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Long-Term Care Partnership Monthly Training Update

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Greetings, everyone! We hope your holiday season was joyous, and we wish you an excellent 2010!

In this new year, more change will be coming to the long-term care field. While health care reform focuses primarily on medical care and health insurance, it will have a significant impact on our industry. In this issue, we offer an overview of the component of reform that will have the greatest effect on those selling long-term care insurance—the CLASS Act, which will establish a federally sponsored LTCI program.

We would also like to remind agents that, after you have completed your initial LTCI training, in most states you must take ongoing training every two years. AHIP's course has been approved by states as meeting this requirement, and it is available on our website (<http://www.ltcpartnershipsonline.com/>) and in a classroom setting (contact Scott Rice at srice@ahip.org).

Finally, as always we provide you with updated information on the LTCI training requirements in all 50 states. We call your attention to recent developments in Iowa, Louisiana, Maine, and New Hampshire.

IMPORTANT NOTE: States are currently developing and implementing their long-term care partnership programs and LTCI training requirements, and rules and regulations are in flux. The information in this newsletter is based on state-issued documents and





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informal communication with state personnel. It is current as of January 15, 2010, and subject to change.

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Health Care Reform and Long-Term Care—the CLASS Act

After nearly a year of debate, the House of Representatives and the Senate have passed health care reform bills. While changes will no doubt be made during the final stages of the legislative process, the main outlines of the sections affecting long-term care have become clear. We offer here a broad summary of the provision that will have the greatest impact on LTCI producers—the CLASS Act. (But we emphasize that this is only an overview—the information is not comprehensive and is still tentative pending final enactment of a bill.)

The **CLASS Act (Community Living Assistance, Services, and Supports Act)**, part of both the Senate and House bills) will establish a new federally sponsored long-term care insurance program in 2011. Participation will be voluntary, and premiums will be charged. Benefits will be relatively small and are designed to help pay for limited home care services, not extensive home health care or nursing home care.

The CLASS program will be funded entirely with the premiums paid by those who choose to enroll, not tax dollars. It is best thought of not as a government benefit program (like Medicare), but rather as government-administered insurance.

Enrollment

The CLASS program will be available to actively-at-work people (not retirees, disabled persons, or anyone else not working a minimal number of hours) who choose to enroll and pay the premium. Coverage will be administered by the federal government, but it

will be offered through employers that choose to participate. It will also be offered directly by the government to those whose employers do not participate or (in the House bill) who are self-employed.

There is no underwriting, and all actively-at-work persons who apply will be accepted. But there is a five-year vesting period—no benefits are paid during the first five years of enrollment. (This is designed to prevent people from enrolling only when they begin to need long-term care or have reason to believe they will need it soon.) If a person leaves the program and later reenrolls, if she had been enrolled for two years or more this time counts in her five-year vesting period; but if she was enrolled for less than two years, she must start again from zero.

Benefits

Benefit triggers will be similar to those of a private-sector LTCI policy—the inability to perform activities of daily living (ADLs) or a severe cognitive impairment. Benefits will continue as long as the insured meets a benefit trigger. This differs from most LTCI policies, which pay benefits only until a lifetime maximum amount is reached.

The benefit will be at least \$50 per day, and there may be a \$75 daily benefit for those with a greater degree of impairment. As noted, the benefit is intended to pay for some assistance with ADLs, transportation, and other home and community-based services. The benefit amount is not sufficient to cover extensive home health care or facility care (although it could be used to pay for a portion of such expenses).

Premiums

Participants will be charged premiums, which will fully fund the program. The U.S. Department of Health and Human Services will be responsible for designing a benefit package and setting premiums that will make the program actuarially sound and ensure a 75-year solvency.

The premium amount will be based on the insured's age when she enrolls. Estimates vary, but a recent one projects \$123 per month for a 50-year-old, with older insureds paying more and younger people less. Premium rates may be increased if necessary to maintain the solvency of the program.

Training Deadlines

A reminder of a recent deadline for completion of initial training:

- December 31, 2009—Alabama*

And some upcoming deadlines:

- March 31, 2010—Vermont (new agents only)
- July 1, 2010—Kansas, West Virginia*, and Wyoming

* Asterisk indicates that the deadline is for existing LTCI agents; new agents in these states have to complete the initial training before selling policies. For details see state reports below.

