

ADOPTION SECTION

**INSURANCE**

**DEPARTMENT OF BANKING AND INSURANCE**

**DIVISION OF INSURANCE**

**Notice of Administrative Correction**

**Actuarial Services**

**Long-Term Care Insurance**

**Policy Practices and Provisions**

**N.J.A.C. 11:4-34.4**

**Take notice** that the Department of Banking and Insurance discovered an error in N.J.A.C. 11:4-34.4. N.J.A.C. 11:4-34 was adopted as new rules, effective December 19, 2005. As proposed and adopted, N.J.A.C. 11:4-34.4(f) included paragraphs (f)1 and 2. See 36 N.J.R. 5195(a) and R.2005 d.422. However, due to an error in the publication of the notice of adoption (see 37 N.J.R. 5014(b)), the text of N.J.A.C. 11:4-34.4(f)1 and 2 was omitted from the notice. The omission of the two paragraphs continued into the Administrative Code through the 12-19-05 Code update. Through this notice, published pursuant to N.J.A.C. 1:30-2.7, the omission of the paragraphs is corrected.

**Full text** of the corrected rule follows (addition indicated in boldface **thus**):

11:4-34.4 Policy practices and provisions

(a)-(e) (No change.)

(f) The purchase of additional coverage shall not be considered a premium rate increase, but for purposes of the calculation required under N.J.A.C. 11:4-34.24, the portion of the premium attributable to the additional coverage shall be added to and considered part of the

initial annual premium. A reduction in benefits shall not be considered a premium change, but for purposes of the calculation required under N.J.A.C. 11:4-34.24, the initial annual premium shall be based on the reduced benefits. The premium charged to an insured shall not increase due to either:

- 1. The increasing age of the insured at ages beyond 65; or**
- 2. The duration the insured has been covered under the policy.**

(g)-(j) (No change.)