

From: Jason Decker -MDInsurance- <jason.decker@maryland.gov>
Sent: Friday, January 3, 2020 1:29 PM
To: Helder, Randy <RHelder@naic.org>
Subject: Re: NAIC NOTICE: Mkt Reg Certification WG - Request for Comments

Randy,

Thank you for the opportunity to provide comments to the latest draft of the Voluntary Market Regulation Certification Program Self-Assessment Guidelines, Checklist Tool and Implementation Plan. We would also like to thank the states participating in the Pilot Program for their efforts on making improvements to the Certification Program.

The following are Maryland's comments concerning the current draft:

Contents:

Page 1: It appears that Requirement 4 should read, "Requirement 4 – Department Staffing – Qualifications".

Requirement 1 – Department's Authority

Checklist for Requirement 1 – Item 1b - Page 4: We would suggest that a metric be added to the Checklist for this Item to determine whether or not a department's authority is broad enough to cover market regulation activities. In the alternative, we would suggest removing this Item from the Checklist given its subjective nature.

Requirement 3 – Department Staffing

Checklist for Requirement 3 - Page 10: It appears that the reference in Items 3j, 3l, and 3m need to be adjusted to Items 3i, 3k, and 3k respectively.

Checklist for Requirement 3 – Pages 9 and 10 - Items 3i and 3j: The requirements to pass those Items appear to be somewhat subjective. Would the Pilot Program participating states that answer, "yes" to these items be willing to share examples of their policies and procedures and the quantitative and subjective measurements that they use?

Requirement 8 – Electronic Data Entry with the NAIC

Checklist for Requirement 8 - Pages 22 and 23: Has any consideration been given to include error tolerance rates for Items 8c and 8e in this checklist or is it expected that a jurisdiction must be 100% complaint?

Requirement 9 – Participation in all NAIC Market Conduct and Market Analysis Working Groups

Checklist for Requirement 9 – Items 9a and 9b, Page 24: The requirements to pass those Items appear to be somewhat subjective. We propose adding some percentage metric similar to the 50% attendance requirement in Item 10c on Page 26.

Requirement 10 – Collaborative Action Designee

Checklist for Requirement 10 – Item 10d - Page 26: The requirement to pass that Item appears to be somewhat subjective. How is the requirement of, “actively monitor” measured? We believe some metric should be added.

Additionally, we would propose that, “or their designee” be added to the individuals who monitor the bulletin board discussions.

Voluntary Market Regulation Certification Program Proposal for Implementation

Three Year Self-Certification Program - Pages 31: Dates that appear in bullet points one, two and five appear to need to be adjusted.

Full Certification Program – Page 32: Dates that appear in bullet points two, three, and four appear to need to be adjusted.

Again, thank you for the opportunity to provide comments to this draft. Should you have any questions, please do not hesitate to contact me.

Jason Decker
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