
LONG-TERM CARE PARTNERSHIP

Report to the Texas Legislature

**As Required by
S.B. 22, 80th Legislature, Regular Session, 2007**

Texas Health and Human Services Commission

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Executive Summary

The Long-Term Care (LTC) Partnership program is a public-private partnership between states and private insurance companies, designed to provide high-quality long-term care insurance policies to help individuals prepare for and cover the costs of long-term care, and to help reduce the growing reliance on Medicaid to pay for long-term care expenses. In 2008, long-term care services accounted for nearly 25 percent of all Medicaid expenditures in Texas.¹ In state fiscal year 2007, all Texas Medicaid expenditures (i.e., state and federal) were estimated to comprise over 26 percent (about \$19.6 billion) of all state expenditures², making it imperative that the state explore new and innovative approaches to reducing overall costs to Medicaid.

As Texas' elderly population continues to grow, the need for long-term care, along with its costs, are also expected to rise. Increased demands on Medicaid to cover long-term care costs underscore:

- The importance of encouraging individual responsibility in planning for the expense of long-term care services.
- Ensuring future solvency for Medicaid.
- Ensuring program funds will be available in the future to serve those with the greatest need.

The LTC Partnership insurance program offers consumers an option that rewards those who take the steps to plan for their own long-term care needs by offering a dollar-for-dollar asset protection should they exhaust their Partnership-qualified insurance policies and need to rely on Medicaid for long-term care services. This allows them to set aside, or protect assets they might otherwise have been required to “spend down” without this Partnership feature.

By incentivizing individual planning, states can reduce the growing demands on Medicaid for long-term care services. The State of Connecticut, one of the four original pilot states for the Partnership program, estimated its total cost savings for Medicaid at nearly \$6 million in a 2007 study.³ California and Indiana, both original pilot states, estimated over \$14 million in savings to Medicaid as of October 2009.⁴

Because individuals who purchase long-term care insurance do not immediately access long-term care services, cost savings to Medicaid are typically measured over the long term. The Texas LTC Partnership program was authorized in 2007 by the Texas Legislature with the passage of S.B. 22, 80th Legislature, Regular Session, 2007.

¹ Urban Institute and Kaiser Commission on Medicaid and the Uninsured estimates based on data from Centers for Medicare and Medicaid Services-64 reports, 2010.

² Texas Medicaid and CHIP in Perspective, Seventh Edition - January 2009. (The "Pink Book"). Chapter 1. Texas Medicaid in Perspective.

³ Center for Health Care Studies, Inc. Issue Brief. Long-Term Care Insurance Partnership: Considerations for Cost-Effectiveness. By Mark R. Meiners, George Mason University. March 2009.

⁴ Society of Actuaries 2009 Annual Meeting & Exhibit - October 25-28, 2009. <http://www.soa.org/files/pdf/2009-boston-bushey-123.pdf>

Program rules for the Partnership were adopted and became effective in February 2009. As of August 2010, 17 companies have filed certifications to offer LTC Partnership-qualified insurance policies, and in calendar year 2009, 2,481 policies were sold in Texas. As the program continues to expand, and more Texans are made aware of the importance of long-term care planning and the availability of LTC Partnership-qualified insurance policies, Texas should realize an increase in the number of individuals with long-term care insurance, and could potentially realize long-term cost-savings for the Medicaid program.

As part of the effort to raise awareness about the Partnership program, and as directed by S.B. 22, the Health and Human Services Commission (HHSC) has launched the “Own Your Future Texas” long-term care awareness campaign to educate Texans about long-term care and the importance of planning for their future long-term care needs. The awareness campaign includes:

- A mailing to approximately 1.3 million households in the targeted demographic population, conducted in collaboration with, and with funding support from, the U.S. Department of Health and Human Services federal Own Your Future campaign.
- A long-term care planning kit designed to serve as a user-friendly planning tool to help individuals assess their future long-term care needs and begin planning for the costs.
- A website (www.ownyourfuturetexas.org) to provide detailed information and resources on long-term care planning and options, including interactive features such as online need assessment worksheets and calculators.
- Online banner ads on targeted websites.
- Public service announcements aired on a network of radio stations around the state.
- Community outreach to help educate community organizations and assist them in providing community-based education and outreach about long-term care and long-term care planning.

