

## **EXECUTIVE (EX) COMMITTEE**

Executive (EX) Committee, Aug. 14, 2024, Minutes

Executive (EX) Committee Interim Meeting Report (Attachment One)

Executive (EX) Committee Task Force Reports (Attachment Two)

Adopted Revisions to the NAIC Consumer Participation Plan of Operation (Attachment Three)

Report of Model Law Development Requests (Attachment Four)

## Draft Pending Adoption

Draft: 8/28/24

Executive (EX) Committee  
Chicago, Illinois  
August 14, 2024

The Executive (EX) Committee met in Chicago, IL, Aug. 14, 2024. The following Committee members participated: Andrew N. Mais, Chair (CT); Jon Godfread, Vice Chair (ND); Scott A. White, Vice President (VA); Elizabeth Kelleher Dwyer, Secretary-Treasurer (RI); Chlora Lindley-Myers, Most Recent Past President (MO); Alan McClain (AR); Michael Conway (CO); Trinidad Navarro (DE); Vicki Schmidt (KS); Sharon P. Clark (KY); Anita G. Fox (MI); Eric Dunning (NE); Andrew R. Stolfi (OR); Michael Humphreys (PA); Carter Lawrence (TN); Cassie Brown (TX); and Kevin Gaffney (VT). Also participating was: Grace Arnold (MN).

### 1. Adopted the Aug. 13 Report of the Executive (EX) Committee and the Internal Administration (EX1) Subcommittee

Commissioner Mais reported that the Executive (EX) Committee and Internal Administration (EX1) Subcommittee met Aug. 13 in regulator-to-regulator session, pursuant to paragraph 4 (internal or administrative matters of the NAIC) and paragraph 6 (consultations with NAIC staff members related to NAIC technical guidance) of the NAIC Policy Statement on Open Meetings.

During this meeting, the Committee and Subcommittee adopted their June 25, April 4, and Spring National Meeting minutes, which included the following action: 1) approved the employment agreement between the NAIC and Gary D. Anderson as Chief Executive Officer (CEO); 2) approved the appointment of Gary D. Anderson to the National Insurance Producer Registry (NIPR) Board of Directors; 3) approved the following fiscal requests: a) retention of a consultant to assist with CEO onboarding training; b) retention of a public relations firm to assist in communications campaigns; c) approval of two full-time employees (FTEs) for the Member Services department; and d) retention of a consultant to assist with the Property & Casualty Market Intelligence (PCMI) data call; 4) approved a recommendation to revise the zone funding methodology; 5) received a May year-to-date (YTD) financial update and overview of the preliminary 2025 budget; 6) approved the new 2025 Fall National Meeting site in Hollywood, FL; 7) approved the appointment of Director Lindley-Myers to the International Association of Insurance Supervisors (IAIS) Executive Committee; 8) approved the ratification of the memorandum of understanding between the Federal Insurance Office (FIO) and the NAIC; and 9) approved the new 2026 Spring National Meeting site in San Diego, CA.

The Committee and Subcommittee adopted the report of the Audit Committee, including its Aug. 1 and May 9 minutes. During these meetings, the Committee took the following action: 1) heard an overview of proposed 2025 revenues; 2) received the June 30 financial update; 3) reappointed RubinBrown as the financial audit firm to conduct the 2024 audit; 4) approved a revision to the zone funding methodology; 5) affirmed the 2025 Audit Committee charter; 6) heard an update on the Enterprise Resource Planning (ERP) project; 7) heard an update on the 2025 budget calendar; 8) received the 2023/2024 Service Organization Control (SOC) 1 and SOC 2 audit reports; and 9) heard a presentation on the 2024 operating reserve analysis.

The Committee and Subcommittee adopted the report of the Internal Administration (EX1) Subcommittee, including its May 30 minutes. During this meeting, the Subcommittee took the following action: 1) received the March 31 Long-Term Investment Portfolio report; 2) received the March 31 Defined Benefit Portfolio report; and 3) received an update on the termination of the defined benefit pension plan.

The Committee and Subcommittee also: 1) heard the CEO report; 2) heard an update on the fiscals approved at the Commissioners' Mid-Year Roundtable; and 3) heard an update on the PCMI data call.