For information on when the ongoing training must be completed for different states, see the chart at the end of this newsletter.

State Reports

Note: California, Connecticut, Indiana, and New York have had long-term care partnership programs in operation for several years and are often referred to as the "original partnership" states. These programs are in many ways different from the new partnerships currently being established in other states in response to the federal Deficit Reduction Act (DRA) of 2005. Their training requirements do not follow the NAIC model created to implement the DRA and adopted by most new partnership states. Therefore, agents who take training based on the NAIC model will not meet the requirements of the four original states, and those who take partnership training in one of the original states will not meet the requirements of the new states. (However, a few new partnership states may accept the training of an original partnership state—when in doubt, check with the new state.)

Check With Your Carrier!

We would like to remind agents that some states do not review and approve courses as meeting their LTCI/LTC partnership training requirements. In these states, it is up to the carrier to decide whether a course fulfills the state requirements. And in all states, carriers must track agents' completion of the required training. So in seeking to meet state training

requirements, always check with the carrier or carriers you represent.

Alabama. All LTCI agents must complete an eight-hour initial training course. The course must be based on the NAIC model (no state-specific content required) and approved by the state for long-term care CE credits. Courses approved for general CE do not fulfill this requirement, even if they address long-term care and have "long-term care" in the title. (AHIP's course is approved for LTC and fulfills the requirement.) Agents already licensed for LTCI before March 1, 2009, had until December 31, 2009, to complete the initial training; as of January 1, 2010, all agents must complete the initial training before selling LTCI.

Agents are also required to complete four hours of ongoing training for every 24-month license renewal period beginning in 2010. This means that during the first renewal period an agent may have to take both the initial and the ongoing training (12 hours total). For example: Beth renewed her license in May (her birth month) of 2008 and must renew it again in May 2010. She had to complete the initial training by December 31, 2009, and she must complete the ongoing training by May 2010, for a total of 12 hours this renewal period. But when she renews in May 2012, she will have to take only a four-hour ongoing course.

Alaska. No action to establish an LTC partnership has been reported. To sell LTCI, an agent must be licensed to sell health insurance—there are no training requirements specific to LTCI.

Arizona. All LTCI producers must complete eight hours of initial training based on the NAIC model before selling LTCI. Producers must also complete four hours of ongoing training during each 24-month period beginning July 1, 2009, after the 24-month period in which they completed the initial training.

Arkansas. All LTCI agents must complete eight hours of initial training before selling LTCI. The content of this training is based on the NAIC model plus a state-issued supplement on the Arkansas partnership and Medicaid programs. Agents must also complete four hours of ongoing training during every 24-month license renewal period after the period in which they completed the initial training.

California is one of the original partnership states

(see note above). Before selling partnership policies, agents must complete eight hours of general long-term care training and eight hours of training specific to the California LTC partnership. The partnership-specific training must be received in a classroom setting. In addition, eight hours of ongoing classroom partnership training must be taken during every two-year license approval period.

Colorado. All resident LTCL agents must complete 16 hours of initial training before selling LTCL. This training must include the topics of the NAIC model plus substantial additional content, as stipulated by the state. Eight hours must cover long-term care and long-term care insurance and can be classroom, self-study, or Internet-based; the other eight hours must focus on partnership and must be classroom training. Agents must also complete five hours of ongoing training (classroom only), including state-specific content, during every 24-month CE period after the period in which they completed the initial training.

Nonresident agents can sell LTCL (including partnership policies) in Colorado without fulfilling the above requirements (for both initial and ongoing training) if all of the following conditions are met:

- Their home state has an LTC partnership.
- They meet their home state's training requirements for partnership policies (even if the state requires less than 16 hours or its rules otherwise differ from Colorado's).
- They hold a Colorado nonresident license for life insurance or accident and health insurance.

If a nonresident agent's home state does not have a partnership, the agent must fulfill Colorado's requirements, even if she meets the home state's requirements for nonpartnership LTCL. If the home state has a partnership but the agent meets the training requirements only for nonpartnership LTCL policies, she must fulfill Colorado's requirements.

Connecticut is one of the original partnership states (see note above). To sell partnership policies, an agent must complete first a prerequisite online course approved by the partnership program and then four hours of classroom instruction conducted by partnership program staff.

