



Date: 10/14/22

Virtual Meeting

SPEED TO MARKET (D) WORKING GROUP

Thursday, November 10, 2022

2:00 – 3:00 p.m. ET / 1:00 – 2:00 p.m. CT / 12:00 – 1:00 p.m. MT / 11:00 a.m. – 12:00 p.m. PT

ROLL CALL

Rebecca Nichols, Chair	Virginia	Edward M. Deleon Guerrero	N. Mariana Islands
Maureen Motter, Vice Chair	Ohio	Frank Cardamone	New Hampshire
Jimmy Gunn	Alabama	Russell Toal	New Mexico
Sian Ng-Ashcraft	Alaska	Ted Hamby	North Carolina
Jimmy Harris	Arkansas	Jon Godfread	North Dakota
Shirley Taylor	Colorado	Cuc Nguyen/Glen Mulready	Oklahoma
Trinidad Navarro/Frank Pyle	Delaware	Andrew R. Stolfi	Oregon
Robert Nkojo	District of Columbia	Mark Worman/Chris Herrick	Texas
Dean L. Cameron	Idaho	Tanji J. Northrup	Utah
Julie Rachford	Illinois	Lichiou Lee	Washington
Craig VanAalst	Kansas	Allan L. McVey	West Virginia
Tammy Lohmann	Minnesota	Barry Haney	Wisconsin
Camille Anderson-Weddle	Missouri		

NAIC Support Staff: Randy Helder/Leana Massey
NAIC Technical Support: Renee Brownfield/Alex Rogers

AGENDA

1. Consider Adoption of its July 12 Minutes—*Rebecca Nichols (VA)* Attachment 1
2. Hear an Update on Edits to the *Product Filing Review Handbook*
—*Maureen Motter (OH)*
3. Hear an Update on the System for Electronic Rates & Forms Filing (SERFF)
Modernization Project and the Product Steering Committee (PSC)
—*Bridget Kieras (NAIC)*
4. Discuss Any Other Matters Brought Before the Working Group
—*Rebecca Nichols (VA)*
5. Adjournment

Draft: 7/27/22

Speed to Market (D) Working Group
Virtual Meeting
July 12, 2022

The Speed to Market (D) Working Group of the Market Regulation and Consumer Affairs (D) Committee met July 12, 2022. The following Working Group members participated: Rebecca Nichols, Chair (VA); Maureen Motter, Vice Chair (OH); Sian Ng-Ashcraft (AK); Erick Wright (AL); Jimmy Harris (AR); Frank Pyle (DE); Julie Rachford (IL); Brenda Johnson and Craig VanAalst (KS); Tammy Lohmann (MN); Camille Anderson-Weddle and Jo LeDuc (MO); Ted Hamby, Tracy Biehn, and Timothy Johnson (NC); Chris Aufenthie (ND); Cuc Nguyen (OK); Sharalyn Taylor (TX); Tracy Klausmeier (UT); Gail Jones (WA); and Barry Haney and Mary Kay Rodriguez (WI). Also participating was: Danie Capps (WY).

1. Adopted its April 20 Minutes

The Working Group met April 20 and took the following action: 1) adopted its Nov. 16, 2021, minutes; 2) received an update on the status of the System for Electronic Rates & Forms Filing (SERFF) Modernization Project; 3) received an update on edits to the *Product Filing Review Handbook* (Handbook); and 4) discussed the annual review of the product coding matrix (PCM) and uniform transmittal document (UTD) suggestions.

Ms. Rachford made a motion, seconded by Mr. Wright, to adopt the Working Group's April 20 minutes (Attachment XX). The motion passed unanimously.

2. Discussed and Considered Suggestions Received on the PCM and UTD

Ms. Motter stated that the first suggestion to discuss is regarding the property/casualty (P/C) PCM. She stated that a suggestion was received to add a sub-type of insurance (TOI) under the inland marine TOI to allow for the filing of personal lines cyber insurance. The reason for this suggestion is that this is a new product, and customers have been asking about it. Ms. Motter stated that when these suggestions are being evaluated, ideas and thoughts are brought to everyone's attention for consideration. She stated that there was recently a sub-TOI for cyber liability products added that is lined up with the annual statement instructions, where it advises companies to put any standalone comprehensive cyber liability coverages under TOI 17, but if it is an endorsement attached to the policy, there is a note similar to the lines of business in the annual statement to report those premiums and losses. For example, she stated that if a cyber liability endorsement was being added to an existing homeowners product, the endorsement would be filed with the homeowners product. She stated that a consideration to keep in mind is how many states would implement this suggested change, as it is not helpful from a speed to market standpoint to add additional TOIs that will not be adopted by a majority of jurisdictions. She asked if anyone on the call has been filing personal lines standalone cyber insurance products, and there were no responses. She asked that if anyone has an issue with following the annual statement instructions and the current PCM, they should place such products if they come into existence under TOI 17 for now and reevaluate them in the future if needed.

