

FROM THE NAIC CONSUMER REPRESENTATIVES

To: Special (EX) Committee on Race and Insurance Workstream Five (Health)
Jolie Matthews

Date: November 15, 2021

Re: Support for Adoption of Principles for Data Collection

Thank you for the opportunity to comment on the Principles for Data Collection for the Special (EX) Committee on Race and Insurance – Workstream Five and for your continued efforts to advance racial justice and health equity. The undersigned consumer representatives fully support these draft Principles and strongly urge Workstream Five to adopt this document. Continued inaction in the face of persistent disparities and injustice simply cannot be justified.

Consistent with our prior comments, we reiterate the urgent need for systemic collection of demographic data by health insurers and state insurance regulators. Collection and reporting of comprehensive data by race and ethnicity (among other factors) is long overdue and foundational to addressing inequities and discrimination. Some have argued that such data cannot or should not be collected because it could enable discrimination. But full and proper implementation of nondiscrimination, civil rights, and unfair trade practices protections *depends* on the collection of this data. Without it, regulators and policymakers simply cannot assess systemic bias and respond as needed.

The draft Principles reflect this and acknowledge what we understand to be noncontroversial, core tenets of data collection. This includes the need to collect comprehensive data in the first place, the need to use tested and accurate questions when doing so, and the need to maintain consumer privacy. The Principles span only two pages. But Workstream Five also compiled a list of resources to help health insurers, state insurance regulators, and the NAIC easily draw from already-identified best practices.

This overall effort—documenting shared principles, identifying best practices, and sharing key resources—epitomizes the NAIC’s fundamental role in assisting state insurance regulators, especially given the lack of standardized data collection practices across states and insurers. While we are disappointed that the Principles themselves are only aspirational, this document should serve as a strong foundation for additional efforts in states and at the NAIC.

We also want to express our appreciation for the open and transparent process that Workstream Five used to develop these Principles. Leadership sought stakeholder input—from both consumer and industry representatives—in advance of drafting these Principles and allowed multiple opportunities for both written and verbal feedback on this document. All interested parties

(including the NAIC’s appointed consumer representatives,¹ civil rights advocates,² national consumer advocates,³ and LGBTQ+ advocates⁴) were given the opportunity to provide feedback, raise concerns, and suggest additional resources. We are deeply appreciative of Workstream Five’s efforts to be fair and inclusive throughout this process.

Thank you again for your leadership on this important and timely issue and we again urge adoption of these important Principles. Please contact Katie Keith at katie@out2enroll.org or Karen Siegel at ksiegel@hesct.org with any questions.

Sincerely,

Ashley Blackburn
Bonnie Burns
Brenda Cude
Lucy Culp
Deborah Darcy
Yosha Dotson
Eric Ellsworth
Justin Giovannelli
Anna Schwamlein Howard

Janay Johnson
Katie Keith
Rachel Klein
Natasha Kumar
Sarah Lueck
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Carl Schmid
Karen Siegel
Matthew Smith

Harry Ting
Wayne Turner
Jackson Williams
Silvia Yee

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https://content.naic.org/sites/default/files/call_materials/NAIC%20Consumer%20Representatives%20Comments.pdf

2 https://content.naic.org/sites/default/files/call_materials/Leadership%20Conference%20Comments.pdf

3 https://content.naic.org/sites/default/files/call_materials/Community%20Catalyst%20Comments.pdf

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