

SERFF Tracking Number: LFCR-126175208 State: Arkansas
Filing Company: Berkshire Life Insurance Company of America State Tracking Number: 42570
Company Tracking Number: BG01D-PRT(06/04)-AR EX
TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.004 Partnership
Product Name: Care ProVider
Project Name/Number: /

Filing at a Glance

Company: Berkshire Life Insurance Company of America

Product Name: Care ProVider

TOI: LTC03I Individual Long Term Care

Sub-TOI: LTC03I.004 Partnership

Filing Type: Form

Implementation Date Requested: On Approval

State Filing Description:

SERFF Tr Num: LFCR-126175208 State: ArkansasLH

SERFF Status: Closed

Co Tr Num: BG01D-PRT(06/04)-AR State Status: Closed

EX

Co Status:

Authors: Smith Darlene, Trudy

Weigel

Date Submitted: 06/03/2009

Reviewer(s): Harris Shearer

Disposition Date: 06/22/2009

Disposition Status: Accepted For

Informational Purposes

Implementation Date:

General Information

Project Name:

Project Number:

Requested Filing Mode: Review & Approval

Explanation for Combination/Other:

Submission Type: New Submission

Overall Rate Impact:

Filing Status Changed: 06/22/2009

Deemer Date:

Filing Description:

RE: BERKSHIRE LIFE INSURANCE COMPANY OF AMERICA - NAIC # 71714

Informational Filing for Long Term Care Partnership forms and Certification Form to be used with policy BG01(06/04)-AR (previously approved on 4/28/04)

Berkshire Life Insurance Company of America will be notifying current eligible policyholders for policy BG01(06/04)-AR

SERFF Tracking Number: LFCR-126175208 State: Arkansas
Filing Company: Berkshire Life Insurance Company of America State Tracking Number: 42570
Company Tracking Number: BG01D-PRT(06/04)-AR EX
TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.004 Partnership
Product Name: Care ProVider
Project Name/Number: /

of the availability of the Arkansas Long Term Care Partnership Program policy for exchange purposes.

Forms BG01D-PRT(01/09)-AR, Important Information Regarding Your Policy's LTC Insurance Partnership Status and Form BG01N-PRT(01/09)-AR, Important Consumer Information Regarding the Arkansas LTC Insurance Partnership Program (both previously approved on 11/12/09) will be sent to each policyholder that has a BG01(06/04)-AR policy that qualifies for partnership policy in the state of Arkansas.

Also attached is the Arkansas Issuer Certification Form for policy form BG01(06/04)-AR (previously approved on 4/28/04), to certify that the policy qualify as partnership policy.

These policies are no longer being marketed or sold.

Sincerely,

Amy Ota
Compliance Analyst
(800) 366-5463 ext. 2324
Amy.Ota@LifeCareAssurance.com

Company and Contact

Filing Contact Information

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

Amy Ota, Compliance Analyst 2 amy.ota@lifecareassurance.com
P.O. Box 4243 (818) 867-2324 [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

SERFF Tracking Number: LFCR-126175208 State: Arkansas
Filing Company: Berkshire Life Insurance Company of America State Tracking Number: 42570
Company Tracking Number: BG01D-PRT(06/04)-AR EX
TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.004 Partnership
Product Name: Care ProVider
Project Name/Number: /

Long Term Care Administrative Office
P.O. Box 4243
Woodland Hills, CA 91365-4243
(818) 867-2450 ext. [Phone]

Group Code: 429
Group Name:
FEIN Number: 75-1277524

Company Type:
State ID Number:

SERFF Tracking Number: LFCR-126175208 State: Arkansas
Filing Company: Berkshire Life Insurance Company of America State Tracking Number: 42570
Company Tracking Number: BG01D-PRT(06/04)-AR EX
TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.004 Partnership
Product Name: Care ProVider
Project Name/Number: /

Filing Fees

Fee Required? No
Retaliatory? No
Fee Explanation:
Per Company: No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
Berkshire Life Insurance Company of America	\$0.00	06/03/2009	

SERFF Tracking Number: LFCR-126175208 State: Arkansas
Filing Company: Berkshire Life Insurance Company of America State Tracking Number: 42570
Company Tracking Number: BG01D-PRT(06/04)-AR EX
TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.004 Partnership
Product Name: Care ProVider
Project Name/Number: /

Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Accepted For Harris Shearer Informational Purposes		06/22/2009	06/22/2009

SERFF Tracking Number: LFCR-126175208 State: Arkansas
Filing Company: Berkshire Life Insurance Company of America State Tracking Number: 42570
Company Tracking Number: BG01D-PRT(06/04)-AR EX
TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.004 Partnership
Product Name: Care ProVider
Project Name/Number: /

Disposition

Disposition Date: 06/22/2009

Implementation Date:

Status: Accepted For Informational Purposes

Comment:

Rate data does NOT apply to filing.