Theresa Boyce (ACE Group) stated that she believes TOI 17 would only be used for standalone, and if it is just an endorsement to another line of business, then the ACE Group would not need to use TOI 17. Ms. Motter confirmed that as correct and stated that she has not heard anyone express concerns about getting any personal lines standalone products filed. She stated that cyber coverage on a personal basis thus far has been an endorsement and gone under the proper TOI to the policy it is attached to. She stated that if state insurance regulators and industry representatives are not seeing standalone personal lines cyber insurance products at this time, creating a TOI for it may not be helpful, as it may not be utilized. Ms. Rachford asked if it would be possible to get more

information from the person that made this suggestion. Ms. Motter stated that if the need arises, this suggestion could be brought up again, but this consideration is time sensitive, as it would have to be decided on prior to the national meeting in order to receive filings for it next year.

Ms. Rachford made a motion, seconded by Ms. Klausmeier, to not consider the creation of an additional TOI to the P/C PCM for personal lines cyber and to table it for future discussion as needed. The motion passed unanimously.

Ms. Motter stated that the next suggestion to discuss is regarding the life and health UTD. A suggestion was made to update the form actions list on the form schedule to include “withdrawn” in addition to initial, revised, and other. She stated that this would bring it in line with what is already present on the P/C side, where a form can be indicated as new, revised, withdrawn, or other, which includes a freeform text box. This suggestion also included a request to have a date of when this will take over or be inactivated. Ms. Motter stated that on the P/C side, when new, withdrawn, or replaced, the date trigger is the requested effective date that is indicated on the entire filing submission. She stated that it is unclear in the suggestion if the requester is expecting to have a different date other than the requested effective date, and a possible solution would be asking filers to use the other box to enter that different date in the text field box. She asked that if the requester is on the call, and they are not. She asked if anyone has concerns with aligning the life and health UTD with the P/C document and allowing the choice of withdrawn in addition to initial, revised, and other. No concerns were expressed. Ms. Motter asked if anyone has concerns with the suggestion that if the requester is expecting the ability to indicate a date other than the requested effective date, that it be provided in the other text field box. No concerns were expressed.

Mr. VanAalst made a motion, seconded by Ms. Lohmann, to amend the life and health UTD to include an option for withdrawn, without an additional date field. The motion passed unanimously.

Ms. Motter stated that the next suggestion to discuss is adding a TOI for multi-line health other in the life and health PCM. She stated that her understanding is this is unique to just a few jurisdictions, as only a few states have a separate instance for health and a separate instance for life filing submissions. She stated that because of this, these states can only use a multi-line health other in their health instance, and they do not have that available in their life instance. The reason provided for the suggestion is that the TOI would be used for health insurance coverages that are considered excepted benefits, such as hospital indemnity, accident only, etc. and would assist with such SERFF filing searches. The other reason given is that the addition of this TOI would be for states that have life and health as separate instances because TOI ML02 cannot be used for both. Ms. Motter stated that the additional thoughts provided for consideration are that this concern will be resolved with the SERFF modernization, and it only affects a handful of jurisdictions. She stated that the recommendation is to continue use of the H21 TOI health other until the SERFF modernization is in place. She stated that perhaps using additional benefit fields, labels, and filing descriptions might help locate these types of filings in the interim. Ms. Jones stated that if this will be resolved in the SERFF modernization, a new TOI does not seem necessary at this time.

Ms. Nguyen made a motion, seconded by Ms. Lohmann, to not add a TOI for multi-line health other. The motion passed unanimously.