## Draft Pending Adoption

Commissioner Godfread made a motion, seconded by Commissioner White, to adopt the Aug. 13 report of the joint meeting of the Executive (EX) Committee and the Internal Administration (EX1) Subcommittee. The motion passed unanimously.

### 2. Adopted its June 25 and April 4 Meeting Report

Commissioner Godfread made a motion, seconded by Commissioner Conway, to adopt the Executive (EX) Committee's June 25 and April 4 meeting report (Attachment One). The motion passed unanimously.

### 3. Adopted the Reports of its Task Forces

Director Dunning made a motion, seconded by Commissioner Gaffney, to adopt the reports of the: 1) Climate and Resiliency (EX) Task Force; 2) Government Relations (EX) Leadership Council; and 3) Special (EX) Committee on Race and Insurance (Attachment Two). The motion passed unanimously.

### 4. Adopted Revisions to the NAIC Consumer Participation Plan of Operation

Commissioner Arnold reported that the Consumer Participation Board of Trustees met Aug. 12 and adopted the following revisions to Section 6.A. and Section 9 of the NAIC Consumer Participation Plan of Operation:

- The revisions to Section 6.A. would clarify the experience required for applicants to qualify as potential consumer representatives. It would also require demonstrating a record of participation for continuation as a consumer representative from one year of active service as a consumer representative to two years.
- The revisions to Section 9 would allow a process for consumer representatives who change their status midyear to be considered for continuation of their existing term under the new status by providing information on their new status to regulator board members for vetting rather than having to resign as a consumer liaison representative and reapply for the following year.

Director Fox made a motion, seconded by Commissioner Clark, to adopt the revisions to the NAIC Consumer Participation Plan of Operation (Attachment Three). The motion passed unanimously.

### 5. Received a Report on Model Law Development Efforts

Commissioner Mais presented a written report on the progress of ongoing model law development efforts (Attachment Four).

### 6. Heard a Report from the NIPR Board of Directors

Director Deiter reported that the NIPR Board of Directors met Aug. 12. During this meeting, the Board accepted a report of the Audit Committee, which highlighted NIPR's strong financial performance through the first half of the year. Through June, NIPR's revenue YTD is \$39.6 million, which is 5.7% over budget and 10.5% higher than the same period in 2023. June 2024 was NIPR's highest revenue month in its history, with revenue of \$6.79 million, which was 12.9% over budget. Expenses through the month of June are \$1.24 million, or 3.3% under budget. Investments ended June with a \$3.34 million net gain YTD.

The Board heard reports on two critical initiatives for 2024. Laurie Wolf (NIPR) outlined an enhanced approach to providing service and support to producer licensing regulators. NIPR now serves all 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. By borrowing best business practices in account management, NIPR is scaling its team to improve service. Regulators can expect an expanded team of trained

## Draft Pending Adoption

experts who will provide a consistent point of contact, streamlined request handling, and a deep understanding of their needs.

Eric Saul (NIPR) walked the board through the phases of NIPR's multi-year project to improve the look and functionality of NIPR's website and the credentialing and reporting applications accessed through that site. NIPR will roll out an updated version of all reporting products by the end of 2024. As the leading licensing compliance resource for insurance professionals, NIPR is committed to user-centric design principles, improved efficiency, and strengthening the regulatory data supply chain to provide enhanced value and service.

NIPR is well-positioned to continue to meet the demands of the mission NAIC Members set in 1996—to provide cost-effective, streamlined, and uniform producer licensing.

### 7. Heard a Report from the Compact

Director Dunning reported that the Interstate Insurance Product Regulation Commission (Compact) will meet Aug. 15.

Director Dunning noted that with the departure of former Commissioner Kathleen A. Birrane (MD), the Compact went through a transition in leadership and will ensure continuity in leadership through November when the Compact holds elections at its annual meeting. The current Compact officers are: Director Dunning, Chair; Commissioner Allan L. McVey, Vice Chair (WV); Cabinet Executive Officer Barbara D. Richardson, Treasurer (AZ); and Director Dwyer, Past Chair.

The Compact welcomed South Dakota as the newest member state in July. The Compact now has 48 Compacting jurisdictions, which include 46 U.S. states, the District of Columbia, and Puerto Rico.

The Compact will hold a public hearing to receive comments on amendments to the group term life and group whole life standards. These amendments will allow Compact-approved products to be issued to non-employer groups permitted under a Compacting State's laws and procedures.

