

Department of Legislative Services
2014 Session

FISCAL AND POLICY NOTE

House Bill 778
Ways and Means

(Delegate Hubbard, *et al.*)

Income Tax - Credit for Long-Term Care Premiums

This bill alters the existing one-time long-term care insurance income tax credit by allowing the credit to be claimed for every year a policy is in force. In tax years 2015 and 2016, individuals can claim a maximum credit of \$250 for each year the policy is in effect; the maximum amount in each year is increased to \$500 beginning in tax year 2017. The changes in the credit are only applicable to policies issued after December 31, 2014. The Maryland Insurance Administration (MIA) is required by December 1, 2014, to conduct a statewide public awareness campaign about the benefits of purchasing and maintaining long-term care insurance.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: General fund revenues increase by \$1.2 million in FY 2016, which reflects a net decrease in the amount of credits claimed as a result of decreasing the value of the credit in the first tax year. General fund revenues decrease beginning in FY 2017 reflecting additional losses from allowing the credit to be claimed in successive years and increases in the value of the credit specified by the bill. General fund expenditures increase by up to \$50,000 at MIA in order to conduct the public awareness campaign.

(\$ in millions)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
GF Revenue	\$0	\$1.2	(\$0.4)	(\$3.5)	(\$6.4)
GF Expenditure	\$0.1	\$0	\$0	\$0	\$0
Net Effect	(\$0.1)	\$1.2	(\$0.4)	(\$3.5)	(\$6.4)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Chapter 242 of 2000 allows taxpayers to claim a credit against the State income tax for no more than \$500 of the eligible premiums paid for long-term care insurance for coverage of the individual or the individual's spouse, parent, stepparent, child, or stepchild. The credit may not be claimed by more than one taxpayer with respect to the same insured individual and can only be claimed on behalf of a State resident. In addition, the credit may not be claimed with respect to an insured individual if (1) the insured individual was covered by long-term care insurance at any time before July 1, 2000, or (2) the credit has been claimed by any taxpayer for any individual's long-term care insurance policy in any prior taxable year. Any unused amount of the credit may not be carried forward to any other tax year.

Eligible long-term care premiums are as defined under Section 213 (d)(10) of the Internal Revenue Code (IRC). The maximum premium amounts under federal guidelines for tax year 2013, based on the age of the insured, are \$360 for age 40 or younger, \$680 for ages 41 to 50, \$1,360 for ages 51 to 60, \$3,640 for ages 61 to 70, and \$4,550 for ages 71 and over. These amounts are indexed according to the annual increase in the medical component of the Consumer Price Index for all urban consumers.

In addition to the State income tax credit, the federal Health Insurance Portability and Accountability Act of 1996 established favorable tax treatment for long-term care insurance similar to that granted to accident and health insurance premiums. Employee-paid premiums are treated as unreimbursed medical expenses that are potentially deductible from income along with other unreimbursed medical expenses. As such, if an individual itemizes deductions, the premiums are deductible to the extent that the individual's uncompensated medical expenses exceed 7.5% of the individual's adjusted gross income. The deduction is subject to the annual limitations described in Section 213 (d)(10) of the IRC.

In addition, Chapter 7 of 1998 created a tax credit equal to 5% of an employer's cost for providing long-term care insurance benefits to employees. The credit is capped at \$5,000 or \$100 per employee covered. This credit may be used by an employer against the public service company franchise tax, the insurance premium tax, or individual and corporate income taxes.

Background: Long-term care typically provides for the medical, social, personal, and supportive services needed by people who have lost some capacity for self-care because of a chronic illness or condition. This includes services provided by nursing homes, hospices, and at-home care but does not include medical care for acute conditions. The population of long-term care recipients includes the elderly, the functionally and developmentally disabled, and individuals suffering from mental disorders such as dementia and Alzheimer's.

Due to the aging of the population, long-term care utilization is expected to increase significantly in the near future. The Kaiser Commission on Medicaid and the Uninsured estimated that of the \$169 billion in long-term care spending in 2005, a little less than three-quarters was for nursing home expenditures. A recent University of Pennsylvania study noted that the heavy burden on governments to finance long-term care has prompted proposals to make long-term care more affordable through tax incentives. The study concluded that the effectiveness of these proposals in stimulating long-term care insurance depended on the availability of Medicaid and the price elasticity of the insurance. The study concluded that subsidies had a modest impact on increasing the total number of policies purchased; reducing the cost of insurance by one-half was estimated to increase the number of long-term care insurance policies by less than 5%.

