

SERFF Tracking Number: PNTX-125912789 State: Arkansas
Filing Company: Penn Treaty Network America Insurance State Tracking Number: 40901
Company
Company Tracking Number: LTCAR0003510F02
TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.003 Other
Product Name: Provider of Services Amendatory Rider
Project Name/Number: Provider of Services Amendatory Rider/LTCAR0003510F02

On November 6, 2008, your Department approved the above-captioned amendatory riders under State Tracking Number 40703. Since that time, we have identified the need to clarify the purpose of the amendatory riders.

Our submission letter and the amendatory riders indicated that the definitions are amended by adding an explanation of non-licensure requirements to each definition; when in fact, the definitions are intended to replace the policy's definitions entirely. Attached please find amendatory riders intended to replace the riders approved on November 6, 2008. Please note that the previously approved amendatory riders have not been mailed to the policyholders.

Also enclosed are the required filing fees and forms.

Our Company appreciates the Department's time and consideration. If you have any questions, please contact me directly.

Anita Small
Analyst, Product and Regulatory Compliance
800-222-3469 ext. 6645

Company and Contact

Filing Contact Information

Anita Small, Analyst
3440 Lehigh St
Allentown, PA 18103
asmall@penntreaty.com
(610) 965-2222 [Phone]
(484) 232-6638[FAX]

Filing Company Information

Penn Treaty Network America Insurance
Company
3440 Lehigh St
Allentown, PA 18103
(610) 965-2222 ext. [Phone]
CoCode: 63282
Group Code: 810
Group Name: Penn Treaty
FEIN Number: 23-2603386
State of Domicile: Pennsylvania
Company Type:
State ID Number:

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Filing Fees

Fee Required? Yes
Fee Amount: \$80.00
Retaliatory? No
Fee Explanation: \$20/form x 4 forms = \$80
Per Company: No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
Penn Treaty Network America Insurance Company	\$80.00	11/20/2008	24062249

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Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Approved	Marie Bennett	02/04/2009	02/04/2009

Filing Notes

Subject	Note Type	Created By	Created On	Date Submitted
Status Request	Note To Reviewer	SPI PennTreatyNetw ork	01/13/2009	01/13/2009

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Disposition

Disposition Date: 02/04/2009

Implementation Date:

Status: Approved

Comment:

Rate data does NOT apply to filing.

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Item Type	Item Name	Item Status	Public Access
Supporting Document	Application		Yes
Supporting Document	Health - Actuarial Justification		Yes
Supporting Document	Outline of Coverage		Yes
Supporting Document	LTC Partnership Certification		Yes
Supporting Document	Certification/Notice		Yes
Supporting Document	AR - READABILITY CERTIFICATION		Yes
Form	Provider of Services Amendatory Rider		Yes
Form	Provider of Services Amendatory Rider		Yes
Form	Provider of Services Amendatory Rider		Yes
Form	Provider of Services Amendatory Rider		Yes

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Note To Reviewer

Created By:

SPI PennTreatyNetwork on 01/13/2009 12:41 PM

Subject:

Status Request

Comments:

Dear Mr. Schearer,

This submission was made on November 20, 2008, nearly 60 days ago. Please let me know when you think these revised amendatory riders will be approved.

This is our only outstanding filing with your Department. If you need anything further from me, please let me know. Thank you for your help.

Anita Small

800-222-3469 ext. 6645

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Form Schedule

Lead Form Number:

Review Status	Form Number	Form Type	Form Name	Action	Action Specific Data	Readability	Attachment
	AMEND-LIC-PF3-ALP2(Rev)	Certificate	Provider of Services Amendatory Rider	Revised	Replaced Form #: AMEND-LIC-PF3-ALP2 Previous Filing #: 40703	42	AMEND-LIC-PF3-ALP2(Rev).PDF
	AMEND-LIC-IL5(Rev)	Certificate	Provider of Services Amendatory Rider	Revised	Replaced Form #: AMEND-LIC-IL5 Previous Filing #: 40703	44	AMEND-LIC-IL5(Rev).PDF
	AMEND-LIC-SS(Rev)	Certificate	Provider of Services Amendatory Rider	Revised	Replaced Form #: AMEND-LIC-SS Previous Filing #: 40703	42	AMEND-LIC-SS(Rev).PDF
	AMEND-LIC-SR400(Rev)	Certificate	Provider of Services Amendatory Rider	Revised	Replaced Form #: AMEND-LIC-SR400 Previous Filing #: 40703	41	AMEND-LIC-SR400(Rev).PDF