The Compact will also consider for final action amendments to several annuity benefit feature standards to expand their scope for index-linked variable annuities (ILVAs).

In April, the Compact adopted a core standard for ILVAs. The ILVA standard becomes effective Aug. 12, other than for Oregon, which is pursuing its right to opt out. Once the amendments to the standards for annuity benefit features are adopted, this will complete a major undertaking by the Compact with guidance from the NAIC and its Life Actuarial (A) Task Force on detailed standards for this product.

The Compact will hear reports from the Adjunct Services Committee and Finance Committee. The Adjunct Services Committee is taking feedback from Compact Roundtables and outlining a pilot process that states could test to make filing reviews more efficient for companies and more collaborative for states.

The Compact Officers hosted a Compact Roundtable May 15 in Washington, DC. The Compact had 60 participants, including 25 commissioners and state insurance regulators, company representatives, a legislator, and consumer representatives. The consensus was to pilot some of the ideas, especially a collaborative process using the Compact's product expertise to review product features that are not yet within the scope of a Uniform Standard. The next Compact Roundtable will be held Oct. 30 in Omaha, NE.

## **Draft Pending Adoption**

The Compact will receive comments on amendments to the Compact Bylaws to expand the definition of past chair beyond just the person who served as chair immediately before the current chair to whoever is the most immediate past chair.

The Compact exposed 25 new strategic action items in hopes of finalizing a new three-year strategic plan by the end of 2024.

Having no further business, the Executive (EX) Committee adjourned.

SharePoint/Support Staff Hub/Committees/Committee Folders/EX CMTE/EXCMTE/2024-Summer/Minutes/Minutes–Executive (EX) Committee.docx

*Virtual Meetings*

**EXECUTIVE (EX) COMMITTEE**

June 25, 2024 / April 4, 2024

**Summary Report**

The Executive (EX) Committee met June 25 and April 4, 2024, in regulator-to-regulator session, pursuant to paragraph 4 (internal or administrative matters of the NAIC or any NAIC member) of the NAIC Policy Statement on Open Meetings.

1. During its June 25 meeting, the Committee:
  - A. Appointed Gary D. Anderson (NAIC Chief Executive Officer) to serve on the National Insurance Producer Registry (NIPR) Board of Directors.
  - B. Received a 2024 financial update and overview of the preliminary 2025 budget.
  
2. During its April 14 meeting, the Committee:
  - A. Selected Hollywood, FL, as the replacement site for the 2025 Fall National Meeting.
  - B. Appointed Director Chlora Lindley-Myers (MO) to the International Association of Insurance Supervisors (IAIS) Executive Committee.

Draft: 8/13/24

## REPORT OF THE EXECUTIVE (EX) COMMITTEE TASK FORCES

**Climate and Resiliency (EX) Task Force**—The Climate and Resiliency (EX) Task Force will meet Aug. 15 and anticipates the following action: 1) adopting its Spring National Meeting minutes; 2) hearing a presentation on innovative flood insurance technology; 3) hearing a presentation on the *Global Risks Report 2024*; 4) hearing an update on deliverables from the *NAIC National Climate Resilience Strategy for Insurance* (Climate Resilience Strategy); 5) hearing an update from its Climate Risk Disclosure Workstream; and 6) hearing a federal update.

**Government Relations (EX) Leadership Council**—The Government Relations (EX) Leadership Council will not meet at the Summer National Meeting. The Leadership Council meets weekly in regulator-to-regulator session, pursuant to paragraph 8 (consideration of strategic planning issues) of the NAIC Policy Statement on Open Meetings, to discuss federal legislative and regulatory developments affecting insurance regulation.

**Special (EX) Committee on Race and Insurance**—The Special (EX) Committee on Race and Insurance met Aug. 13 and took the following action: 1) adopted its Spring National Meeting minutes; 2) received a status report from its workstreams; 3) received an update on the Member Diversity Leadership Forum; and 4) heard a presentation from the American Academy of Actuaries (Academy) on health equity.

