

Draft: 11/20/25

Market Regulation Certification (D) Working Group
Virtual Meeting
November 17, 2025

The Market Regulation Certification (D) Working Group of the Market Regulation and Consumer Affairs (D) Committee met Nov. 17, 2025. The following Working Group members participated: Bryan Stevens, Chair (WY); T.J. Patton, Vice Chair (MN); Chelsy Maller (AK); Teri Ann Mecca (AR); Daniel Mathis (IA); Mary Kwei (MD); Jo A. LeDuc and Teresa Kroll (MO); Shane Quinlan (NC); Martin Swanson (NE); Erin Porter (NJ); Elouisa Macias (NM); Rodney Beetch (OH); Landon Hubbart (OK); Cassie Soucy (OR); Gary Jones (PA); Rachel Moore (SC); Tanji J. Northrup (UT); Andrea Baytop and Julie Fairbanks (VA); Isabelle Turpin Keiser (VT); Sandy Ray (WA); and Allan L. McVey (WV). Also participating were: Tolanda McNeal (AZ); Pam O'Connell (CA); Victoria Hastings (IN); Danielle Torres (MI); Hermoliva Abejar (NV); Matthew Gendron (RI); Stacie Parker (TX); and Darcy Paskey (WI).

1. Adopted its Aug. 6 Minutes

The Working Group met Aug. 6 and took the following action: 1) adopted its May 21 minutes; and 2) discussed the proposed market analysis certification requirement.

Commissioner McVey made a motion, seconded by Ray, to adopt the Working Group's Aug. 6 minutes (**Attachment XX**). The motion passed unanimously.

2. Discussed Voluntary Market Regulation Certification Program Implementation Plan and Certification Applications

Stevens said that in 2024 and 2025, the Working Group received 22 applications for provisional certification. He said this was in accordance with step one of the adopted implementation plan. According to the program's implementation plan, each jurisdiction that submits a self-certification will automatically be provisionally certified. He said each of the 22 jurisdictions that submitted self-certifications has received an acknowledgement, and the appointed peer review group is currently doing assessments of the jurisdictions' self-certifications.

Stevens stated that, after the initial self-certification, the implementation plan requires the provisionally certified jurisdiction to submit a self-certification report annually. While the Working Group continues to receive some new self-certifications, it has not, to date, received any of the annual self-certifications from the jurisdictions that have already been provisionally certified. He stated that, as this is the first year that the Working Group has been receiving and assessing the self-certification applications, the annual requirement will not be enforced this year.

Stevens reminded attendees that self-certification applications can still be sent to Randy Helder (NAIC), and all applications will be acknowledged with provisional certification. He said that if a state/territory can submit its self-certification prior to the Market Regulation and Consumer Affairs (D) Committee's Dec. 11 meeting at the Fall National Meeting, he will be able to report to the Committee the total number of provisionally certified states. This report will include all 22 submitted self-certifications plus any new submissions. He said he would like to have 25 applications by the Fall National Meeting and 35 by the end of next year.

Stevens said the Working Group will meet Dec. 9 at the Fall National Meeting to begin discussions on developing the mechanisms for implementing full certification. He asked Helder to send the implementation plan to all interested regulators and interested parties so the Working Group can prepare to discuss how to proceed during the Fall National Meeting.

Torres asked how long it takes to get the assessment for the peer review group. Stevens said the self-certifications are being reviewed in order, and not all 22 have been reviewed yet. He believes there is one more meeting planned for the review group.

Hastings asked whether it is expected that the self-certifications have the state's or territory's policies and procedures attached to the checklist or if only the checklist is required. Stevens said that if a state/territory is comfortable with submitting its policies and procedures, that is helpful to the review team. Hastings asked what type of feedback a state should expect to see. Stevens said it varies but mostly consists of requests for clarification. He said that clarification is sometimes needed because the checklist formatting is off and the answer is unclear. At other times, it may be a request for the policies and procedures once they are drafted by the state.

O'Connell asked who comprises the review panel. Stevens said the review panel consists of Patton, Baytop, Soucy, LeDuc, Jones, and himself.

Gendron asked if there is an appeals process if a state disagrees with an assessment. Stevens said there is not. He said everyone is just trying to get on the same page right now, and the review panel is willing to talk about any disagreements. He said this is a collaborative effort.

3. Discussed the Proposed Draft of a New Market Analysis Certification Requirement

Stevens said that prior to this meeting, the Working Group exposed a draft of a new definition of what would be considered market analysis. He said the new definition broadens what counts as market analysis to include baseline, Market Analysis Review System (MARS) Level 1, MARS Level 2, and certain continuum actions that involve market analysis. He said that if the Working Group agrees on what would be included in and counted as market analysis for purposes of the new requirement, it can then decide what an appropriate number of analyses would be needed to meet the requirement.

Patton thanked the drafting group for its work on the proposal. He stated that the drafting group is working on a proposed requirement focused on two topics, and two considerations were taken into account for each topic. The first topic is developing a definition of what counts as market analysis. Once a consensus is reached on the definition, the second topic is to determine a sufficient amount of market analysis to meet the requirement. He said that for each topic, the drafting group is considering the resources available to each state/territory and ensuring that the analysis done by jurisdictions is analysis that other jurisdictions can obtain and utilize.