AMENDATORY RIDER

This Amendatory Rider shall amend policy form series PF3-P, PF3-TQ-P, ALP2-P and ALP2-TQ-P as follows:

- 1) The definitions for Nursing Facility and Assisted Living Facility under the Facility Benefit Section and the Glossary of Terms are amended to read as follows:

Nursing Facility

A facility, or distinctly separate part of a hospital or other institution, which is engaged primarily in providing nursing care and related services to inpatients and which complies with all federal, state and local laws and regulations applicable to nursing facilities including, but not limited to, all licensing requirements. In addition, such facility shall:

- 1) provide 24 hour a day nursing services;
- 2) maintain clinical records for all patients;
- 3) have appropriate methods and procedures for handling and administering drugs and biological materials; and
- 4) comply with all applicable staffing, nursing hour, and/or awake and on duty requirements.

In the absence of specific laws or regulations addressing staffing requirements for nursing facilities, the following minimum staffing requirements must be met:

The facility must have licensed nursing and nursing assistant staff on duty 24 hours per day. The facility (i) must employ a full-time administrator/director and a full-time registered nurse who serves as the director of nursing (the Director of Nursing may not be the same person who serves as the facility administrator), (ii) must designate a licensed nurse to serve as a charge nurse on each shift, (iii) must have a medical director, either employed by the facility or under contract with the facility, and (iv) must have a contractual agreement with a pharmacy to provide resident medications. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

Penn Treaty Network America Insurance Company

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Assisted Living Facility
A facility engaged primarily in providing care to resident inpatients and which is in compliance with all federal, state and local laws and regulations applicable to assisted living facilities including, but not limited to, all licensing requirements. In addition, such a facility shall:

- 1) provide 24 hour a day care/assistance sufficient to meet the daily living needs of individuals with functional and/or cognitive deficiencies;
- 2) provide three meals a day and accommodates special dietary needs;
- 3) have the appropriate methods and procedures to provide necessary assistance to residents in the management of prescribed medications; and
- 4) comply with all applicable staffing, nursing hour, and /or awake and on duty requirements.

In the absence of specific laws or regulations addressing staffing requirements for assisted living facilities, the following minimum staffing requirements must be met:

The facility must employ (i) a full-time administrator/director, (ii) a director of nursing, either employed by the facility or under contract with the facility, who is available 24 hours a day and who is a Registered Nurse or supervised by a Registered Nurse or Medical Physician, and (iii) sufficient direct care staff adequately trained to meet the scheduled and unscheduled needs of the residents in accordance with their plans of care and to promote orderly operation of the facility. At least one direct care provider for every 15 residents must be on duty and present in the facility at all times, and such direct care provider shall have current CPR and first aid certification. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

- 2) The definition of Adult Day Care Center in Section 2A: Adult Day Care Benefits and the Glossary of Terms is amended to read as follows:

Adult Day Care Center
A facility which is established to provide Adult Day Care and which complies with all federal, state and local laws and regulations applicable to adult day care centers including, but not limited to all licensing requirements. In addition, such a facility shall:

- 1) operate at least five days per week for a minimum of five hours per day, but is not an overnight facility;
- 2) maintain a written record of medical services given to each client;
- 3) have established procedures for obtaining appropriate aid in the event of a medical emergency; and
- 4) comply with all applicable staffing regulations.

In absence of specific laws or regulations addressing staffing requirements for Adult Day Care Centers, the following minimum staffing requirements must be met:

The center must employ (i) a full-time administrator/director, (ii) an activities coordinator, and (iii) an adequate number of direct care staff that are appropriately qualified and trained to provide the essential services of the center. There shall be a minimum of one direct care staff person for every eight center participants, with at least one direct care staff member certified in first aid and CPR on the premises during the center's hours of operation and on field trips. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

Signed for Us at Allentown, Pennsylvania.

A handwritten signature in black ink, appearing to read "Will Wood". The signature is cursive and somewhat stylized.

President

AMENDATORY RIDER

This Amendatory Rider shall amend policy form series IL5-P and IL5-TQ-P as follows:

- 1) The definition of Adult Day Care Center in Section 2A: Adult Day Care Benefits and the Glossary of Terms is amended to read as follows:

Adult Day Care Center

A facility which is established to provide Adult Day Care and which complies with all federal, state and local laws and regulations applicable to adult day care centers including, but not limited to all licensing requirements. In addition, such a facility shall:

- 1) operate at least five days per week for a minimum of five hours per day, but is not an overnight facility;
- 2) maintain a written record of medical services given to each client;
- 3) have established procedures for obtaining appropriate aid in the event of a medical emergency; and
- 4) comply with all applicable staffing regulations.

