeguards against the rising cost of care are available in the form of inflation protection riders.*
- ▷ Flexible payment options - such as the ability to pay all premiums within a 10 year period (10-Pay) or Paid-Up by Age 65** - may enable premiums to be fully paid before retirement. These options may also help to maximize tax deductions during peak earning years.
- ▷ The Return of Premium*** rider can be used to help provide for spouses or other heirs. This rider will return the total premiums paid, minus any benefits received, to the chosen beneficiary (assuming the policyholder dies while the policy is in force or has a policy with joint coverage and is the second to die).*
- ▷ Policyholders can receive personalized support from a specially trained Personal Care Advisor when they or their loved ones must make important decisions about long term care. This is a free, optional service provided with all policies.
- ▷ Additional free assistance is available from a Care Coordinator who can help with developing a plan of care, completing claims documentation and more.

* Additional premiums may apply. For complete policy information, consult your licensed insurance agent/representative. Joint coverage referred to "Additional Insured Coverage" in NJ, and available only to spouses & domestic partners in NY.

** In TX, 10-pay and Paid-up by 65 options available with policies BG02P(01/09)-TX & BG03P(01/09)-TX.

*** In TX, referred to as Refund of Premium Rider.

There's an important benefit you should be offering

*U.S. business productivity losses related to employee care-giving have been estimated as high as \$33.6 billion annually*¹

1 AARP "Divided We Fail", 10/17/2008, www.aarp.org/issues/dividedwefail/



The growing need for long term care poses a serious threat to individuals and businesses alike.

If your employees were to face a long-term care need within their family, it could have a significant impact on their ability to attend work and perform their jobs productively.

LTC Choice ProVider long term care insurance is the win/win solution for your business and your employees.

LTC ChoiceProVider™
LONG TERM CARE INSURANCE

4212

Long Term Care Insurance is underwritten by and the financial responsibility of

**Berkshire Life Insurance
Company of America**

Berkshire Life Insurance Company of America, Pittsfield, MA, is a wholly owned stock subsidiary of The Guardian Life Insurance Company of America, New York, NY.

The purpose of this material is the solicitation of insurance



GUARDIAN®

Give your company a distinct competitive advantage by offering individually owned long term care insurance

Benefits include:

- ✓ Tax advantages for your business and your employees
- ✓ Flexibility to provide this benefit to a select group of key employees or all employees – as completely employee-paid, completely employer-paid, or a combination of both.
- ✓ Policyholders can customize the policy to meet their specific needs. Family members can also apply for coverage.
- ✓ Discounted premiums
- ✓ Value-added services such as Personal Care Advisors and Care Coordinators are available for no additional cost.

Please consult with your own independent tax and/or legal advisor to understand your particular business circumstance. This postcard describes coverage offered through Berkshire Life Insurance Company of America's long term care insurance policies. Depending on state availability, coverage will be offered by policy forms BG01P(01/09) et al. In some states, coverage will be offered by the above referenced policy number(s) followed by the state's two-letter abbreviation. In ID, coverage provided by policy forms BG01P(01/09)-ID et al. For costs and further details of coverage, including exclusions and reductions or limitations and the terms under which the long term care insurance policy may be continued in force, contact your agent/representative. An agent/representative may contact you.

Call Today!

[Agent Name]
[Agent/License Number]
[Address]
[Phone]
[Email/Web Site]



Recipient's/Company Name
Recipient's/Company Address

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Rate Information

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Supporting Document Schedules

Review Status:

Satisfied -Name: Cover Letter 12-22-08

12/23/2008

Comments:

Attachment:

AR DOI cover 12-22-08.pdf



Berkshire

**Berkshire Life
Insurance Company of America**

December 22, 2008

Harris Shearer
Rate and Form Analyst
Arkansas Department of Insurance
1200 West Third Street,
Little Rock, Arkansas 72201-1904

Re: BERKSHIRE LIFE INSURANCE COMPANY OF AMERICA – NAIC # 71714
Long Term Care Insurance Advertising Materials
For use with Policy form number BG01P(01/09)-AR et al.

4211	LTC Employer Brochure
4212	LTC postcard

Dear Mr. Shearer,

We are submitting the above referenced advertising material for your review. The above material is meant to be “invitations to inquire” about Berkshire Life Insurance Company of America’s long term care insurance policy.

Thank you very much for your assistance with this submission. If you have any questions, please do not hesitate to contact me.

Sincerely,

Michael Lewis
Senior Compliance Analyst
(800) 366-5463, ext. 2380
Michael.Lewis@LifeCareAssurance.com
Attachments

Long Term Care Administrative Office
Post Office Box 4243 • Woodland Hills, CA 91365-4243 • Telephone 888-505-8743 • Fax 818-887-4595

Berkshire Life Insurance Company of America, Pittsfield, MA, is a wholly owned stock subsidiary of The Guardian Life Insurance Company of America, New York, NY