This campaign is an integral part of the effort to raise awareness about the LTC Partnership program and encourage Texans to consider the purchase of long-term care insurance to prepare for their future long-term care needs.

This report is submitted in fulfillment of the biennial report requirement, S.B. 22, 80th Legislature, Regular Session, 2007, Sec.32.107, which requires that “not later than September 30 of each even-numbered year, the department (HHSC) shall submit a report to the legislature on the progress of the partnership for long-term care program during the preceding biennium.”

The report must include:

- (1) The number of approved plans sold during each year of the preceding biennium.
- (2) The average age of individuals purchasing approved plans during each year of the preceding biennium.
- (3) A recommendation on whether to continue the program.

Recommendations

The Texas LTC Partnership program was established by the 2007 Texas Legislature in order to provide Texans with new options for planning for their future long-term care. The program provides meaningful incentives in the form of an asset protection feature for those who purchase and exhaust their Partnership insurance policies and need to rely on Medicaid for additional long-term care services. For the reporting period covered by this report, 2,481 Partnership policies were sold in Texas, accounting for only about 10 percent of all long-term care insurance policies sold in Texas in calendar year 2009.

The “Own Your Future Texas” long-term care awareness campaign includes a diversified media campaign to reach a targeted audience in order to increase awareness about the Partnership program and the importance of planning for the future costs of long-term care. In order to continue the expansion of the Partnership program, and increase the number of Partnership policies sold in Texas, HHSC recommends the continued operation of the Texas Long-Term Care Partnership program. Continued participation will increase the number of Texans who have private long-term care insurance, and potentially reduce the reliance on Medicaid for long-term care expenses.

Background

Overview – Federal Initiative

The LTC Partnership program was established in 1987 as a demonstration project with support from the Robert Wood Johnson Foundation (RWJF). With approval from the Centers for Medicare & Medicaid Services (CMS), four states (California, Connecticut, Indiana, and New York) participated in the project and developed Partnership programs. The LTC Partnership Program is a public-private partnership between states and private insurance companies, designed to provide high-quality long-term care insurance policies to help individuals prepare for and cover the costs of their future long-term care needs. The program is also intended to reduce Medicaid expenditures by delaying or eliminating the need to rely on Medicaid for long-term care services.

LTC Partnership insurance policies provide the benefits and features of traditional long-term care insurance policies and also provide the added incentive of a “dollar-for-dollar asset protection” for individuals who may later need to apply for Medicaid to cover their long-term care expenses. Individuals who purchase “Partnership-qualified” insurance

and eventually need long-term care services, first rely on benefits from their private long-term care insurance policy to cover costs before accessing Medicaid.

In order to qualify for Medicaid, applicants must meet certain medical and financial eligibility requirements. Typically, applicants cannot have assets that exceed certain thresholds and must “spend down” or deplete as much of their assets as is required to meet financial eligibility thresholds. However, Partnership policyholders receive a dollar-for-dollar asset protection when applying for Medicaid, allowing them to “set aside” assets in an amount equal to the amount paid out by their LTC Partnership insurance policy.

Partnership Expansion in Texas

In February 2006, the federal Deficit Reduction Act of 2005 (DRA) went into effect, authorizing the expansion of LTC Partnership programs from the original four pilot states to all states. In 2007, with the passage of S.B. 22, 80th Legislature, Regular Session, 2007, the Texas Legislature authorized the development of the Texas LTC Partnership program.

S.B. 22 directed HHSC to develop and implement a partnership for long-term care program in Texas, in collaboration with the Department of Aging and Disability Services (DADS) and the Texas Department of Insurance (TDI). The Texas LTC Partnership program is required to:

- Be consistent with the requirements of the DRA.
- Allow for a dollar-for-dollar asset disregard in specified circumstances at Medicaid eligibility and for Medicaid Estate Recovery obligations.
- Permit HHSC to enter into reciprocal agreements with other Partnership states.
- Ensure that individuals selling Partnership-qualified long-term care policies receive training and demonstrate an understanding of these policies.
- Have the benefit plan issuer certify to the TDI Commissioner that each individual selling Partnership-qualified long-term care policies meets the training requirements.
- Allow the HHSC Executive Commissioner to adopt rules to administer the LTC Partnership program.
- Allow the TDI Commissioner to adopt minimum standards for LTC Partnership-qualified policies.
- Allow the TDI Commissioner to adopt rules to implement the LTC Partnership program.