- **Health Workstream**—The Health Workstream met in regulator-to-regulator session after the Spring National Meeting to consider its activities and initiatives for 2024. During this meeting, the Workstream discussed its potential year-end deliverables, including developing a referral document based on its work to date for other NAIC groups to explore and delve more into issues the Workstream has identified that could potentially promote health equity. The Workstream also decided to restart its discussion on data collection through learning sessions focusing on what insurers need with respect to data as part of their efforts to promote health equity. The Workstream plans to continue its work on its collaborative space on NAIC Connect, which the Workstream intends to be a platform where Workstream members can share with other NAIC Members the information it has captured during its meetings on removing barriers to health insurance for historically disadvantaged communities. The thought is that the Workstream’s NAIC Connect page would be a living resource for the NAIC Membership, and the Workstream can continue to build content and other tools for the states on this site. In addition, the Workstream hopes this site can also serve as a platform for discussions and conversations regarding health equity and other related topics, including adding blog posts from various stakeholders on issues and topics relevant to its work.
- **Life Workstream**—The Life Workstream has continued its focus on “marketing, distribution, and access to life insurance products in minority communities, including the role that financial literacy plays.” The Life Workstream met Aug 5, April 25, and March 28. During its April 25 meeting, it adopted a financial wellness resource guide developed at the end of last year intended to be a resource for insurance departments looking to take action to improve access and understanding in underserved communities. The guide highlights the financial literacy initiatives in three states: 1) the District of Columbia; 2) Maryland; and 3) Oregon. The Workstream hopes that the guide can be expanded in the future to include other state initiatives and outside organizations’ programs so it can become a robust resource for all states. Also during its April 25 meeting, the Workstream adopted an endorsement of a mandatory financial literacy course in high school. The Workstream would like for the Special (EX) Committee on Race and Insurance to consider providing its support for the inclusion of mandatory financial literacy courses in high schools by also adopting this endorsement. Lastly, the Workstream has continued to look at

barriers to access to life insurance, particularly on how criminal history is used in underwriting life insurance and whether it is a barrier to access. The Workstream exposed a draft survey of insurers asking how they consider criminal history in underwriting for a 30-day public comment period ending Sept. 5. The Life Workstream anticipates meeting in mid-September to discuss any comments received.

- **Property/Casualty (P/C) Workstream**—The P/C Workstream met Aug. 12 to discuss various definitions of discrimination in the insurance industry. The Workstream heard from NAIC Legal staff as well as consumer, industry, and actuarial perspectives. On June 3, the Workstream heard from consumer groups about homeowners insurance messaging to underserved communities and research related to uninsured homeowners trends. On June 20, the Workstream heard an update from Commissioner Karima M. Woods (DC) about the District of Columbia Department of Insurance, Securities and Banking (DISB) initiative to evaluate unintentional bias in private passenger automobile (PPA) insurance. In the future, the Workstream plans to look into California’s low-cost auto program and discuss how the NAIC Property and Casualty Market Intelligence (PCMI) data call results can be leveraged.

NAICSupportStaffHub/Member Meetings/Summer 2024/Cmte/Ex/Rpt of Task Forces/Att 2 TF CombinedRpt.docx



**Reflects Edits Adopted by the NAIC/Consumer Board of Trustees on ~~August~~ May 12~~28~~, 202~~4~~  
Adopted by NAIC/Executive (EX) Committee on August 12, 2022.**

**Reflects Status Change Revisions Suggested by the Chair Drafting Group and Consumer Representatives**

**PLAN OF OPERATION  
NAIC CONSUMER PARTICIPATION PROGRAM  
April 11, 2017**

The National Association of Insurance Commissioners (NAIC) is the U.S. standard-setting and regulatory support organization created and governed by the chief insurance regulators from the fifty states, the District of Columbia and five U.S. territories. Through the NAIC, state insurance regulators establish standards and best practices, conduct peer review, and coordinate their regulatory oversight. NAIC staff supports these efforts and represents the collective views of state regulators domestically and internationally. NAIC members, together with the central resources of the NAIC, form the national system of state-based insurance regulation in the U.S.

The mission of the NAIC is to assist state insurance regulators, individually and collectively, in serving the public interest and achieving the following fundamental insurance regulatory goals in a responsive, efficient and cost-effective manner, consistent with the wishes of its members:

*Protect the public interest;  
Promote competitive markets;  
Facilitate the fair and equitable treatment of insurance consumers;  
Promote the reliability, solvency and financial solidity of insurance institutions; and  
Support and improve state regulation of insurance.*

To promote consumer representation and participation in the NAIC, the Consumer Participation Program was established by the NAIC.