Patton said the market analysis definition was broadened to include baselines, MARS Level 1, MARS Level 2, and general market analysis projects. The definition also provides some examples of what would qualify as a general market analysis project. He said the list includes special data calls, market-wide surveys, and interrogatories, but the examples are not all-inclusive. Other types of activities could also qualify. He said the drafting group took into account the Working Group's discussion on how different jurisdictions conducted market analysis. He said that for an analysis to be counted, it had to be performed during the calendar year.

Stevens thanked the drafting group for its work on the proposal. He said the value of the requirement is for other jurisdictions to be able to share their analyses and not duplicate each other's work.

Gendron said this is a good list of market analysis activities. He said Rhode Island will do projects on topics such as title insurance or annuities and conduct between six and 20 Level 1 or Level 2 analyses on different companies prior to issuing a public report on the topic.

Paskey said Wisconsin just conducted a survey of 164 private passenger automobile (PPA) companies. She asked if the expectation was that Wisconsin would have to do a Level 1 analysis on each of the 164 companies to get credit for the national analysis. LeDuc said the general market analysis category is a way for a state to count activities that it has done that are outside of the routine baseline, Level 1, or Level 2 reviews. She said it is not the expectation that all these are input into MARS. She said it is great that Rhode Island does that because it helps inform other states, but it is not part of the requirement. The definition attempts to encompass all the things states report that do not fall into the standardized systems.

Moore said she is the only person doing market analysis in South Carolina, and her state uses State Based Systems (SBS). She asked if analyses in SBS would be considered and counted. Patton said they would.

Helder said North Carolina submitted a question regarding the way the definition was worded. It was unclear whether the requirement was for the analyses to be done in the same calendar year as the data. He said this will be clarified, but the intention is that the requirement is to count the number of market analyses conducted in the calendar year, not the number of analyses by data year. Quinlan said that answered North Carolina's question.

Patton asked if a vote needed to be taken on the definition of the market analysis prior to moving into a discussion on the appropriate number of analyses to be done by the state per year. Helder said the vote can wait until the entire requirement is drafted with the analysis definition, the quantity of market analyses to be conducted, and whether the requirement is a mandatory or secondary requirement.

Patton asked whether the current Market Analysis Procedures (D) Working Group requirement of 30 analyses is workable for jurisdictions, given the broadened definition. Quinlan said 30 can be a start. Stevens said that just as South Carolina only has one market analyst, he is the only market analyst in Wyoming. He said that Wyoming was planning for 20 reviews in 2026. While 30 is not unreasonable, he would prefer 20 reviews as the baseline. Soucy agreed with Stevens and said that it would be a good floor for smaller states with fewer resources.

Gendron said he liked the goal of conducting 30 reviews. He said it is unlikely a jurisdiction would lose its certification if it only did 26 reviews. He said that often states use the financial accreditation program standards to argue for sufficient staffing. He said he thinks the standards should be a little higher.

Stevens asked if the proposed requirement would be mandatory or secondary. LeDuc said the drafting group did not discuss that, but she thought initially it could be a secondary requirement. Patton and Stevens agreed that it should initially be secondary, but wondered if that would lead some states not to be concerned with meeting the requirement. LeDuc said it would not always have to be secondary.

Turpin Keiser asked whether 30 is too low a number for larger states with more resources. Stevens said states like California have a large staff, but in the last meeting, they indicated that most of the staff is composed of examiners with very few analysts. Parker noted that Texas is similar to California in terms of the number of examiners versus analysts. LeDuc said that if the requirement was to be scalable by the size of the staff, it would be necessary to tighten the definition around what constitutes an analyst and how to count the number of analysts.

Baytop said the requirement should be secondary since it has just been added to the certification program. She said maybe in the future, it can be changed to a mandatory requirement, and consideration can be given to scaling it per the full-time-equivalent number of analysts.

Patton asked if states that wanted 20 analyses as the minimum would be comfortable with 30 if it were a secondary requirement. Moore, Soucy, and Stevens all agreed that they would be comfortable with 30 analyses. Abejar said that regardless of the number, the prioritization of the companies to be reviewed is more important.

Stevens agreed that it is important for states with limited resources to use their time wisely, but at the same time, it is good to have a stretch goal. He said a jurisdiction will not be told it is not certified because it fell short of 30 analyses. LeDuc said that if a state does not meet enough secondary requirements, it could mean that it is not certified. Stevens agreed that would be the case with full certification, but the state would still be provisionally certified.

Patton said the drafting group will meet again to put together a requirement that the Working Group can vote on. Stevens said the Working Group can consider adoption of the proposed requirement at the Fall National Meeting. Stevens said the Fall National Meeting will be used to wrap up the work of the Working Group for 2025 and plan for 2026. He said he would like to have 25 states provisionally certified by the end of 2025 and 35 by the end of 2026.

Having no further business, the Market Regulation Certification (D) Working Group adjourned.

SharePoint/Member Meetings/D CMTE/2025 Fall National Meeting/MRCWG/1117/11-MRCWG T.docx