S.B. 22 also directed HHSC, working in collaboration with TDI and DADS, to:

- Develop and implement a long-term care awareness campaign to:
 - Educate the public on the cost of long-term care, as well as the limits of Medicaid eligibility and Medicare benefits.
 - Educate the public on the value and availability of LTC insurance.
 - Encourage individuals to obtain LTC insurance.
- Submit a biennial report to the legislature on the progress of the LTC Partnership program by September 30 of each even-numbered year.

Program Status

Grants

In 2007, HHSC, DADS, and TDI applied for and received a \$50,000 technical assistance grant from the Center for Health Care Strategies (CHCS) to obtain support on policy issues and with practical implementation of the LTC Partnership program and its statewide education and outreach campaign. As part of the grant, HHSC, DADS and TDI staff attended two national summits with staff from the federal government, universities, and other states that are implementing LTC Partnership programs. These meetings provided an opportunity to learn from the experience and expertise of others, as well as educate other states about steps Texas has taken to implement its Partnership program.

HHSC also successfully applied for an RWJF Strategic Communications Training Program grant which provided technical assistance in developing an effective strategic plan for its public awareness and education campaign. Staff attended the two, three-day workshops offered by RWJF, and participated in ongoing web and telephone-based communications training. The RWJF training grant was instrumental in helping HHSC develop the framework for a successful statewide outreach campaign.

Medicaid State Plan

The Medicaid State Plan Amendment (SPA) was developed and submitted to CMS, and was approved effective March 1, 2008. The SPA provides that an individual that receives benefits from an LTC Partnership-qualified policy is eligible to receive the dollar-for-dollar asset disregard as stipulated under the Medicaid State Plan.

Training

Training sessions for Health Insurance Counseling and Advocacy Program benefits counselors were held February 25, 2008 and July 2, 2008. Training support has been provided on an on-going basis to benefits counselors regarding consumer questions and inquiries about the LTC Partnership program.

Agency staff has given presentations on the Partnership program at the 2010 Texas Conference on Aging and the 2010 Texas Area Agency on Aging (AAA) Directors meeting, as well as at other community-based events. Presentations have provided AAA benefits counselors and stakeholder groups with information on the LTC Partnership program rules and the Own Your Future Texas education and outreach campaign; and on the availability of information and resources to help educate their communities about the importance of long-term care planning.

In November 2008, a Medicaid bulletin was sent to the Office of Eligibility Services' (OES) Regional Director for Medicaid for the Elderly and People with Disabilities (MEPD) and was disseminated to regional Medicaid eligibility staff to educate them on:

- LTC Partnership program rules.
- Effects of the Partnership program on asset/resource protection.
- Program documentation and verification requirements.
- The effects of the Partnership program on Medicaid eligibility.

TDI Agent Rules

In March 2008, TDI proposed amendments to the rules for agent licensing and requested public comments. No comments or requests for a hearing were received. Agent training rules were adopted and became effective August, 2008.

The rules for agent training provide that:

- Agents who sell Partnership policies must first complete the required Partnership training course. Agents are required to complete eight hours of initial training, and four hours of continuing education every two years thereafter.
- Partnership training providers must be registered with TDI.
- Certification and continuing education courses must be approved by TDI.

As of August 2010, there were 32 Partnership training providers registered with TDI, and 7,098 agents certified to sell Partnership policies in Texas.

TDI Product and Marketing Rules

In 2007, as directed by S.B. 22, TDI proposed amendments to the Long-term Care rules. TDI then conducted informal stakeholder meetings, before issuing a formal proposal through the Texas Register in July 2008. A public hearing was held in August 2008 and the rules were finally adopted in February 2009.