In absence of specific laws or regulations addressing staffing requirements for Adult Day Care Centers, the following minimum staffing requirements must be met:

The center must employ (i) a full-time administrator/director, (ii) an activities coordinator, and (iii) an adequate number of direct care staff that are appropriately qualified and trained to provide the essential services of the center. There shall be a minimum of one direct care staff person for every eight center participants, with at least one direct care staff member certified in first aid and CPR on the premises during the center's hours of operation and on field trips. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

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- 2) The definition of Respite Care in Section 3C: Respite Care Benefits and the Glossary of Terms is amended to read as follows:

Respite Care

May be Homemaker Care, Home Health Care, or care provided in a Long Term Care Facility (as previously defined in the Policy to include a Nursing Facility or Assisted Living Facility) or Adult Day Care Center, the purpose of which is to temporarily relieve the primary caregiver.

- 3) The following definitions are added to the Respite Care Benefits in Section 3C as well as the Glossary of Terms:

Nursing Facility

A facility, or distinctly separate part of a hospital or other institution, which is engaged primarily in providing nursing care and related services to inpatients and which complies with all federal, state and local laws and regulations applicable to nursing facilities including, but not limited to, all licensing requirements. In addition, such facility shall:

- 1) provide 24 hour a day nursing services;
- 2) maintain clinical records for all patients;
- 3) have appropriate methods and procedures for handling and administering drugs and biological materials; and
- 4) comply with all applicable staffing, nursing hour, and/or awake and on duty requirements.

In the absence of specific laws or regulations addressing staffing requirements for nursing facilities, the following minimum staffing requirements must be met:

The facility must have licensed nursing and nursing assistant staff on duty 24 hours per day. The facility (i) must employ a full-time administrator/director and a full-time registered nurse who serves as the director of nursing (the Director of Nursing may not be the same person who serves as the facility administrator), (ii) must designate a licensed nurse to serve as a charge nurse on each shift, (iii) must have a medical director, either employed by the facility or under contract with the facility, and (iv) must have a contractual agreement with a pharmacy to provide resident medications. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

Assisted Living Facility

A facility engaged primarily in providing care to resident inpatients and which is in compliance with all federal, state and local laws and regulations applicable to assisted living facilities including, but not limited to, all licensing requirements. In addition, such a facility shall:

- 1) provide 24 hour a day care/assistance sufficient to meet the daily living needs of individuals with functional and/or cognitive deficiencies;
- 2) provide three meals a day and accommodates special dietary needs;
- 3) have the appropriate methods and procedures to provide necessary assistance to residents in the management of prescribed medications; and
- 4) comply with all applicable staffing, nursing hour, and /or awake and on duty requirements.

In the absence of specific laws or regulations addressing staffing requirements for assisted living facilities, the following minimum staffing requirements must be met:

The facility must employ (i) a full-time administrator/director, (ii) a director of nursing, either employed by the facility or under contract with the facility, who is available 24 hours a day and who is a Registered Nurse or supervised by a Registered Nurse or Medical Physician, and (iii) sufficient direct care staff adequately trained to meet the scheduled and unscheduled needs of the residents in accordance with their plans of care and to promote orderly operation of the facility. At least one direct care provider for every 15 residents must be on duty and present in the facility at all times, and such direct care provider shall have current CPR and first aid certification. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

Signed for Us at Allentown, Pennsylvania.



President

AMENDATORY RIDER

This Amendatory Rider shall amend policy form series SS-NTQ-P and SS-TQ-P as follows:

- 1) The definitions for Nursing Facility and Assisted Living Facility in Section 1: Facility Benefits are amended to read as follows:

Nursing Facility

A facility, or distinctly separate part of a hospital or other institution, which is engaged primarily in providing nursing care and related services to inpatients and which complies with all federal, state and local laws and regulations applicable to nursing facilities including, but not limited to, all licensing requirements. In addition, such facility shall:

- 1) provide 24 hour a day nursing services;
- 2) maintain clinical records for all patients;
- 3) have appropriate methods and procedures for handling and administering drugs and biological materials; and
- 4) comply with all applicable staffing, nursing hour, and/or awake and on duty requirements.

