

# Income Tax Deductions for HIPAA Tax-Qualified Long Term Care Insurance

Type of Taxpayer	Premium Deductions	Taxation of Benefits																																																
Does <b>Not</b> Itemize	No deduction <sup>1</sup> except for Health Savings Account owners. See HSA below.	<p><u>Reimbursement benefits</u> for qualified long term care services are not taxed.</p> <p>Per Diem or Indemnity benefits are not taxed except those benefits that exceed the greater of: 5, 6, 7</p> <ul style="list-style-type: none"><li>• Total qualified long term care services charged or,</li><li>• \$380 per day in 2020, adjusted each year for inflation.</li></ul> <p>Nonforfeiture Benefit (return of premium benefit):</p> <ul style="list-style-type: none"><li>• Available only upon total surrender or death.<sup>10</sup></li><li>• May not be borrowed or pledged.</li><li>• Subject to estate tax.</li><li>• Taxable at death to the extent premiums are deducted.<sup>10</sup></li><li>• Taxable upon policy surrender to the extent premiums were deducted.<sup>10</sup></li></ul> <p>NOTE: This document refers only to the tax treatment of Tax Qualified Long Term Care Insurance policies under the Health Insurance Portability and Accountability Act.</p> <p>The tax treatment of Non-Qualified Long Term Care Insurance policy benefits and premiums is unknown.</p>																																																
Individual Taxpayer Who Itemizes Deductions	<p>Treated as medical insurance premiums.<sup>9</sup></p> <p>Limited to the lesser of the actual premium paid or the amount per person from an age-related table of maximum deductible premiums. Table is adjusted annually for inflation. For given years, the maximum deduction per person is (in dollars):</p> <table><tr><th>Age</th><th>2014</th><th>2015</th><th>2016</th><th>2017</th><th>2018</th><th>2019</th><th>2020</th></tr><tr><td>40 or younger</td><td>370</td><td>380</td><td>360</td><td>410</td><td>420</td><td>420</td><td>430</td></tr><tr><td>41–50</td><td>700</td><td>710</td><td>730</td><td>770</td><td>780</td><td>790</td><td>810</td></tr><tr><td>51–60</td><td>1,400</td><td>1,430</td><td>1,460</td><td>1,530</td><td>1,560</td><td>1,580</td><td>1,630</td></tr><tr><td>61–70</td><td>3,720</td><td>3,800</td><td>3,900</td><td>4,090</td><td>4,160</td><td>4,220</td><td>4,350</td></tr><tr><td>71 and older</td><td>4,660</td><td>4,750</td><td>4,870</td><td>5,110</td><td>5,200</td><td>5,270</td><td>5,430</td></tr></table> <p>Premium deduction is effective to the extent that the deductible premium above added to unreimbursed taxpayer paid medical premiums and deductible out-of-pocket medical expenses exceeds 10% of the taxpayer's Adjusted Gross Income (AGI) for 2019.</p>		Age	2014	2015	2016	2017	2018	2019	2020	40 or younger	370	380	360	410	420	420	430	41–50	700	710	730	770	780	790	810	51–60	1,400	1,430	1,460	1,530	1,560	1,580	1,630	61–70	3,720	3,800	3,900	4,090	4,160	4,220	4,350	71 and older	4,660	4,750	4,870	5,110	5,200	5,270	5,430
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401K Plans	May <u>not</u> be paid through 401K retirement accounts. <sup>11</sup>																																																	
IRA Owners	Individual Retirement Accounts may <u>not</u> be used to pay LTCI premiums.																																																	
HSA (and MSA) Owner	May be paid from a Health Savings Account not to exceed age-related table limits.																																																	
Section 125 Plans	LTCI premiums become <u>taxable</u> to employee if paid through Section 125 plan. <sup>11</sup> But, HSA may be funded through 125 plan and LTCI premiums paid from HSA.																																																	
HRA Participant	If Employer <u>Health Reimbursement Plan</u> permits, TQ premiums may be allowed.																																																	
Employees (Non-Owners)	<ul style="list-style-type: none"><li>• Premiums paid by employee's deductible by employee who itemizes as an individual taxpayer</li><li>• Deductible by employer <sup>2, 9</sup></li><li>• Not taxable to employee <sup>8, 9</sup></li><li>• Not limited to the age-related-cap maximum deduction</li><li>• Applies to both individual policies and group insurance</li></ul>																																																	
C Corporation Owner	If an employee, treated as any employee. <sup>4</sup> If a non-employee, treated as dividend.																																																	
Other Business Owner-Employees <ul style="list-style-type: none"><li>• Sole Proprietors</li><li>• SUB Chapter S 2% or More Owner</li><li>• Partners: Partnerships and Limited Liability Partnerships (LLP)</li><li>• Limited Liability Corporation (LLC) Owners</li></ul>	<p>May be treated as a business expense for medical insurance premiums.<sup>12</sup></p> <p>Limited to the lesser of the actual premium or the amount on an age-related table of maximum deductible premiums which are adjusted annually for inflation: <sup>13</sup></p> <table><tr><th>Age</th><th>2014</th><th>2015</th><th>2016</th><th>2017</th><th>2018</th><th>2019</th><th>2020</th></tr><tr><td>40 or younger</td><td>370</td><td>380</td><td>360</td><td>410</td><td>420</td><td>420</td><td>430</td></tr><tr><td>41–50</td><td>700</td><td>710</td><td>730</td><td>770</td><td>780</td><td>790</td><td>810</td></tr><tr><td>51–60</td><td>1,400</td><td>1,430</td><td>1,460</td><td>1,530</td><td>1,560</td><td>1,580</td><td>1,630</td></tr><tr><td>61–70</td><td>3,720</td><td>3,800</td><td>3,900</td><td>4,090</td><td>4,160</td><td>4,220</td><td>4,350</td></tr><tr><td>71 and older</td><td>4,660</td><td>4,750</td><td>4,870</td><td>5,110</td><td>5,200</td><td>5,270</td><td>5,430</td></tr></table>	Age	2014	2015	2016	2017	2018	2019	2020	40 or younger	370	380	360	410	420	420	430	41–50	700	710	730	770	780	790	810	51–60	1,400	1,430	1,460	1,530	1,560	1,580	1,630	61–70	3,720	3,800	3,900	4,090	4,160	4,220	4,350	71 and older	4,660	4,750	4,870	5,110	5,200	5,270	5,430	
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Individual Gifts	Annual gift tax exemption increased by the amount of qualified premium gifted. <sup>14</sup>																																																	

The information provided herein is not intended as legal or tax advice. Consult with an attorney, accountant, or tax advisor regarding the tax implications of long term care insurance premiums and benefits.

<sup>1</sup> HIPAA 1996, P.L.104-49L	<sup>4</sup> IRC Sec. 106(a)	<sup>7</sup> IRC Sec. 104(a)(3)	<sup>10</sup> Sec. 7702B(b)(2)(C)	<sup>13</sup> IRC Sec. 213(d)(10)(B)
<sup>2</sup> IRC Sec. 7702B(a)(3)	<sup>5</sup> IRC Sec. 7702B(a)(2)	<sup>8</sup> IRC Sec. 213(d)(1)	<sup>11</sup> IRC Sec. 125(f)	<sup>14</sup> IRC Sec. 2503(e)(2)(B)
<sup>3</sup> IRC Sec. 105(b)	<sup>6</sup> IRC Sec. 7702B(d)	<sup>9</sup> IRC Sec. 7702B(a)(1)	<sup>12</sup> IRC Sec. 162(l)	