Chapter 242 of 2000 established a one-time \$500 tax credit for the purchase of new long-term care insurance policies in an attempt to promote purchases of these policies. The number of returns claiming the credit and the number and amount of credits claimed are listed in **Exhibit 1**.

Exhibit 1
Long-term Care Insurance Tax Credits
2000-2012

<u>Tax Year</u>	<u>Returns</u>	<u>Credits</u>	<u>Amount Claimed</u> <u>(\$ in Millions)</u>	<u>Average Credit</u> <u>Claimed</u>
2000	2,537	3,658	\$1.6	\$442
2001	5,185	7,032	3.0	433
2002	8,691	12,367	5.1	409
2003	12,756	18,964	8.4	445
2004	6,221	10,238	4.5	442
2005	8,470	11,751	5.3	447
2006	6,192	8,210	3.6	440
2007	6,089	7,778	3.3	431
2008	5,172	6,735	2.9	426
2009	5,081	6,527	2.7	421
2010	5,098	6,546	2.8	428
2011	5,729	7,527	3.3	437
2012	5,014	6,553	2.9	442
Total	82,235	113,886	\$49.4	\$434

In addition to reporting data on the amount of credits claimed in each year, Chapter 242 also required the Comptroller's Office to report the savings under the State medical assistance program as a result of additional individuals being covered by long-term insurance as a result of the credit. The report states that although the additional number of individuals who are covered by insurance as a result of the credit is unknown, little if any savings to the State are likely at this point.

State Revenues: The bill alters the existing tax credit in tax years 2015 and 2016 by allowing individuals to claim a maximum credit of \$250 for each year the policy is in effect and not just \$500 in the first tax year as provided under current law. Beginning in tax year 2017, a taxpayer may claim a maximum credit of \$500 for every year the policy is in effect. These changes are applicable to individuals who were not covered by long-term care insurance at any time before January 1, 2015. As a result, general fund revenues will increase by an estimated \$1.2 million in fiscal 2016. State revenues will decrease beginning in fiscal 2017 as revenue losses from allowing the credit to be claimed in each year the policy is in effect are greater than revenue gains resulting from the decrease in the value of the credit in the first year. This estimate is based on the following facts and assumptions:

- It is estimated that, under current law, a total of \$2.9 million in credits will be claimed annually beginning in tax year 2015.
- An average credit of \$437 was claimed in tax year 2011 – it is assumed that the maximum credit of \$250 will be claimed in tax years 2015 and 2016 and the average amount of the credit thereafter.
- The price elasticity of long-term insurance policies is estimated to be -0.1.
- The estimated number of policies in force in successive years is based on the renewal rates of long-term care insurance policies as reported by the Society of Actuaries.

State Expenditures: The bill requires MIA to conduct by December 1, 2014, a statewide public awareness campaign about the benefits of purchasing and maintaining long-term care insurance. MIA estimates that conducting the campaign will increase general fund expenditures in fiscal 2015 by between \$25,000 and \$50,000.

Additional Information

Prior Introductions: Similar bills were introduced in the 2010 through 2013 sessions. SB 23 of 2013 and SB 35 of 2012 received a hearing in the Senate Budget and Taxation Committee, but no further action was taken. The cross files, HB 578 of 2013 and HB 347 of 2012, received a hearing in the House Ways and Means Committee, but no further action was taken. SB 618 and SB 703 of 2011 received a hearing in the Senate Budget and Taxation Committee, but no further action was taken. HB 562 of 2011 and HB 382 of 2010 received a hearing in the House Ways and Means Committee, but no further action was taken. The cross file of HB 382 of 2010, SB 460, received a hearing in the Senate Budget and Taxation Committee, but no further action was taken.

Cross File: None listed, although SB 478 is identical.

Information Source(s): Comptroller's Office, Internal Revenue Service, Kaiser Commission on Medicaid and the Uninsured, Maryland Insurance Administration, Society of Actuaries, University of Pennsylvania, Department of Legislative Services

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