In the absence of specific laws or regulations addressing staffing requirements for nursing facilities, the following minimum staffing requirements must be met:

The facility must have licensed nursing and nursing assistant staff on duty 24 hours per day. The facility (i) must employ a full-time administrator/director and a full-time registered nurse who serves as the director of nursing (the Director of Nursing may not be the same person who serves as the facility administrator), (ii) must designate a licensed nurse to serve as a charge nurse on each shift, (iii) must have a medical director, either employed by the facility or under contract with the facility, and (iv) must have a contractual agreement with a pharmacy to provide resident medications. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

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Assisted Living Facility
A facility engaged primarily in providing care to resident inpatients and which is in compliance with all federal, state and local laws and regulations applicable to assisted living facilities including, but not limited to, all licensing requirements. In addition, such a facility shall:

- 1) provide 24 hour a day care/assistance sufficient to meet the daily living needs of individuals with functional and/or cognitive deficiencies;
- 2) provide three meals a day and accommodates special dietary needs;
- 3) have the appropriate methods and procedures to provide necessary assistance to residents in the management of prescribed medications; and
- 4) comply with all applicable staffing, nursing hour, and /or awake and on duty requirements.

In the absence of specific laws or regulations addressing staffing requirements for assisted living facilities, the following minimum staffing requirements must be met:

The facility must employ (i) a full-time administrator/director, (ii) a director of nursing, either employed by the facility or under contract with the facility, who is available 24 hours a day and who is a Registered Nurse or supervised by a Registered Nurse or Medical Physician, and (iii) sufficient direct care staff adequately trained to meet the scheduled and unscheduled needs of the residents in accordance with their plans of care and to promote orderly operation of the facility. At least one direct care provider for every 15 residents must be on duty and present in the facility at all times, and such direct care provider shall have current CPR and first aid certification. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

- 2) The definition of Adult Day Care Center in Section 4B: Adult Day Care Benefits is amended to read as follows:

Adult Day Care Center
A facility which is established to provide Adult Day Care and which complies with all federal, state and local laws and regulations applicable to adult day care centers including, but not limited to all licensing requirements. In addition, such a facility shall:

- 1) operate at least five days per week for a minimum of five hours per day, but is not an overnight facility;
- 2) maintain a written record of medical services given to each client;

- 3) have established procedures for obtaining appropriate aid in the event of a medical emergency; and
- 4) comply with all applicable staffing regulations.

In absence of specific laws or regulations addressing staffing requirements for Adult Day Care Centers, the following minimum staffing requirements must be met:

The center must employ (i) a full-time administrator/director, (ii) an activities coordinator, and (iii) an adequate number of direct care staff that are appropriately qualified and trained to provide the essential services of the center. There shall be a minimum of one direct care staff person for every eight center participants, with at least one direct care staff member certified in first aid and CPR on the premises during the center's hours of operation and on field trips. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

Signed for Us at Allentown, Pennsylvania.



President

AMENDATORY RIDER

This Amendatory Rider shall amend policy form series SR400 as follows:

- 1) The definitions for Nursing Facility and Assisted Living Facility in Section 1: Policy Benefit Provisions are amended to read as follows:

A Nursing Facility is a facility, or distinctly separate part of a hospital or other institution, which is engaged primarily in providing nursing care and related services to inpatients and which complies with all federal, state and local laws and regulations applicable to nursing facilities including, but not limited to, all licensing requirements. In addition, such facility shall:

- 1) provide 24 hour a day nursing services;
- 2) maintain clinical records for all patients;
- 3) have appropriate methods and procedures for handling and administering drugs and biological materials; and
- 4) comply with all applicable staffing, nursing hour, and/or awake and on duty requirements.

In the absence of specific laws or regulations addressing staffing requirements for nursing facilities, the following minimum staffing requirements must be met:

The facility must have licensed nursing and nursing assistant staff on duty 24 hours per day. The facility (i) must employ a full-time administrator/director and a full-time registered nurse who serves as the director of nursing (the Director of Nursing may not be the same person who serves as the facility administrator), (ii) must designate a licensed nurse to serve as a charge nurse on each shift, (iii) must have a medical director, either employed by the facility or under contract with the facility, and (iv) must have a contractual agreement with a pharmacy to provide resident medications. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

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An Assisted Living Facility is a facility engaged primarily in providing care to resident inpatients and which is in compliance with all federal, state and local laws and regulations applicable to assisted living facilities including, but not limited to, all licensing requirements. In addition, such a facility shall:

- 1) provide 24 hour a day care/assistance sufficient to meet the daily living needs of individuals with functional and/or cognitive deficiencies;
- 2) provide three meals a day and accommodates special dietary needs;
- 3) have the appropriate methods and procedures to provide necessary assistance to residents in the management of prescribed medications; and
- 4) comply with all applicable staffing, nursing hour, and /or awake and on duty requirements.

