



OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER

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BEFORE THE COMMISSIONER OF INSURANCE

STATE OF GEORGIA

NOTICE OF INTENT TO ADOPT RULE CHANGES AND NOTICE OF HEARING

Notice is hereby given pursuant to the Georgia Administrative Procedure Act, O.C.G.A. Sections 50-13-3, 50-13-4 and 50-13-6, 50-13-21 and O.C.G.A. Section 33-2-9 of the proposal by the Commissioner of Insurance to amend the Rules and Regulations of the Office of Commissioner of Insurance.

The Rules and Regulations of the Office of Commissioner of Insurance are proposed to be amended by the following actions:

--Repeal Current Regulation Chapter 120-2-16 entitled "Long Term Care Insurance" in its entirety.

--Adopt new Regulation Chapter 120-2-16 entitled "Long Term Care Insurance."

A copy of the proposed new Chapter 120-2-16 attached hereto and made a part hereof by reference.

The new Regulation (Regulation Chapter 120-2-16) is necessary: 1) To adopt necessary changes in Georgia Long Term Care Insurance Rules which are consistent with NAIC Long Term Care Model Law and NAIC Long Term Care Model Rules and Regulations, as required under the Federal Deficit Reduction Act and Long Term Care Partnership efforts advanced by the Georgia Department of Medical Assistance through changes in Georgia law at O.C.G.A. Section 49-4-164(b); 2) To coordinate and clarify relationships between the separate, respective state Agencies of Office of Commissioner of Insurance, and the Georgia Department of Medical Assistance as they relate to the approval and regulation of: a) Long Term Care Insurance, Insurers

and Agents by the Office of Commissioner of Insurance; and b) The potential for Georgians to acquire Long Term Care Insurance Policies that may qualify for future, enhanced Asset Disregard through benefits received under qualified Long Term Care Partnership Policies as part of a consumer's Medicaid qualification in this state as regulated by the Georgia Department of Medical Assistance; 3) To modernize Georgia regulation of Long Term Care Insurance policies consistent with recent changes in definitions of Long Term Care Insurance under Georgia law at O.C.G.A. Section 33-42-4. The adoption of a new definition of Long Term Care Insurance which allows a one-year benefit period will make many new Long Term Care Policies potentially available for sale in Georgia at substantially lower premiums; and, 4) To bring Georgia Long Term Care Insurance Rules in line with prevailing national standards, regardless of whether such Long Term Care Insurance Policies are purchased by Georgia consumers with any intention of future qualification for the implications of Long Term Care Partnership and future Medicaid qualification.

The aforesaid proposal, which is being forwarded to the Attorney General for approval as to legality pursuant to O.C.G.A. Section 33-2-9, is now on file in the Administrative Procedure Division of the Office of Commissioner of Insurance, 612 West Tower, Floyd Building, Two Martin Luther King, Jr. Drive, Atlanta, Georgia 30334, and are hereby declared to be a public record as follows:

Proposed new Regulation Chapter 120-2-16 entitled "Long Term Care Insurance": Docket Number I-07-R-006.

Interested persons may participate in the proposed rulemaking process by submitting their written comments to **Fred Meyer, Administrative Procedure Division, Office of Commissioner of Insurance, 612 West Tower, Floyd Building, Two Martin Luther King, Jr. Drive, Atlanta, Georgia 30334. All comments must be received by the Administrative Procedure Division by 4:30 P.M. on Monday, January 28, 2008.** Interested persons may also participate in the proposed rulemaking by submitting oral comments on Regulation Chapter 120-2-16 at a hearing to be held at **10:00 A.M. on Tuesday, January 29, 2008, in the Hearing Room of the Office of Commissioner of Insurance, Seventh Floor, West Tower, Floyd Building, Two Martin Luther King, Jr. Drive, Atlanta, Georgia 30334.**

Oral presentations at the hearing will be limited to five (5) minutes per person in order to afford all interested persons an opportunity to be heard. If you have a physical impairment and require assistance or have any questions regarding this notice, please contact Fred Meyer.

Based upon full consideration of all written and oral comments regarding the above matters, the Commissioner of Insurance may reject or adopt the proposed rule or may make changes to the proposed rules which may or may not require another rulemaking hearing.

Given under my Hand and Official Seal this 17th day of December, 2007.



JOHN W. OXENDINE
COMMISSIONER OF INSURANCE
STATE OF GEORGIA

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