SERFF Tracking Number: LFCR-126175208 State: Arkansas
 Filing Company: Berkshire Life Insurance Company of America State Tracking Number: 42570
 Company Tracking Number: BG01D-PRT(06/04)-AR EX
 TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.004 Partnership
 Product Name: Care ProVider
 Project Name/Number: /

Item Type	Item Name	Item Status	Public Access
Supporting Document	Flesch Certification		Yes
Supporting Document	Application		Yes
Supporting Document	Health - Actuarial Justification		Yes
Supporting Document	Outline of Coverage		Yes
Supporting Document	AR Issuer Certification Form		Yes
Supporting Document	BG01D-PRT(01/09)-AR		Yes
Supporting Document	BG01N-PRT(01/09)-AR		Yes

SERFF Tracking Number: LFCR-126175208 State: Arkansas
Filing Company: Berkshire Life Insurance Company of America State Tracking Number: 42570
Company Tracking Number: BG01D-PRT(06/04)-AR EX
TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.004 Partnership
Product Name: Care ProVider
Project Name/Number: /

Rate Information

Rate data does NOT apply to filing.

SERFF Tracking Number: LFCR-126175208 State: Arkansas
 Filing Company: Berkshire Life Insurance Company of America State Tracking Number: 42570
 Company Tracking Number: BG01D-PRT(06/04)-AR EX
 TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.004 Partnership
 Product Name: Care ProVider
 Project Name/Number: /

Supporting Document Schedules

Review Status:
Bypassed -Name: Flesch Certification 06/03/2009
Bypass Reason: N/A
Comments:

Review Status:
Bypassed -Name: Application 06/03/2009
Bypass Reason: N/A
Comments:

Review Status:
Bypassed -Name: Health - Actuarial Justification 06/03/2009
Bypass Reason: N/A
Comments:

Review Status:
Bypassed -Name: Outline of Coverage 06/03/2009
Bypass Reason: N/A
Comments:

Review Status:
Satisfied -Name: AR Issuer Certification Form 06/03/2009
Comments:
Attachment:
 AR Issuer Certification Form.pdf

Review Status:
Satisfied -Name: BG01D-PRT(01/09)-AR 06/03/2009
Comments:
Attachment:
 BG01D-PRT(01-09)-AR.pdf

SERFF Tracking Number: LFCR-126175208 State: Arkansas
Filing Company: Berkshire Life Insurance Company of America State Tracking Number: 42570
Company Tracking Number: BG01D-PRT(06/04)-AR EX
TOI: LTC03I Individual Long Term Care Sub-TOI: LTC03I.004 Partnership
Product Name: Care ProVider
Project Name/Number: /

Review Status:

Satisfied -Name: BG01N-PRT(01/09)-AR

06/03/2009

Comments:

Attachment:

BG01N-PRT(01-09)-AR.pdf

APPENDIX C
ISSUER CERTIFICATION FORM
(relating to Qualified State Long-Term Care Insurance Partnership)

In order to provide the Insurance Commissioner with information necessary to provide a certification for policies, this Issuer Certification Form requires information and a certification from issuers of long-term care insurance policies with respect to policy forms that may be covered under the Qualified Partnership of the State.

An insurance company may request certification of policies from time to time and, accordingly, may supplement this issuer certification form, *e.g.*, as it introduces new long-term care insurance policy forms for issuance.

I. GENERAL INFORMATION

A. Name, address and telephone number of issuer:

B. Name, address, telephone number, and email address (if available) of an employee of issuer who will be the contact person for information relating to this form:

C. Policy form number(s) (or other identifying information, such as certificate series) for policies covered by this Issuer Certification Form (expand the space below as required):

Specimen copies of each of the above policy forms, including any riders and endorsements, shall be provided upon request.

II. CERTIFICATIONS

- A.** I hereby certify that the policy forms listed above are in compliance with Rule 13 and Rule 94 and all other Arkansas statutes and rules regarding long-term care insurance.
- B.** I hereby certify to the best of my knowledge and belief that all producers who sell, solicit or negotiate long-term care insurance products on {insert issuer name's} behalf have received the training required for Partnership policies and that they demonstrate an understanding of the policies and their relationship to public and private long-term care coverage.
- C.** I hereby certify that the answers, accompanying documents, and other information set forth herein are, to the best of my knowledge and belief, true, correct, and complete.

Date

Name and title of officer of the Issuer

Signature of officer of the Issuer

Berkshire Life Insurance Company of America

Home Office: Pittsfield, Massachusetts
Long Term Care Administrative Office
Post Office Box 4243
Woodland Hills, CA 91365-4243
888-505-8743

**Important Information Regarding Your Policy's
Long-Term Care Insurance Partnership Status**

This disclosure notice is issued in conjunction with your long-term care policy:

Some long-term care insurance policies sold in Arkansas qualify for the Arkansas Long-Term Care Insurance Partnership Program. Insurance companies voluntarily agree to participate in the Partnership Program by offering long-term care insurance coverage that meets certain State and Federal requirements. Long-term care insurance policies that qualify as Partnership Policies may be entitled to special treatment, and in particular an "Asset Disregard," under Arkansas's Medicaid program.

