

VOLUME I

OVERVIEW OF MARKET REGULATION OVERSIGHT

VOLUME I—FOREWARD	1
CHAPTER 1—INTRODUCTION	3
A. Resources Available to Market Regulation Professionals	3
B. Resources Within State Insurance Departments.....	5
C. myNAIC	6
D. Center for Insurance Policy Research (CIPR).....	6
E. The Interstate Insurance Product Regulation Commission (IIPRC)	7
F. Other Regulatory Sources	8
G. Industry Sources.....	8
H. Public Information Sources.....	9
I. Company Self-Audits.....	10
CHAPTER 2—CONTINUUM OF MARKET ACTIONS	11
A. Considerations.....	11
B. Market Actions.....	12
C. Closure.....	18
CHAPTER 3—MARKET REGULATION INVESTIGATION GUIDELINES	23
A. Background and Introduction	23
B. Guidelines for Conducting Market Regulation Investigations	24
C. Standards for Conducting a Field Investigation	27
D. Guidelines for Conducting an Interview.....	28
E. Preparation of the Interview Form.....	31
F. Procedures for Closing a Market Regulation Investigation.....	32
G. Procedures for the Completion of Case Summary Reports.....	32
H. Guidelines for Conducting a Photographic Lineup	33
I. Forensic Examinations—Expert Witnesses.....	33
J. Form of Investigative Report.....	35
K. Indicators of Fraud.....	37
L. Investigative Priorities	37
M. Exhibits.....	38
CHAPTER 4—COLLABORATIVE ACTIONS	44
A. Collaborative Action Guidelines.....	44
B. Responsibility of Key Players in a Collaborative Action.....	48
C. Market Actions (D) Working Group	50
D. Multistate Examination Process.....	53
E. Conclusion of Collaborative Enforcement Actions.....	57
CHAPTER 5—CORE COMPETENCIES	58

VOLUME II
WHAT IS MARKET ANALYSIS

VOLUME II—FOREWARD.....	88
CHAPTER 6—BASIC ANALYTICAL TOOLS.....	90
A. Market Conduct Indicators and Priorities.....	90
B. NAIC iSite+	90
C. Use of Complaint Data in Market Analysis.....	91
D. Use of Annual Statement Data in Market Analysis.....	93
E. Issues Specific to Particular Types of Companies.....	96
F. Other Useful Information.....	97
CHAPTER 7—PUTTING IT ALL TOGETHER: MARKET ANALYSIS.....	102
A. Framework for Market Analysis.....	102
B. Developing a Market Analysis Program.....	104
C. Identifying Markets and Companies for Analysis.....	106
D. Baseline Analysis	108
E. How to Analyze Consumer Complaint Data.....	110
F. Market Conduct Annual Statement Data.....	116
G. How to Analyze State Page Data.....	116
CHAPTER 8—ENHANCING STATE MARKET ANALYSIS	119
A. Improving Consumer Complaint Analysis	119
B. Use of myNAIC and iSite+ in Market Analysis.....	124
C. Use of IRIS Ratios in Market Analysis	125
D. The Use of Underwriting Guidelines in Market Analysis.....	127
E. Modes of Analysis.....	131
CHAPTER 9—iSite+ REPORTS.....	134
CHAPTER 10—MARKET ANALYSIS LEVEL 1 QUESTIONS.....	140
CHAPTER 11—LEVEL 2 ANALYSIS GUIDE.....	144

VOLUME III
HOW TO CONDUCT MARKET CONDUCT EXAMINATIONS

VOLUME III—FOREWARD	171
CHAPTER 12—EXAMINATION INTRODUCTION	173
A. Background.....	173
B. Scope.....	175
C. Overview of Examination Methods	177
D. Confidentiality.....	178
E. Disclaimers	181
F. Examination Techniques and Handbook Revisions	181
CHAPTER 13—TYPES OF EXAMINATIONS	182
A. Types of Examinations.....	182
B. Examination Sequence.....	183
C. Jurisdiction of the Examination.....	183
D. Method of Examination.....	184
E. Lines under Examination	184
F. Use of Hierarchical Description.....	185
CHAPTER 14—EXAMINER CLASSIFICATIONS, QUALIFICATIONS AND COMPENSATION	186
A. Classifications	186
B. Qualifications.....	186
C. Minimum Qualifications of Multistate Examiners.....	187
D. Conflict of Interest for all Examiner Classifications	187
E. Examiner Compensation.....	187
CHAPTER 15—STANDARDIZED DATA REQUESTS	189
A. SDRs.....	189
CHAPTER 16—SCHEDULING, COORDINATING AND COMMUNICATING	194
A. Company Selection.....	194
B. Scheduling Examinations.....	195
C. Scope of Examinations.....	196
D. Selection of Examiner-in-Charge (EIC) and Team	197
E. Estimating Time Requirements.....	197
F. Calling the Examination.....	197
G. Notice of Examination Reported to MATS.....	198
H. Company Identifies Examination Coordinator(s).....	199
I. Examination Audit Plan Drafted.....	199
J. Initial Examination Team Meeting, including Contractors (Optional)	199
K. Pre-Examination Contact.....	199
L. Pre-Examination Procedures	199