Delaware. No action to establish an LTC partnership has been reported. To sell LTCL, an agent must meet

the training requirements for a health insurance license and also, every two years, complete a three-hour course in LTCl approved by the state.

District of Columbia. No action to establish an LTC partnership or new LTCl training requirements has been reported. Currently there are no training requirements specific to LTCl—an agent must simply be licensed to sell life and health insurance.

Florida. Agents must complete eight hours of initial training based on the NAIC model before selling LTCl policies. LTCl agents must also complete four hours of ongoing training every 24 months, beginning on the date they completed the initial training.

Georgia. Agents intending to sell partnership policies (not all LTCl agents) must complete initial training before selling. The initial training consists of the NAIC model plus two hours of state-specific content, for a total of eight hours. Georgia resident agents who have already taken the training required to sell partnership policies in another state may receive up to six hours credit for that training and need to take only the two hours of Georgia-specific training. Nonresident agents who are qualified to sell partnership policies in their home state need to take only the Georgia-specific training.

Agents selling partnership policies must also take four hours of ongoing training during every two-year license renewal period, which runs from January 1 to January 1. The first ongoing training must be completed by the second January 1 after completion of the initial training. To give some examples: Mary completed the initial training on October 14, 2008; she had until January 1, 2010, to complete the first ongoing training. Bob completes the initial training on February 6, 2009; he has until January 1, 2011.

Hawaii. In 2007 the legislature passed a bill requiring all LTCl producers to complete eight hours of training based on the NAIC model. But this requirement will not go into effect until the state's partnership program is established, and it is unclear when that might happen—a partnership bill failed to pass in the 2008 and 2009 legislative sessions but may be reintroduced in 2010. The bottom line for producers: There are no partnership training requirements in effect at this time; there will be no such requirements until the partnership is established; and when that occurs, producers will have one year from that date to

complete the training.

Idaho. All LTCI agents must complete eight hours of initial training based on the NAIC model before selling LTCI products. They must also take four hours of ongoing training during every 24-month license renewal period after the period in which they completed the initial training.

Illinois. All LTCI agents must complete course 25008. To be approved by the state as 25008, a course must cover the NAIC content and provide at least eight hours of instruction. (AHIP's NAIC Model Course is approved.) Agents must also complete four CE credits in long-term care during each 24-month license renewal period after the period in which they completed the initial training.

Indiana is one of the original partnership states (see note above). To sell LTCI, agents must take eight hours of initial training and five hours of ongoing training every two years. To sell partnership policies, agents must also take seven hours of partnership training (classroom only). Agents licensed in another state are exempt from the general LTCI requirement, but to sell partnership policies they must receive the seven hours of Indiana partnership training.

Iowa. Under a new rule, as of January 1, 2010, all agents must complete eight hours of initial training in LTCI, LTC partnerships, and Medicaid before selling LTCI. They must also take four hours of ongoing training during each three-year CE term. Previously the state required only four hours of initial training, and agents who completed this in 2008 or 2009 can fulfill the new requirement by taking an additional four hours. Training must generally be taken in a classroom setting, but some self-study and online courses have been approved.

Kansas. Effective July 1, 2010, agents selling partnership policies (not all LTCI agents) must complete four hours of initial training. Partnership agents must also take one hour of ongoing training during every two-year license renewal period after the period in which they completed the initial training. In both cases, courses must be certified for partnership training by the Commissioner of Insurance.

Kentucky. Agents intending to sell partnership policies (not all LTCI agents) must complete eight hours of initial training before selling. This initial training must cover the topics of the NAIC model as well as certain

Kentucky-specific content stipulated by the state. Agents selling partnership products must also take four hours of ongoing training during each 24-month license renewal period after the period in which they completed the initial training. Note that although the state requires only agents selling partnership policies to receive this training, it is expected that many carriers will require all agents to take it. Nonresident agents who meet the partnership training requirements of their home state will not be required to meet Kentucky's requirements.

Louisiana. The federal government has approved (effective October 1, 2009) Louisiana's state plan amendment (SPA) establishing an LTC partnership. LTCI agents must be licensed to sell accident and health insurance, and under the rules of the partnership, carriers must ensure that their agents selling partnership policies receive training and demonstrate an understanding of partnership policies and their relationship to public and private LTC coverage, as required by the federal Deficit Reduction Act (DRA). More specific training requirements regarding number of hours and other matters are expected to be issued in the coming year.