In the absence of specific laws or regulations addressing staffing requirements for assisted living facilities, the following minimum staffing requirements must be met:

The facility must employ (i) a full-time administrator/director, (ii) a director of nursing, either employed by the facility or under contract with the facility, who is available 24 hours a day and who is a Registered Nurse or supervised by a Registered Nurse or Medical Physician, and (iii) sufficient direct care staff adequately trained to meet the scheduled and unscheduled needs of the residents in accordance with their plans of care and to promote orderly operation of the facility. At least one direct care provider for every 15 residents must be on duty and present in the facility at all times, and such direct care provider shall have current CPR and first aid certification. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

This rider shall also amend rider form series SR450, if purchased, as follows:

- 2) The definition of Adult Day Care under the Adult Day Care Benefits section is amended to read as follows:

Adult Day Care Center is a facility which is established to provide Adult Day Care and which complies with all federal, state and local laws and regulations applicable to adult day care centers including, but not limited to all licensing requirements. In addition, such a facility shall:

- 1) operate at least five days per week for a minimum of five hours per day, but is not an overnight facility;
- 2) maintain a written record of medical services given to each client;
- 3) have established procedures for obtaining appropriate aid in the event of a medical emergency; and
- 4) comply with all applicable staffing regulations.

In absence of specific laws or regulations addressing staffing requirements for Adult Day Care Centers, the following minimum staffing requirements must be met:

The center must employ (i) a full-time administrator/director, (ii) an activities coordinator, and (iii) an adequate number of direct care staff that are appropriately qualified and trained to provide the essential services of the center. There shall be a minimum of one direct care staff person for every eight center participants, with at least one direct care staff member certified in first aid and CPR on the premises during the center's hours of operation and on field trips. In addition to the foregoing requirements, facility personnel shall at all times be sufficient in numbers and competent to implement evacuation and emergency management plans.

Signed for Us at Allentown, Pennsylvania.



President

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Rate Information

Rate data does NOT apply to filing.

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Supporting Document Schedules

Review Status:
Bypassed -Name: Application 11/20/2008
Bypass Reason: N/A
Comments:

Review Status:
Bypassed -Name: Health - Actuarial Justification 11/20/2008
Bypass Reason: N/A
Comments:

Review Status:
Bypassed -Name: Outline of Coverage 11/20/2008
Bypass Reason: N/A
Comments:

Review Status:
Bypassed -Name: LTC Partnership Certification 11/20/2008
Bypass Reason: N/A
Comments:

Review Status:
Satisfied -Name: Certification/Notice 11/20/2008
Comments:
Attachment:
 Certification of Compliance.PDF

Review Status:
Satisfied -Name: AR - READABILITY 11/20/2008
 CERTIFICATION
Comments:
Attachment:

SERFF Tracking Number: PNTX-125912789 *State:* Arkansas
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AR - READABILITY CERTIFICATION.PDF

PENN TREATY NETWORK AMERICA INSURANCE COMPANY
3440 Lehigh Street
Allentown, PA 18103

TO: Commissioner of Insurance
Arkansas Insurance Department

CERTIFICATION OF COMPLIANCE

I hereby certify that to the best of my knowledge, information, and belief, that the filing submission meets the provisions of Rule & Regulation 19 as well as the requirements of this Department.

November 19, 2008

Date

Certification (AR)



Signature

Karen A. McCloskey,

Asst. V.P., Product and Regulatory Compliance

Typed Name and Title

STATE OF ARKANSAS
READABILITY CERTIFICATION

COMPANY NAME: Penn Treaty Network America Insurance Company

This is to certify that the form(s) referenced below has achieved a Flesch Reading Ease Score as indicated below and complies with the requirements of Ark. Stat. Ann. Section 66-3251 through 66-3258, cited as the Life and Disability Insurance Policy Language Simplification Act.

Form Number	Score
AMEND-LIC-PF3-ALP2(Rev)	41.7
AMEND-LIC-IL5(Rev)	43.9
AMEND-LIC-SS(Rev)	42.1
AMEND-LIC-SR400(Rev)	41.1



Signed: _____
Name: Karen A. McCloskey
Title: Assistant Vice President, Product &
Regulatory Compliance
Date: 11/19/08 _____