March 13, 2009

CIRCULAR LTCF-2009

TO: All companies writing commercial multiple peril liability (line 5.2), medical malpractice (line 11), and other liability (line 17)

SUBJECT: 2009 Long-Term Health Care Facilities and Residential Care Facilities Data Call Pursuant to California Insurance Code Section 674.9(b)

The purpose of this letter is to serve as a formal notice of your company’s reporting obligations under California Insurance Code Section 674.9 (b). Detailed information regarding this reporting requirement and instructions on how to retrieve the reporting materials from the internet, are provided in this circular letter.

About Senate Bill 686 and California Insurance Code 674.9 (b)

Senate Bill 686 enacted in 2003 and encoded in CIC 674.9(b) imposed new reporting requirements on liability insurers. With respect to liability insurers covering long-term health care facilities, residential care facilities for the elderly, or physicians who provide or oversee the provision of services to residents in long-term health care facilities or residential care facilities for the elderly, the reporting requirements are outlined in CIC 674.9 (b).

For additional information on CIC 674.9 (b), visit the State of California Legislative Information website. The instructions are outlined in the following section:

- California Insurance Code 674.9 (b) has recently been added to the California Insurance Code pursuant to Senate Bill 686.
  
  For a complete copy of CIC 674.9 (b) visit the State of California Legislative Information website at http://www.leginfo.ca.gov.

- Upon entering the website, click on the button entitled CALIFORNIA LAW.
- Select the box entitled INSURANCE CODE from the list of codes (located in the 2nd column).
- Scroll down to bottom of page and enter “CIC 674.9” in the SEARCH BY KEYWORD field.
- Click “Search” button (located at the bottom of page).
- Select the appropriate link from the results page.
  
  If you have ADOBE ACROBAT READER choose the PDF version, else choose the HTML version.
Circular LTCF-2009 (continued…)

About the Long-Term Health Care Facilities and Residential Care Facilities Data Call
The Long-Term Health Care Facilities and Residential Care Facilities Data Call are designed to collect the information required under CIC 674.9 (b). Specifically, the data call will collect items #1-11 under CIC 674.9 (b). The purpose of this section is to briefly discuss a few issues regarding data and system preparation issues.

- **Who will be required to submit data?** – The Long-Term Health Care Facilities/Residential Care Facilities Data Call will focus on insurers who are writing new or maintaining business in liability insurance for long-term health care facilities, residential care facilities for the elderly, and/or physicians¹ who provide or oversee the provision of services to residents in long-term health care facilities or residential care facilities for the elderly.

  **If your company has written this type of coverage between 2004 through 2008, it must be filed with the Department.**

  If your company does not write new or does not maintain business in liability insurance for long-term health care facilities, residential care facilities for the elderly, and/or physicians who provide or oversee the provision of services to residents in long-term health care facilities or residential care facilities for the elderly, you are not required to provide data. **Companies with no experience to report must notify the Department of their reporting status. This can be done by completing the LTCF-2009 Acknowledgement of Receipt Form. This form can be downloaded from the CDI’s public website and e-mailed directly to the Statistical Analysis Division. Instructions for obtaining the CDI’s public website are included in the next section.**

- **What is a long-term health care facility?** - As used in CIC 674.9, “long-term health care facility” has the same meaning as that term defined in Section 1418 of the California Health and Safety Code.

- **What is a residential care facility for the elderly?** - As used in CIC 674.9, “residential care facilities for the elderly” has the same meaning as that term defined in Section 1569.2 of the California Health and Safety Code.

- **What information is needed to be submitted to the Department?** – Please refer to California Insurance Code Section 674.9 (b) 1 – 11. Items #1 – 11 will be collected under the Long-Term Health Care Facilities/Residential Care Facilities Data Call. **Detailed information regarding the due dates, data elements and definitions are provided in the LTCF Statistical Plan. This statistical plan is available from the CDI’s public website. Instructions for obtaining the CDI’s public website are included in the next section.**

¹ IMPORTANT NOTE: For the purpose of this data call, **PHYSICIANS** who provide or oversee the provision of services to residents in long-term health care facilities or residential care facilities for the elderly shall be defined as licensed physicians who perform as the Medical Director (or substantially equivalent function) of a licensed long-term health care facilities or residential care facilities for the elderly.
How Do Companies Fulfill Their Reporting Obligations?