Maine. All LTCI agents must complete eight hours of initial training based on the NAIC model before selling LTCI. An agent must also take four hours of ongoing training during every 24-month period beginning on the date he or she completed the initial training. On November 10, 2009, the federal government approved (effective July 1, 2009) Maine's state plan amendment (SPA) establishing an LTC partnership, and the state has issued regulations implementing the program and setting rules for it. These do not affect the training requirement.

Maryland. All LTCI agents must complete eight hours of initial training based on the NAIC model before selling LTCI. An agent must also take four hours of ongoing training during every 24-month period beginning on the date he or she completed the initial training.

Massachusetts. Currently, there are no training requirements specific to LTCI; the only requirement is that LTCI agents be licensed to sell accident and sickness insurance and meet continuing education requirements for accident and sickness. However, carriers are required to provide agents selling LTCI with training in the product. Also, bills are before the legislature that would institute the NAIC LTCI training

model (eight hours of initial training and four hours of ongoing training every 24 months) and also possibly establish an LTC partnership, and legislation in this area may be enacted this year.

Michigan. The federal Centers for Medicare and Medicaid Services (CMS) and the state are discussing issues involving Medicaid estate recovery, and this matter must be resolved before Michigan's partnership program can be approved and related training requirements issued. Progress continues to be made, but final resolution has not yet been reached.

Minnesota requires resident agents to take a state-specific course before selling LTCI. It is eight hours and is based on the NAIC model, but state-specific information must be incorporated into the course (unlike in other states, where it can be added as a supplement). Nonresident agents can qualify to sell LTCI by taking an eight-hour NAIC model course in another state plus Minnesota-specific content. Agents must also take four hours of ongoing training (including state-specific content) every 24 months, beginning on the date the agent completed the initial training.

Mississippi. No action to establish an LTC partnership or new LTCI training requirements has been reported. Currently there are no training requirements specific to LTCI—an agent must simply be licensed to sell life, accident, and health insurance.

Missouri. Before selling partnership policies, agents must complete eight hours of initial training based on the NAIC model. (State-specific content is not required, although the state strongly recommends that agents familiarize themselves with Missouri's Medicaid and partnership programs, and AHIP's course includes material on this.) Agents must also take four hours of ongoing training during every 24-month license renewal/CE period after the period in which they completed the initial training. (These requirements do not apply to LTCI agents not selling partnership products.)

Montana. All LTCI agents must take eight hours of initial training based on the NAIC model before selling LTCI. Agents must also complete four hours of ongoing training every 24 months beginning July 1, 2008.

Nebraska. All LTCI agents must complete eight hours

of initial training before selling LTCI. This initial training consists of the NAIC model plus state-specific information. Agents must also take four hours of ongoing training during every 24-month license renewal period after the period in which they completed the initial training.

Nevada. The state has not and does not plan to issue specific partnership training requirements, such as minimum hours, topics to be covered, or deadlines, and it does not approve courses as fulfilling such requirements. Rather, the state requires insurers to certify that agents selling partnership policies meet the training standard of the federal Deficit Reduction Act (DRA)—that is, that they have "received training and demonstrated evidence of an understanding of the partnership policies and their relationship to public and private coverage of long-term care." It is up to insurers to decide whether a course meets this standard, and consequently Nevada agents should consult with the carriers they represent and fulfill the training requirements of those companies. (However, the state does approve LTCI courses for CE credits.)

New Hampshire has received federal approval of its LTC partnership program. Related state rules have been drafted, and final approval is expected by the end of February 2010. These include proposed (but not final) training requirements under which producers selling partnership policies (not all LTCI producers) will have to complete eight hours of initial training based on the NAIC model before beginning to sell. Partnership producers will also have to take four hours of ongoing training every two years. We emphasize that these requirements are not yet final and subject to change.

New Jersey. All LTCI agents must complete eight hours of initial training based on the NAIC model. Agents must also take four hours of ongoing training every 24 months. (The exact timeframe for the ongoing training is not specified by the state; carriers, who are responsible for ensuring agent compliance with the requirements, may use their own discretion.)

New Mexico has begun initial discussions on the establishment of an LTC partnership. Currently no special training is required to sell LTCI, only a health insurance license.