Asset Disregard means that an amount of the policyholder's assets equal to the amount of long-term care insurance benefits received under a qualified Partnership Policy will be disregarded for the purpose of determining the insured's eligibility for Medicaid. This generally allows a person to keep assets equal to the insurance benefits received under a qualified Partnership Policy without affecting the person's eligibility for Medicaid. All other Medicaid eligibility criteria will apply. Asset Disregard is not available under a long-term care insurance policy that is not a Partnership Policy. **The purchase of a Partnership Policy does not automatically qualify you for Medicaid.**

Partnership Policy Status. Your long-term care insurance policy is intended to qualify as a Partnership Policy under the Arkansas Long-Term Care Partnership Program as of your Policy's effective date.

What Could Disqualify Your Policy as a Partnership Policy? If you make any changes to your policy, such changes could affect whether your policy continues to be a Partnership Policy. ***Before you make any changes, you should consult with Berkshire Life Insurance Company of America to determine the effect of a proposed change.*** In addition, if you move to a State that does not maintain a Partnership Program or does not recognize your policy as a Partnership Policy, you would not receive beneficial treatment of your policy under the Medicaid program of that State. The information contained in this Notice is based on current State and Federal laws. These laws may be subject to change. Any change in law could reduce or eliminate the beneficial treatment of your policy under Arkansas's Medicaid program.

Additional Information. If you have questions regarding your insurance policy please contact Berkshire Life Insurance Company of America. If you have questions regarding current laws governing Medicaid eligibility, you should contact the Arkansas Department of Human Services.

This form and all benefit statements received should be kept with your policy.

Berkshire Life Insurance Company of America

Home Office: Pittsfield, Massachusetts
Long Term Care Administrative Office
Post Office Box 4243
Woodland Hills, CA 91365-4243
888-505-8743

Important Consumer Information Regarding the Arkansas Long-Term Care Insurance Partnership Program

Some long-term care insurance policies sold in Arkansas may qualify for the Arkansas Long-Term Care Insurance Partnership Program (the Partnership Program). The Partnership Program is a partnership between state government and private insurance companies to assist individuals in planning their long-term care needs. Insurance companies voluntarily agree to participate in the Partnership Program by offering long-term care insurance coverage that meets certain State and Federal requirements. Long-term care insurance policies that qualify as Partnership Policies may protect the policyholder's assets through a feature known as "Asset Disregard" under Arkansas Medicaid program.

Asset Disregard means that an amount of the policyholder's assets equal to the amount of long-term care insurance benefits received under a qualified Partnership Policy will be disregarded for the purpose of determining the insured's eligibility for Medicaid. This generally allows a person to keep assets equal to the insurance benefits received under a qualified Partnership Policy without affecting the person's eligibility for Medicaid. All other Medicaid eligibility criteria will apply. Asset Disregard is not available under a long-term care insurance policy that is not a Partnership Policy. Therefore, you should consider whether Asset Disregard is important to you, and whether a Partnership Policy meets your needs. *The purchase of a Partnership Policy does not automatically qualify you for Medicaid.*

What are the Requirements for a Partnership Policy. In order for a policy to qualify as a Partnership Policy, it must, among other requirements:

- be issued to an individual after January 1, 2008;
- cover an individual who was an Arkansas resident when coverage first becomes effective under the policy;
- be a tax-qualified policy under Section 7702(B)(b) of the Internal Revenue Code of 1986;
- meet stringent consumer protection standards; and,
- must provide annual inflation protection for ages 75 and younger.

If you apply and are approved for long-term care insurance coverage, Berkshire Life Insurance Company of America will provide you with written documentation as to whether your policy qualifies as a Partnership Policy.

What Could Disqualify a Policy as a Partnership Policy? Certain types of changes to a Partnership Policy could affect whether such policy continues to be a Partnership Policy. If you purchase a Partnership Policy and later decide to make *any* changes, you should first consult with Berkshire Life Insurance Company of America to determine the effect of a proposed change. In addition, if you move to a state that does not maintain a Partnership Program or does not recognize your policy as a Partnership Policy, you would not receive beneficial treatment of your policy under the Medicaid program of that state. The information contained in this disclosure is based on current Arkansas and Federal laws. These laws may be subject to change. Any change in law could reduce or eliminate the beneficial treatment of your policy under Arkansas's Medicaid program.

Additional Information. If you have questions regarding long-term care insurance policies please contact Berkshire Life Insurance Company of America. If you have questions regarding current laws governing Medicaid eligibility, you should contact the Arkansas Department of Human Services.