Step 1: Obtain a copy of the LTCF-2009 Acknowledgement of Receipt Form from the California Department of Insurance’s public website. Instructions for retrieval of this information are contained in the next section.

Determine whether your company will be reporting data. Please remember, all insurers who are writing new or maintaining current business in liability insurance for long-term health care facilities, residential care facilities for the elderly, and/or physicians who provide or oversee the provision of services to residents in long-term health care facilities or residential care facilities for the elderly are required to submit data.

Complete and Return the LTCF-2009 Acknowledgement of Receipt Form. This form must be completed electronically (Microsoft Excel 97 format) and returned to the Department via e-mail. Follow the instructions included at the bottom of LTCF-2009 Acknowledgement of Receipt Form.

Step 2: If your company is required to report data, download the LTCF-2009 Statistical Plan and LTCF-2009 Data Workbook from the California Department of Insurance’s public website. Instructions for retrieval of this information are contained in the next section.

Step 3: Review the reporting instructions in the LTCF-2009 Statistical Plan and collect the information pursuant to the instructions and definitions stated in the LTCF-2009 Statistical Plan.

Step 4: Enter the information required in the LTCF-2009 Data Workbook.

Step 5: E-mail the completed LTCF-2009 Data Workbook to the California Department of Insurance. E-mail instructions are contained in the LTCF-2009 Data Workbook and Statistical Plan.

Step 6: Complete and Return the LTCF-2009 Affidavit Form via US Mail to the California Department of Insurance.
How To Retrieve The LTCF-2009 Reporting Instructions and Forms

To retrieve the LTCF-2009 reporting forms (Acknowledgement of Receipt Form, Statistical Plan, Transmittal Forms and the Affidavit Forms), please follow the instructions below:

- Go to the Department of Insurance website at [http://www.insurance.ca.gov](http://www.insurance.ca.gov)
- Select Insurers page.
- From the Insurers page, select Data and Reports link on the left-hand column.
- Select Statistical Plans and then Reporting Year 2009 Statistical Plans link.
- A message will appear requesting a user name and a password. Enter the following:
  - User Name: GOTNUMBERS09 (case sensitive)
  - Password: STAT2009 (case sensitive)
- Select Long-Term Health Care Facilities and Residential Care Facilities Data Call (LTCF-2009).
- From the LTCF-2009 site, you can retrieve:
  - Circular
  - Acknowledgement Form*
  - Statistical Plan
  - Data Workbook
  - Affidavit

* IMPORTANT Regardless of your reporting experience, the Acknowledgement of Receipt Form must be returned no later than APRIL 20, 2009 via e-mail to SUBMISSIONS@INSURANCE.CA.GOV. We will not accept forms submitted via fax or U.S. Mail. Please refer to the instructions included in the acknowledgement form.
LTCF-2009 IMPORTANT DATES TO REMEMBER:

- LTCF-2009 Acknowledgement Form (due – APRIL 20, 2009)
- LTCF-2009 Data Workbook (due – MAY 18, 2009)
- LTCF-2009 Statistical Plan – Contains detailed instructions on how to complete the LTCF-2009 Data Workbook.
- LTCF-2009 Affidavit Form (due – MAY 18, 2009)

Requests for extensions in submitting the LTCF-2009 Data Call must be received no later than MAY 11, 2009.

All extension requests should be in writing and must be sent by e-mail to: Erlinda D. Hayin at hayine@insurance.ca.gov.

Should you have an extension request, and/or questions related to the Statistical Plan or programming of the Transmittal Forms, please address your inquiries or concerns to the contact person indicated below.

Erlinda D. Hayin
CALIFORNIA DEPARTMENT OF INSURANCE
Statistical Analysis Division
Telephone: (213) 346-6311
Facsimile: (213) 897-6571
E-mail: hayine@insurance.ca.gov

Sincerely,

Benjamin J. Gentile
Chief, Statistical Analysis Division