New York is one of the original partnership states (see note above). To sell partnership policies, agents must complete eight hours of training, consisting of a

four-hour online course followed by a monitored exam and four hours of classroom instruction.

North Carolina. The state Department of Health and Human Services has developed a proposal for an LTC partnership and submitted it to the legislature for approval. Currently, to sell LTCI an agent must have a license for health, accident, and sickness insurance and also a special Medicare supplement/long-term care (MS/LTC) license, which requires ten hours of training in these products and a state examination. When and if a partnership is established, the state will make a decision about adopting the NAIC training model for LTCI (eight hours of initial training and four hours of ongoing training every 24 months).

North Dakota. Before selling partnership policies, agents must complete eight hours of initial training based on the NAIC model. They must also take four hours of ongoing training at least every 24 months beginning on the date they completed the initial training. These requirements do not apply to LTCI agents selling only non-partnership products.

Ohio. All LTCI agents must complete eight hours of initial training before selling LTCI. The content of the training is the NAIC model plus state-specific information. (Nonresident agents must have eight hours of training based on the NAIC model, but they are not required to have the state-specific content.) Agents must also take four hours of ongoing training during every 24-month CE compliance period after the period in which they completed the initial training.

Oklahoma. All LTCI agents must complete eight hours of initial training based on the NAIC model. In addition, four hours of ongoing training are required during every 24-month license renewal period after the period in which the agent completed the initial training. Courses approved by the Oklahoma Insurance Department as meeting the initial or ongoing training requirements also qualify for CE credit.

Oregon. All LTCI agents must complete eight hours of initial training based on the NAIC model before selling LTCI. Agents must also complete four hours of ongoing training during every 24-month period beginning the date they completed the initial training.

Pennsylvania. In 2007 the state established training requirements for producers selling partnership policies, which have been in effect since. The state

has also proposed requirements for all LTCI producers. These proposed requirements are currently in the public comment period and are expected to be finalized in early 2010. In the meantime, the 2007 rule remains in effect.

Rule in effect: Producers intending to sell partnership policies (not all LTCI producers) must, before selling, complete a one-hour course on the Pennsylvania Medicaid program based on state-issued content.

Proposed rule: All LTCI producers (not just those selling partnership policies) will have to take eight hours of initial training based on the NAIC model. They must complete this training during the first full licensing cycle after the effective date of the new rule. Producers selling partnership policies will also have to complete the one-hour state-specific course cited above, either as part of the eight hours or in addition to it. Finally, all LTCI producers will have to complete four hours of ongoing training during every 24-month licensing cycle after the cycle in which they complete the initial training.

Rhode Island. All LTCI agents must complete eight hours of initial training based on the NAIC model before selling LTCI. An agent must also take four hours of ongoing training during every 24-month period beginning the date he or she completed the initial training.

South Carolina. All LTCI agents must complete eight hours of initial training based on the NAIC model plus information on South Carolina's Medicaid and partnership programs. An agent must also take four hours of ongoing training (including state-specific content) during every 24-month period beginning the date he or she completed the initial training.

South Dakota. All LTCI agents must complete eight hours of initial training before selling LTCI. This training is based on the NAIC model plus state-specific information. Agents must also take four hours of ongoing training every 24 months beginning July 1, 2008.

Tennessee. All resident LTCI agents must complete eight hours of initial training based on the NAIC model. This training may be taken in any state, provided it is eight hours and meets the NAIC model guidelines.

Nonresident agents whose home state has a

partnership can qualify in Tennessee by meeting the partnership training requirements of their home state. Nonresident agents from a nonpartnership state can qualify by taking an eight-hour NAIC model course, in Tennessee or another state.

Agents must also take four hours of ongoing training during every 24-month license renewal period after the period in which they completed the initial training. Agents exempt from general continuing education requirements (those who have been licensed continuously since January 1, 1994) must take the initial training but are not required by the state to take the ongoing training (although carriers may require them to do so).

Texas. The following training requirements apply to General Life, Accident, and Health (LAH) agents selling long-term care partnership (LTC-P) insurance policies (not all LTCI agents):

Before performing any of the acts of an agent in relation to LTC-P policies, an agent must complete eight hours of initial training. The content is the NAIC model plus information on Texas Medicaid eligibility and asset disregard under the Texas partnership, and courses must be certified by the Texas Department of Insurance (TDI). (Specifically, for a course to be certified by TDI for LTC-P, it must meet the requirements of Texas Administrative Code §19.1022, including the topic outline in paragraph (g). The credit for the course must be reported through Siron, and the licensee must be given a certification for LTC-P.)