M. Data/Files.....	201
N. On-Site Coordination.....	202
O. Request for Information.....	202
P. Communicating with Company Management.....	202
Q. Post-Examination.....	203
R. Market Conduct Uniform Examination Outline.....	205
S. Reasons for Examination.....	208
T. Market Conduct Examination Pre-Planning Checklist.....	210
U. Market Conduct Examination Checklist.....	212
V. Post-Examination Questionnaire.....	214
CHAPTER 17—SAMPLING.....	217
A. Purpose of Sampling.....	217
B. Sampling Generally.....	218
C. Sampling Methods.....	219
D. Standards.....	220
E. Data Verification.....	223
F. Problem Data and Departures from Random Sampling.....	225
G. Sample Sizes.....	226
H. Initial Sample.....	227
I. Additional Sample.....	230
J. Sampling Topics and Tables.....	230
K. Considerations for Selecting Sample Sizes.....	231
L. ACL and Sampling.....	233
M. Sampling Formulas.....	236
CHAPTER 18—AUTOMATED EXAMINATIONS TOOLS AND TECHNIQUES.....	239
A. Purpose of Automated Examinations.....	239
B. Automation Tools.....	239
C. Reference Tools, Training and Assistance.....	242
D. Data Requests and Access.....	243
E. Validation of Data.....	246
F. Sampling.....	246
G. Complaint Handling.....	247
H. Producer Licensing.....	249
I. Marketing and Sales.....	252
J. Policyholder Service.....	255
K. Underwriting and Rating.....	257
L. Claims.....	261
CHAPTER 19—WRITING THE EXAMINATION REPORT.....	264
A. General.....	264
B. Content of the Report.....	265
C. Review of the Report.....	268
D. Distribution of the Findings.....	268
E. Information on Examinations Conducted by Other States.....	268

VOLUME IV
REVIEW/EXAMINATION CRITERIA FOR SPECIFIC TYPES OF
INSURANCE AND REGULATED ENTITIES

VOLUME IV—FOREWARD	269
CHAPTER 20—GENERAL EXAMINATION STANDARDS	271
A. Operations/Management.....	271
Addendum A to Op/Mgmt Standard 17-Insurance Data Security Post-Breach Checklist.	303
B. Complaint Handling.....	308
C. Marketing and Sales.....	314
D. Producer Licensing.....	322
E. Policyholder Service.....	331
F. Underwriting and Rating.....	340
G. Claims.....	363
CHAPTER 21—CONDUCTING THE PROPERTY AND CASUALTY EXAMINATION	382
A. Operations/Management.....	382
B. Complaint Handling.....	382
C. Marketing and Sales.....	382
D. Producer Licensing.....	384
E. Policyholder Service.....	384
F. Underwriting and Rating.....	386
G. Claims.....	408
CHAPTER 21A—CONDUCTING THE PROPERTY AND CASUALTY TRAVEL INSURANCE EXAMINATION	412
A. Marketing and Sales.....	413
B. Producer Licensing.....	426
C. Policyholder Service.....	428
D. Underwriting and Rating.....	431
E. Claims.....	433
CHAPTER 22—CONDUCTING THE TITLE INSURANCE COMPANY AND TITLE INSURANCE AGENT EXAMINATION	435
A. Operations/Management.....	436
B. Complaint Handling.....	442
C. Marketing and Sales.....	442
D. Producer Licensing.....	452
E. Policyholder Service.....	452
F. Underwriting and Rating.....	452
G. Claims.....	466
H. Escrow, Settlement, Closing or Security Deposit Funds.....	469