The revised long-term care rules require that:

- LTC Partnership insurance policies must meet the requirements of the DRA, including rules governing suitability, tax qualification, and inflation protection.
- As stipulated in the DRA, Partnership policies must meet inflation protection requirements, which vary by age of the applicant:
 - Under age of 61, the policy must include some level of compound inflation protection.
 - Age 61 and over, but under 76, the policy must have an acceptable level of simple or compound inflation protection.
 - Over the age of 76, the insured may elect, but is not required to have inflation protection.
- Companies must elicit information from applicants through the Personal Worksheet to determine if a sale is suitable.

- Companies must disclose to the applicant their 10-year rate history of premium increases.
- Policies must include a disclosure to the policyholder verifying the policy's status as a Partnership policy. Companies must also disclose that changes to the policy, such as to the level of inflation protection provided, could result in a change to the policy's "Partnership status".
- Within 18 months from the date a company begins to sell Partnership policies, a one-time offer to exchange an existing policy for a Partnership policy must be made to qualified policyholders. This requirement pertains to policies sold on or after February 8, 2006 – the date of the signing of the DRA.
- Policies and certificates must include a "30-day free look", which provides the purchaser 30 days to review the policy, with the option to return the policy for a full refund of premiums paid.

Market Data

Types of Policies

There are several types of policies in the market. The most common are:

- Comprehensive policies, which provide coverage for nursing home care, assisted living facility care, home health care, and adult day care.
- Nursing Home policies which only provide coverage for nursing home or assisted living facility care.
- Home Health Care policies which only provide coverage for community-based services and adult day care services.

As of August 2010, 39 companies offer long-term care insurance in the Texas market. Included in the 39 companies, are 17 companies certified to offer Partnership policies, and 5 companies who offer long-term care insurance as part of a life policy or annuity contract. As of calendar year 2009, there were 400,726 Texans covered under long-term care insurance policies. Some of the policies were issued by companies that are no longer marketing long-term care insurance, but are still required to maintain the policies in force.

Policies Sold

Information collected by TDI from companies offering long-term care insurance shows the following sales activity, and average age of the purchaser for the calendar year 2009:

Partnership Policies sold:

- Comprehensive Policies 2,481 Average Age 60

Non-Partnership Policies sold:

- Comprehensive Policies 21,916 Average Age 55
- Nursing Home Policies 77 Average Age 59
- Home Health Care Policies 534 Average Age 69

Long-term Care combined with Life policies or Annuity Contracts:

- Policies/Contracts Sold 615 Average Age 64

Education and Outreach Campaign

Request for Proposals

In February, 2009, HHSC issued a request for proposals to help design and develop an education and outreach campaign to educate Texans about the importance of, and options for, preparing for their long-term care needs. The campaign would be designed to primarily target the growing number of Texans in the 45-65 age range that would benefit from long-term care planning and the resource protection afforded by the LTC Partnership program. The theme for the campaign would be consistent with the federal “Own Your Future,” campaign designed to educate individuals on the importance of long-term planning, and would be known as “Own Your Future Texas.”

This campaign is in response to S.B. 22 which, in addition to authorizing the Texas Long-term Care Partnership program, requires the development and implementation of a statewide outreach campaign to educate Texans on the importance of planning for their future long-term care needs. Using a competitive bidding process, HHSC selected Sherry Matthews Advocacy Marketing, Inc. to assist with the design and development of the campaign.

Outreach Campaign

The initial goals of the Own Your Future Texas outreach campaign were to:

- Educate the public about long-term care, including:
 - The likelihood of needing it.
 - Costs of long-term care.

- The need to plan and prepare.
 - Limits of Medicaid eligibility and Medicare benefits.
 - Options for financing and obtaining long-term care.
- Educate the public on the value and availability of long-term care insurance, including Partnership-qualified policies.
 - Encourage individuals to take steps to plan for their future long-term care needs, including availing themselves of state information and resources.
 - Encourage individuals to obtain long-term care insurance.
 - Make the Texas LTC Partnership website one of the primary sources for information on long-term care insurance.

One of the primary challenges was developing and implementing a campaign to effectively communicate with multiple audiences, particularly given the geographical and cultural diversity throughout the state. In order to accomplish this with limited resources, the outreach campaign was designed using a research-based approach to establish:

- A baseline of consumer knowledge about long-term care, including available care options.
- Consumer attitudes about long-term care and long-term care insurance.
- Key factors for how individuals make important life decisions, such as the decision to purchase long-term care insurance.
- The different and most effective channels of communication for reaching our target audiences throughout the state.

