



900 W. 48th Place, Suite 900, Kansas City, MO 64112 • (816) 753-1000

October 31, 2019

Justin T. Libby  
913.234.7427  
816-753-1536 Fax  
jliby@polsinelli.com

**BY E-MAIL TO ABrandenburg@naic.org and ECrews@naic.org**

Pet Insurance Working Group

Attn: Mr. Aaron Brandenburg and

Ms. Libby Crews

National Association of Insurance Commissioners

1100 Walnut Street, Suite 1500

Kansas City, MO 64106

**Re: Pet Insurance Model Act Sections 1 to 4**

Dear Mr. Brandenburg, Ms. Crews, and Members of the Pet Insurance (C) Working Group:

On behalf of Companion Protect Agency, LLC, (“Companion Protect”) we thank you for the opportunity to comment on Sections 1 to 4 of the Pet Insurance Model Act Discussion Draft dated October 2, 2019.

Companion Protect is an insurance agency that specializes in the sale of pet insurance. The agency was founded by experienced insurance professionals who are actively and substantially involved in nonprofit animal welfare efforts. Companion Protect is licensed as a major line property and casualty producer in 50 states and is offering pet insurance in 48 states.

We suggest making the following revisions to Section 3:

**Section 3 Definitions**

If a pet insurer uses any of the terms in this Act in a policy of pet insurance, the insurer shall define each of those terms in the policy substantially as set forth herein or as otherwise approved by the Commissioner ~~use the definition of each of those terms as set forth herein and include the definition of the term(s) in the policy.~~ The pet insurer shall also make the definition available through a link on the main page of the insurer’s Internet Web site.

[polsinelli.com](http://polsinelli.com)

Atlanta Boston Chicago Dallas Denver Houston Kansas City Los Angeles Miami Nashville New York  
Phoenix St. Louis San Francisco Seattle Silicon Valley Washington, D.C. Wilmington

Polsinelli PC, Polsinelli LLP in California

093431/588878-71001827.2

Nothing in this Act shall in any way prohibit or limit the types of exclusions pet insurers may use in their policies or require pet insurers to have any of the limitations or exclusions defined below.

As used in this Act:

A. “Chronic condition” means a condition that can be treated or managed, but not cured.

B. “Congenital anomaly or disorder” means a condition that is present from birth, whether inherited or caused by the environment, which may cause or contribute to illness or disease.

C. “Hereditary disorder” means an abnormality that is genetically transmitted from parent to offspring and may cause illness or disease.

D. “Pet insurance” means an individual or group insurance policy that provides coverage for veterinary expenses.

E. “Preexisting condition” means any condition for which a veterinarian provided medical advice, the pet received treatment for, or the pet displayed signs or symptoms consistent with the stated condition prior to the effective date of a pet insurance policy or during any waiting period.

F. “Veterinarian” means an individual who holds a valid license to practice veterinary medicine from the Veterinary Medical Board pursuant to Chapter 11 (commencing with Section 4800) of Division 2 of the Business and Professions Code or other appropriate licensing entity in the jurisdiction in which he or she practices.

G. “Veterinary expenses” means the costs associated with medical advice, diagnosis, care, or treatment provided by a veterinarian, including, but not limited to, the cost of drugs prescribed by a veterinarian.

H. “Waiting or affiliation period” means the period of time specified in a pet insurance policy that is required to transpire before some or all of the coverage in the policy can begin.



Pet Insurance Working Group

October 31, 2019

Page 3

We believe state insurance regulators should be allowed a degree of flexibility to approve alternative definitions of terms like “preexisting condition” that are more favorable to the insurance buying public. For example, under the pet insurance policy offered by Companion Protect, excluded pre-existing conditions are identified based on a medical examination performed before coverage is purchased. Also, the excluded pre-existing conditions are specifically identified and disclosed to the customer at the point of offer before coverage is purchased, and the excluded pre-existing conditions are listed on the customer’s policy declaration page upon delivery of the policy. The term “pre-existing condition” is clearly defined in the policy. The policy is designed to meet the customer’s normal expectations of coverage without having to rely on the policy language to explain what is not covered because those limitations are disclosed upfront to the customer. We believe that is why customers have responded favorably to the policy design.

Thank you for taking our comments into consideration as you work to develop a Model Act for pet insurance.

Sincerely,

A handwritten signature in blue ink that reads "Justin Liby".

Justin Liby

JTL:mgs

cc: John Chaskey (by e-mail to [chaskeyj@westmontlaw.com](mailto:chaskeyj@westmontlaw.com))