

Chapter 107

(Senate Bill 46)

AN ACT concerning

Long-Term Care Insurance – Contingent Benefit Upon Lapse – Application

FOR the purpose of altering the application of certain provisions of law requiring a carrier to provide to an insured under a policy or contract of long-term care insurance a certain contingent benefit upon lapse under certain circumstances by applying the provisions only to certain policies or contracts issued before a certain date; and generally relating to long-term care insurance.

BY repealing and reenacting, with amendments,
 Article – Insurance
 Section 18–116.1
 Annotated Code of Maryland
 (2017 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Insurance

18–116.1.

(A) THIS SECTION APPLIES ONLY TO POLICIES OR CONTRACTS OF LONG-TERM CARE INSURANCE ISSUED OR DELIVERED IN THE STATE BEFORE APRIL 1, 2003, FOR WHICH RATE INCREASE FILINGS HAVE BEEN APPROVED BY THE COMMISSIONER ON OR AFTER ~~OCTOBER 1, 2019~~ JUNE 1, 2019.

[(a)] (B) Subject to subsection **[(b)] (C)** of this section, a carrier shall provide to an insured under a policy or contract of long-term care insurance a contingent benefit upon lapse if:

- (1) the carrier increases the premium rate for the insured;
- (2) the insured has maintained the policy or contract of long-term care insurance through the carrier for at least 20 years; and
- (3) the insured terminates the policy or contract of long-term care insurance within 120 days after the date the premium rate increase becomes effective for the policy or contract of long-term care insurance maintained by the insured.

[(a)] (B) **[(b)] (C)** (1) The contingent benefit upon lapse required under subsection **[(a)] (B)** of this section shall be a paid-up coverage:

(i) with no additional premiums due; and

(ii) with a reduced lifetime maximum benefit equal to the sum of all premiums paid minus any claims paid.

(2) Except for the maximum lifetime benefit calculated in accordance with paragraph (1) of this subsection, all other benefits of the policy or contract of long-term care insurance in effect on the date of the lapse of the policy or contract shall remain unchanged and may not be increased after the date of the lapse of the policy or contract.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2019~~ June 1, 2019.

Approved by the Governor, April 18, 2019.