

LeadingAge/NaCCRA Correspondence on Issues Through September 8, 2016

From: Steve Maag
Sent: Thursday, June 30, 2016 7:34 AM
To: Bob and Betty Nicholson; Jack Cumming; 'Walt Boyer'
Subject: LeadingAge NaCCRA Task Response

Bob, Jack and Walt, our Task Force met and discussed what we had talked about in our meeting at PEAK as well as issues raised by NaCCRA in earlier emails. Much of what we talked about was included in an email I received last year on issues NaCCRA thought would be appropriate to discuss with LeadingAge so I used that email as a template for our response, which is attached. We believe it has some good ideas and is an excellent place to begin to formulate a plan to move forward. We did not prioritize because we wanted to discuss this with you in the near future, but we think there are clearly some logical first steps (consumer guide being one).

From a logistics perspective, a conference call between all of us makes the most sense. Our group is incredibly busy as you might guess so it will take some work to get an agreeable date (and I'm out of the country from July 25-Aug 12). I know Jack suggested a portal for us to use and I'll check and see what we can do from this end for now, but we are in the process of adopting some new technology over the next few months that will make it much easier to create group through our system to use to communicate.

Any thoughts are appreciated and we look forward to your response.

Steve

From: Jack Cumming
Sent: Monday, August 15, 2016 9:23 PM
To: Steve Maag; Katie Sloan
Cc: 'Bob and Betty Nicholson'; 'Walt Boyer'; Jack Snader; Bennett Napier
Subject: RE: LeadingAge NaCCRA Task Response

Steve,

For the record, and to avoid further misunderstanding, the NaCCRA delegation to the Joint Task Force consists of Bob Nicholson, Walt Boyer, Jack Snader, Bennett Napier, and me as liaison.

NaCCRA operates with great openness and transparency and you have used that to uncover issues which you then suggest are the issues that NaCCRA is bringing to the Joint Task Force. NaCCRA, however, has suggested previously that we concentrate on one single issue, of

material value to both residents and providers, as a beginning to demonstrate how cooperation can work. That issue, which was communicated to you and Katie Sloan last year, is the entry fee guaranty proposal. In the list of issues that you developed, you omitted this core proposal.

We have met and discussed your list. The minutes of our discussion are available by [clicking here](#). It's unfortunate that there have been no further joint discussions since the meeting in Washington, DC since the lack of interactive communication can lead to misunderstandings and miscommunication. It creates an optic (to use the current fad term) of divided camps instead of a group of like-minded people coming together in an atmosphere of trust to find common ground and mutuality.

In a recent discussion of the entry fee guaranty proposal with providers, they asked for further simplification. That can be difficult to achieve with a complex proposal which seeks through its complexity to support provider interests. Still, attached is a two page supplement to what we have given you previously, which seeks to achieve the desired simplicity.

The proposal is based on the proven model for life insurance, which include annuities – a close analog to entry fees, and that model law is also attached.

We are still hopeful that improved communication paths between the LeadingAge provider members of the Joint Task Force and the NaCCRA delegation can be developed. The slow pace of discussions so far does not bode well. We also remain hopeful that a web portal might be put in place to facilitate these discussions.

At least one member of the NaCCRA delegation will only attend the Indianapolis meeting if there is an in-person session of the Joint Task Force. Of course, a teleconference might serve just as well, especially if it is video enabled. Others have firmed their plans for Indianapolis which constrains the dates when the Joint Task Force might meet there. It now appears that Sunday and Monday are the only times that might work.

Anything that you can do to expedite this initiative will be appreciated. We know that you are very busy and have a heavy travel load. If that is too much to facilitate the work of the Joint Task Force, perhaps there is someone else within LeadingAge who can pick up the slack.

We look forward to hearing from you on this core proposal and to discussing with you and your LeadingAge Task Force contingent how we can best work together. Your June 30 email was silent on what LeadingAge considers its top priority. We can likely best help each other if we are working on priorities for both organizations.

Jack Cumming
Liaison

From: Steve Maag
Sent: Thursday, September 8, 2016 10:39 AM
To: Jack Cumming; 'Walt Boyer'; Bob and Betty Nicholson; Jack Snader; Bennett Napier
Cc: Terri Cunliffe; Tom Akins; Roberta Jacobsen; Sean Kelly; Katie Sloan
Subject: FW: LeadingAge/NaCCRA Taskforce Response

Jack, Bob, Walt, Jack and Bennett, I apologize for the delay in responding, I was out of the country for 3 weeks and several of our task force members were not available.

As a point of clarification, all the issues I listed in my last email were taken from several emails that LeadingAge received from Jack Cummings in late 2015 and were characterized as items on NaCCRA's list of issues for potential action or gleaned from our meeting in March. I did not use NaCCRA's "great openness and transparency" to uncover any of those issues, they were conveyed to us. We hope to continue and open and honest dialogue with NaCCRA in the future, as we have in the past.

The issue you have raised as NaCCRA's core proposal is one that, as you would understand, is extremely complex and controversial. It would require the support of our Board and membership, developing an appropriate model law, vetting that and then attempting to have the legislatures in the various states adopt the model law. That is frankly something LeadingAge (as well as our state affiliates who would have work on this at the state level) does not have the resources to accomplish and is not in the current strategic vision for LeadingAge.

At the meeting in March, we talked about taking it slow and working on a more simple project that we both could support and accomplish in a reasonable amount of time. Our Task Force recommends we look at that and, accordingly, have a conference call in early October (the delay is due to travel schedules) to discuss this approach. While it would be nice to have a face-face at Annual meeting, that is an incredibly busy time for me and our task force members and finding an open time slot is very difficult.

Thank you and we remain committed to an effective relationship between LeadingAge and NaCCRA.

Steve Maag

Stephen J. Maag J.D.

Director, Residential Communities

LeadingAge

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From: Jack Cumming

Sent: Thursday, September 8, 2016 11:37 AM

To: 'Steve Maag'; 'Walt Boyer'; 'Bob Nicholson'; 'Jack Snader '; 'Bennett Napier'

Cc: 'Terri Cunliffe'; 'Tom Akins'; 'RJACOBSEN@frontporch.net' Roberta Jacobsen; 'Sean Kelly'; 'Katie Sloan'

Subject: RE: LeadingAge/NaCCRA Taskforce Response

Thanks, Steve. We'll look forward to the teleconference. As a first simple step could LeadingAge open a web portal for this Task Force?

We look forward to learning what you think might be achievable as a first project and how we can best contribute. It doesn't sound like LeadingAge is likely to take the lead on extending to entry fees the kind of guaranties that now apply to bank deposits (FDIC), insurance policies (NOLGHA), or investment brokerage firms (SIPC).

This is just to acknowledge your transmittal. I'm speaking here just for myself.

Jack