Research

Initial research was conducted in two phases and included both quantitative and qualitative research. One thousand phone surveys of Texans in the target demographic were completed to establish baseline attitudes and opinions about long-term care insurance and long-term care. One hundred of the surveys were conducted in Spanish.

In addition, an online interactive research tool -“Think Tank”- was used to conduct exploratory research to gain insight into how Texans plan for their long-term care needs, and the decision-making process that they go through in making important life decisions. This research included sessions for consumers, insurance and financial planners, employee benefits professionals, and other stakeholders such as consumer and aging advocates.

Initial findings of the research indicated that:

- Long-term care insurance is simply not a top priority for most people.
 - Less than 40 percent of respondents reported thinking about or looking into long-term care insurance in the previous six months.
- There's a great deal of confusion among consumers about whether they already have long-term care insurance.
 - Thirty-seven percent of respondents said they have long-term care insurance; however, the national average for this kind of coverage among our target demographic is closer to 10 percent, indicating that some of our respondents may be confused about various types of coverage.
- There's also confusion about how to pay for long-term care expenses.
 - Seventy percent of respondents said they plan to pay for long-term care using multiple sources; however, Medicare and health insurance, which do not typically cover long-term care, were two of the most common responses given by this group when asked how they planned to pay for long-term care.

Findings were then used to craft the creative identity and core messages of the campaign, which focus on educating Texans on:

- The basics of long-term care, including costs, and how to pay for it.
- The likelihood of needing long-term care insurance.
- The importance of planning for your future long-term care needs.
- The availability of long-term care insurance options, including Partnership-qualified policies.

All material for the Own Your Future Texas campaign was developed in English and Spanish and was tested in a series of focus groups held around the state. The focus groups were held in English and Spanish and conducted in Dallas, Lubbock, and McAllen, Texas. Seven focus groups were held in all, and material tested included: logo treatments, website content, creative concepts for self-mailer brochures, and core messaging and marketing strategy.

Partnership with U.S. Department of Health and Human Services

One of the initial pieces of the Own Your Future Texas campaign was a brochure mail-out to approximately 1.3 million Texas households with individuals age 45-65 and household incomes between \$50,000-\$150,000. The brochure provided information about long-term care; the likelihood of needing it; and information about how to plan for it. It also provided a postage-paid business reply card allowing individuals to request a more detailed, user-friendly long-term care planning kit to help begin the process of preparing for their future long-term care needs.

The mailout, conducted in February 2010, was done with the assistance of the U.S. Department of Health and Human Services "Own Your Future" program, a national

program to increase consumer awareness about long-term care. This program provided federal funds to cover the costs of printing the brochures and executing the mail-out. It also coincided with the launch of the newly created Long-Term Care Partnership website, OwnYourFutureTexas.org

Campaign Launch

On March 8, 2010, HHSC, DADS, and TDI hosted a stakeholder/kickoff event to announce the rollout of the Own Your Future Texas long-term care awareness campaign. The event was hosted at the DADS Winters Public Hearing room and brought together state agency leaders, staff, community stakeholders, and members of the insurance industry to learn about the LTC Partnership and the Own Your Future outreach campaign. The event also encouraged a concerted outreach effort among all partners in educating Texans about the importance of planning for long-term care.

Media Campaign

Upon completion of the statewide mail-out, HHSC began working with Sherry Matthews Advocacy Marketing on full implementation of the Own Your Future Texas outreach campaign, with all materials produced in English and Spanish. In addition to the statewide mail-out, the campaign includes:

- A user friendly, long-term care planning kit, available upon request.
- A website – ownyourfuturetexas.org- which aims to be the authoritative source for information on long-term care planning. The website contains information on long-term care insurance, Medicaid, long-term care insurance, and useful interactive planning tools, such as need assessment worksheets and cost calculators.
- Online banner ads on targeted websites encouraging people to visit the ownyourfuturetexas.org website.
- A series of radio spots about the LTC Partnership program to be aired on a network of radio stations around the state.
- Print ads in magazines such as AARP Magazine – Texas edition.
- Community-based outreach focused on building a state-wide network of organizations to help educate Texans about long-term care insurance and disseminate information about the Texas LTC Partnership program.