(Prohibition on) Preexisting Condition Exclusions.....	800
Preventive Health Services	811
Rescissions	816
Summary of Benefits and Coverage (SBC) and Uniform Glossary	822
Utilization Review	828
CHAPTER 24B—CONDUCTING THE MENTAL HEALTH PARITY EQUITY AND AND ADDICTION (MHPAEA) RELATED EXAMINATION.....	840
A. Introduction.....	840
B. Examination Standards	840
C. Collaboration Methodology and List of Examination Questions	841
D. Data Collection Tool for Mental Health Parity Analysis.....	844
CHAPTER 25—CONDUCTING THE MEDICARE SUPPLEMENT EXAMINATION....	855
A. Operations/Management.....	856
B. Complaint Handling.....	861
C. Marketing and Sales.....	861
D. Producer Licensing.....	881
E. Policyholder Service.....	881
F. Underwriting and Rating.....	881
G. Claims.....	881
H. Grievance Procedures	881
I. Network Adequacy	887
J. Provider Credentialing.....	897
K. Quality Assessment and Improvement.....	906
L. Utilization Review.....	917
CHAPTER 26—CONDUCTING THE LONG-TERM CARE EXAMINATION	918
A. Operations/Management.....	919
B. Complaint Handling.....	921
C. Marketing and Sales.....	921
D. Producer Licensing.....	934
E. Policyholder Service.....	934
F. Appeal of Benefit Trigger Adverse Determination	940
G. Underwriting and Rating.....	944
H. Claims.....	959
CHAPTER 26A—CONDUCTING THE LIMITED LONG-TERM CARE EXAMINATION.....	962
A. Operations/Management.....	963
B. Complaint Handling.....	965
C. Marketing and Sales.....	965
D. Producer Licensing.....	978
E. Policyholder Service.....	978

F. Appeal of Benefit Trigger Adverse Determination	984
G. Underwriting and Rating.....	987
H. Claims.....	1002
CHAPTER 27—CONDUCTING THE CONSUMER CREDIT EXAMINATION.....	1005
A. Operations/Management.....	1005
B. Complaint Handling.....	1007
C. Marketing and Sales.....	1007
D. Producer Licensing.....	1012
E. Policyholder Service.....	1012
F. Underwriting and Rating.....	1012
G. Claims.....	1023
CHAPTER 28—CONDUCTING THE SURPLUS LINES BROKER EXAMINATION... 1028	
A. Broker Operations/Management.....	1028
B. Complaint Handling.....	1035
C. Marketing and Sales.....	1035
D. Producer Licensing.....	1035
E. Policyholder Service.....	1035
F. Underwriting and Rating.....	1035
G. Claims.....	1035
H. Procedural Considerations.....	1035
I. Placement, Cancellation and Nonrenewal.....	1035
CHAPTER 29—CONDUCTING THE ADVISORY ORGANIZATION	
EXAMINATION	1042
A. Procedural Considerations.....	1045
B. Advisory Organizations Operations/Management/Governance	1053
C. Statistical Plans.....	1075
D. Data Collection and Handling	1079
E. Correspondence with Insurers and States.....	1086
F. Reports, Report Systems and Other Data Requests.....	1092
G. Ratemaking Functions.....	1097
H. Classification and Appeal Handling.....	1099
I. Form Development.....	1101
J. Inspection Services.....	1104
K. Residual Market Functions—Plan Administration.....	1106
L. Residual Market Functions—Reinsurance Administration.....	1110
M. Acceptance of Examination Report by Participating States.....	1112
N. Future Examinations of Examined Entity.....	1112

CHAPTER 30—CONDUCTING THE THIRD-PARTY ADMINISTRATOR EXAMINATION1113

- A. TPA Operations/Management.....1113
- B. Complaint Handling.....1115
- C. Marketing and Sales.....1115
- D. Producer Licensing.....1115
- E. Policyholder Service.....1115
- F. Underwriting and Rating.....1115
- G. Claims.....1115
- H. Special Considerations for the Third-Party Administrator Examination.....1115
- I. Contracts and Written Agreements1117

CHAPTER 31—CONDUCTING THE EXAMINATION OF A VIATICAL SETTLEMENT PROVIDER.....1130

- A. Provider Operations/Management.....1132
- B. Complaint Handling.....1134
- C. Marketing and Sales.....1134
- D. Producer Licensing.....1134
- E. Policyholder Service.....1134
- F. Underwriting and Rating.....1134
- G. Claims.....1134
- H. Viatical Settlement Contracts and Disclosures1134
- I. Viatical Settlement Transactions1137
- J. Viatical Settlement Provider Marketing and Sales.....1150
- K. Supplemental Checklist for Viatical Settlement Contracts and Disclosures Standard #21156
- L. Supplemental Checklist for Viatical Settlement Transactions Standard #5.....1161
- M. Supplemental Checklist for Viatical Settlement Provider Marketing and Sales Standard #51163

CHAPTER 32—CONDUCTING THE PREMIUM FINANCE COMPANY EXAMINATION1166

- A. Operations/Management.....1167
- B. Complaint Handling.....1169
- C. Marketing and Sales.....1169
- D. Producer Licensing.....1169
- E. Policyholder Service.....1169
- F. Underwriting and Rating.....1169
- G. Claims.....1169
- H. Premium Finance Agreements.....1169
- I. Borrower Complaints.....1183
- J. Customer Service.....1186