Partnership agents also have to complete four hours of continuing education (CE) during every 24-month licensing renewal period after the period in which the initial training was credited.

These requirements are not "grandfathered"—that is, no agent is exempt from these requirements because he or she was already selling any type of LTCI when the LTC-P requirements were established.

Utah. There are no training requirements specific to long-term care insurance; LTCI agents must simply be licensed for accident and health insurance. However, agents who take LTCI training (in Utah or another state) may qualify for CE credits. Action to establish a partnership is not expected this year.

Vermont. The legislature has deferred final consideration of a bill establishing an LTC partnership

until the 2010 legislative session, but it has adopted a regulation that includes LTCI training requirements, to become effective April 1, 2010. Under this rule, all LTCI agents must complete eight hours of initial training based on the NAIC model. Agents must take two hours of training in state-specific information, including the Vermont Medicaid program; these two hours can be included in the eight-hour training or taken in addition to it. Agents already licensed to sell LTCI as of March 31, 2010, will have until March 31, 2011, to complete the initial training; agents licensed to sell LTCI after March 31, 2010, will have to complete the initial training before selling. Finally, all LTCI agents will have to take four hours of ongoing training during every 24-month period ending on March 31 of odd-numbered years.

Virginia. Resident agents intending to sell partnership policies (not all LTCI agents) must, before selling, complete initial training based on the NAIC model plus state-specific information. These agents must also take four hours of ongoing training during every 24-month period beginning on the date they completed the initial training.

Nonresident agents must complete a two-hour course that includes information on Virginia's Medicaid program, but they may be able to use LTCI training for another state to fulfill the remaining six-hour requirement (provided that training meets certain criteria).

Agents should contact the Virginia Insurance CE Board (administered by Pearson VUE) at <http://www.virginiainsurance.com/> to find out if their nonresident training qualify. To meet the needs of all agents, AHIP offers both a two-hour and an eight-hour Virginia course.

Washington. All LTCI producers must complete eight hours of initial training before transacting LTCI. Since July 1, 2009, this has included producers who had completed the previously required Washington LTC Special Education Course (6 hours) or the LTC Special Refresher Course (4 hours). A producer must also take four hours of ongoing training every 24-month period beginning the date he or she completed the initial training.

Both resident and nonresident producers can fulfill the initial training requirement by taking an eight-hour NAIC model course that meets the LTCI training requirements of another state. And they can fulfill the

ongoing training requirement by taking a four-hour NAIC model course that meets the LTCl requirements of another state. However, only those taking the Washington LTC Initial Eight-Hour Course or the Washington LTC Refresher Four-Hour Course approved by the state (both of which include information on the state's LTCl regulations) receive CE credit.

Washington continues to explore the development of an LTC partnership, and a program may be established by this summer.

West Virginia. All LTCl agents must complete eight hours of initial training based on the NAIC model. Agents already selling LTCl as of July 1, 2009, have until July 1, 2010, to complete this initial training; effective July 1, 2009, other agents have to complete the initial training before selling. Beginning July 1, 2010, agents will also have to take four hours of ongoing training during each 24-month CE period after the period in which they completed the initial training. This training is not required for CE compliance, but if approved by the state, it may be used to fulfill CE requirements.

Wisconsin. All LTCl agents must complete eight hours of initial training before selling LTCl. The content of the initial training is based on the NAIC model, but it must include two hours of Medicaid and partnership content specific to Wisconsin and developed and issued by the state Department of Health Services. Nonresident agents who have already completed an eight-hour NAIC model course in another state can fulfill Wisconsin's requirements by taking only the two hours of state-specific content. Agents also have to take four hours of ongoing training (including one credit hour of state-specific content) during every 24-month license renewal period after the period in which they completed the initial training.

Wyoming. All LTCl agents must complete eight hours of initial training by July 1, 2010. This training is based on the NAIC model plus state-specific Medicare and long-term care information. Agents must also take four hours of ongoing training every 24 months.

For state chart information, [click here](#)



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