Ms. Motter stated that the next suggestion to discuss is adding a sub-TOI in the life and health PCM under TOI NA01 network access provider contract for a provider contract incentive-based program with the description, “A written contract between a carrier, accountable care organization (or similar entity), provider, or group of providers that establishes an incentive-based program.” A reason was not provided for this suggestion. Ms. Motter asked if these are currently accepted under NA01.004 other and if a filing label could be utilized to differentiate these types of filings. Ms. Jones stated that Washington’s network oversight person, Jennifer Kreidler, recommended not accepting this suggestion because: 1) incentive-based programs are not a unique type of

provider contract, but a type of reimbursement that is already captured in sub-TOIs that have been previously adopted, including NAO1.000 and NAO1.003; and 2) accountable care organizations, per the description request, are federally regulated programs, and states have no jurisdiction over such programs; therefore, Washington does not require submission of them unless incorporated into a commercial marketplace or Medicaid plan. She stated that if adopted, Washington would not turn on this code.

Ms. Lohmann made a motion, seconded by Mr. Wright, to not implement the suggestion to add a sub-TOI for provider contract incentive-based programs. The motion passed unanimously.

Ms. Motter stated that the next suggestion to discuss is adding sub-TOIs in the life and health PCM for long term care (LTC) to account for limited long-term care insurance (LTCI) filings to align with the *Limited Long-Term Care Insurance Model Act* (#642) and the *Limited Long-Term Care Insurance Model Regulation* (#643). The reason provided for this suggestion is that it would accurately identify the appropriate TOI reflective of the coverage. The requester noted that some jurisdictions have allowed these filings under H13, and a request was made to consider adding or referencing limited LTC in this description, but it was decided that this could cause confusion, as the product is a type of LTC and should be within that TOI description. Ms. Motter stated that questions to consider are how many states would implement these sub-TOIs, where filings for this are currently being received, how many policies are being filed as a standalone product, and how this is different from those items filed under H13 short-term care group and individual. She stated that potentially adding another sub-TOI to H13 for other or implementing additional benefit flags for the sub-TOI may be better than adding another sub-TOI under LTC. She stated that her recollection when this was previously discussed is that because there is a difference between LTC and short-term care, the desire is not to include sub-TOIs for short-term care under the LTC and to leave them under H13. Ms. Jones stated that this was discussed in Washington, and it does not see the need to add a new sub-TOI, as these products appear to meet the definition of short-term care. She stated that Washington would support the addition of a sub-TOI under H13, and she added that limited LTC is not allowed under Washington's current regulations. Ms. Motter asked if adding 13.004 for short-term care other under TOI H13G would be a possible solution. Ms. Jones confirmed this since that would not fall under LTC. Mr. VanAalst stated that Kansas would not adopt this since it made changes to its Long-Term Care Partnership Program to account for these types of filings, but if a change were made, Kansas agrees with Washington that it would make the most sense to add a sub-TOI under H13. Ms. Motter stated that under H13, there are sub-TOIs for home health care, which could incorporate the first suggestion and sub-TOIs for nursing home and adult day care. She stated that there is not a sub-TOI for other for short-term care, and she asked if there is an interest in adding a sub-TOI to H13G and H13I of 13.004 other to incorporate additional filings. Ms. Jones asked if the request is to add sub-TOIs under LTC, and Ms. Motter confirmed this but said this would be a possible alternative solution if needed. Ms. Motter stated that adding these sub-TOIs under H13 for other should only be considered if the Working Group feels the need. No comments were expressed indicating a need to add these additional sub-TOIs under H13G and H13I.

Mr. VanAalst made a motion, seconded by Ms. Lohmann, to not amend the life and health PCM to include additional sub-TOIs for LTC. The motion passed unanimously.

Ms. Motter summarized that effective Jan. 1, 2023, the Working Group has decided that the only change from the suggestions made this year is to amend the life and health UTD to include an option for withdrawn as a status option and that no changes to the PCM would be implemented.

3. Discussed Other Matters

Ms. Jones asked if the requesters for these suggestions are invited to these calls so they can participate in these discussions and answer questions. Ms. Motter stated that NAIC staff have historically reached out to them with

the call information. Brandy Woltkamp (NAIC) confirmed this and stated that a couple of the requesters are Working Group members and are aware of this call.

Ms. Nichols stated that details for the next call would be shared once it has been scheduled.

Having no further business, the Speed to Market (D) Working Group adjourned.

SharePoint/Market Regulation - Home/D Working Groups/Speed to Market/2022/July 12 Call