The Own Your Future Texas outreach campaign utilizes an integrated marketing approach designed to raise awareness about long-term care and the importance of long-term care planning, as well as increase awareness of the Texas LTC Partnership program. The campaign is designed to reach a wide-range of Texans, in all regions of the state - and with varying levels of understanding about long-term care- through multiple communication channels.

Community-Based Outreach

Community-based outreach is an integral part of the Own Your Future Texas campaign, allowing outreach to individuals who do not access information through traditional or electronic media outlets. The LTC program is partnering with a wide range of professional organizations such as consumer advocates, financial planners, and insurance professionals to provide educational and informational resources to help these groups conduct outreach about the Partnership to their constituents. These organizations have included:

- Texas Area Agencies on Aging.
- Texas Agri-life Extension Service.
- Aging and Disability Resource Centers.
- National Association of Insurance and Financial Advisors – Texas chapter.
- Texas Association of Secondary School Principals.

These organizations work directly with individuals who are engaged in making important life decisions, including decisions about long-term care. They also play a critical role in raising awareness about the Texas LTC Partnership program. As of August, 2010, working in collaboration with the U.S. DHHS Own Your Future campaign, the Texas LTC Partnership program office has distributed over 50,000 long-term care planning kits to community-based organizations as part of the long-term care education and outreach campaign.

Future Direction

Since its launch in March 2009, the Own Your Future Texas outreach campaign has included:

- A direct mail-out to 1.3 million Texas households.
- Online banner ads aimed at a targeted demographic.
- Radio spots aired in all regions of the state, including on targeted programming in the state's largest markets.
- Print ads in targeted publications.
- Outreach through community and stakeholder groups to help educate Texans about the importance of planning for long-term care.

As of August 2010, over 16,400 long-term care planning kits were ordered in response to the mailout or advertising. Over 50,000 long-term care planning kits have been requested by, and delivered to, stakeholder groups for distribution to their constituencies.

The HHSC LTC Partnership program is working with the Sherry Matthews Advocacy Marketing to continue to implement the Own Your Future Texas outreach campaign for

fiscal year 2011. The campaign is focused on examining the consumer reach and impact of all media strategies to determine which strategies provide the greatest return on investment. For fiscal year 2011, the campaign is expected to include:

- Online media ads.
- Print ads in targeted publications.
- Outdoor advertising in key markets (large metropolitan areas).
- Television spots on public television stations in large markets, to air during targeted financial planning programming.
- Continued collaboration with financial planning and community stakeholders to conduct consumer education seminars and distribute “Own Your Future” long-term care planning kits.

This outreach campaign is expected to allow the campaign to broaden its consumer reach, particularly in key markets such as large metropolitan areas. The campaign is a critical component of the state’s ongoing effort to reduce the demands on the Medicaid budget by educating Texans about the importance of planning for their future long-term care needs. It is also designed to give Texans the information and tools they need to begin planning for their future needs. By continuing to raise awareness about the importance of planning ahead and the availability of options such as the LTC Partnership program, Texas should be able to realize an increase in the number of individuals with long-term care insurance which could result in future cost-savings for the Medicaid program.

Conclusion and Recommendations

The Texas LTC Partnership program was established by the 2007 Texas Legislature in order to provide Texans with new options for planning for their future long-term care. The program provides meaningful incentives in the form of an asset protection feature for those who purchase and exhaust their Partnership insurance policies and need to rely on Medicaid for additional long-term care services. For the reporting period covered by this report, 2,481 Partnership policies were sold in Texas, accounting for only about 10 percent of all long-term care insurance policies sold in Texas in calendar year 2009.

The “Own Your Future Texas” long-term care awareness campaign includes a diversified media campaign to reach a targeted audience in order to increase awareness about the Partnership program and the importance of planning for the future costs of long-term care. In order to continue the expansion of the Partnership program, and increase the number of Partnership policies sold in Texas, HHSC recommends the continued operation of the Texas Long-Term Care Partnership program in an effort to increase the number of Texans who have private long-term care insurance, and potentially reduce the reliance on Medicaid for long-term care expenses.