**Section 1. Mission**

The mission of the NAIC Consumer Participation Program is to assist the NAIC in its efforts to support state insurance regulation by providing consumer views on insurance regulatory issues.

**Section 2. NAIC Consumer Participation Board of Trustees**

- A. The NAIC Consumer Participation Board of Trustees (Board) shall consist of 12 members: six NAIC members and six consumer representative members.
- B. The current president of the NAIC, or his or her designee shall serve as Chairperson of the Board.
- C. The NAIC Executive Committee shall annually appoint the NAIC members of the Board at the beginning of each year.
- D. Board appointments of the six NAIC members shall be confirmed by the NAIC Executive Committee during the first quarter of the year.
- E. The term of service for the six NAIC members of the Board shall be one year, which shall begin on January 1 and conclude on December 31.
- F. Each December, the six NAIC members serving on the current Board shall appoint to the board six consumer representatives, chosen from those who will serve in the upcoming year. The consumer representatives selected to serve on the Board shall have served for at least two years as a NAIC consumer representative.

- G. Consumer Members of the Board shall serve staggered, two-year terms with three different consumer members of the Board rotating on and off the Board annually; however, each must submit a recertification form for the second year of their term. NAIC members of the Board will review second-year recertification forms to determine if there is a reason a consumer representative should not continue to serve on the Board. If no reason is determined, the designated consumer representatives shall serve the second year of his or her two-year term.
- H. Consumer representatives shall be asked to indicate their interest to serve on the Board when they apply to be consumer representatives.
- I. The Board may meet in person or via teleconference to conduct its business.
- J. Meetings of the Board are not public meetings and matters discussed are to be kept confidential unless publicly disclosed by the Chairperson of the Board. However, no change to the Plan of Operation may be taken by the Board without prior disclosure to and opportunity for comment by current consumer representatives of the proposed changes.
- K. A consumer representative Board member may be removed by a majority vote of the Board (four of the six NAIC members and four of the six consumer representative members) whenever, in their judgment, the best interests of the Board would be served thereby. Prior to the vote, the consumer representative Board member under consideration for removal will be afforded an opportunity to address the Board and present justification for retention of his or her Board seat and/or to answer any questions of the Board members.
- L. If a vacancy occurs on the Board prior to October 1 due to the resignation or removal of a Board member, a new Board member shall be appointed to serve out the remainder of the term. If the open position is that of an NAIC Member, a replacement shall be appointed by the NAIC Officers. If the open position is that of a Consumer Representative, a replacement shall be appointed by the NAIC Members of the Board. No replacement will be appointed for a vacancy on the Board that occurs on or after October 1.

### **Section 3. Duties of the Board**

- A. The Board shall administer the Consumer Participation Program:
  - 1. By the end of the calendar year prior to the new term, the current Board shall select the NAIC funded and unfunded consumer representatives to serve in the next calendar year.
  - 2. The Board may also remove a designated consumer representative by a majority vote of the Board (four of the six NAIC members and four of the six consumer members) whenever the representative no longer meets the consumer representative qualifications; or, whenever in its judgment, the best interests of the Consumer Participation Program would be served, thereby. Prior to the vote, the designated consumer representative under consideration for removal will be afforded an opportunity to address the Board and present justification for retention of his or her designation and/or to answer any questions of the NAIC Board members.
  - 3. At the last national meeting of each year, the Chairperson of the NAIC Consumer Participation Board of Trustees shall provide the NAIC Executive (EX) Committee with an annual report summarizing the Board's activities for the year, as well as the consumer participation in the Program.

### **Section 4. Consumer Representatives**

- A. Consumer representatives must possess a commitment to and experience with consumer advocacy regarding insurance regulatory issues.
- B. Applicants may apply to be designated funded or unfunded consumer representatives.

## Section 5. Consumer Representative Application Process

- A. By August 31 of each year, a link for web access to the blank consumer representative applications shall be posted on the NAIC website along with: 1) a statement that the NAIC encourages those individuals and consumer advocacy groups with a commitment to and experience with consumer advocacy regarding insurance regulatory issues; 2) a statement describing the NAIC and its services to the state insurance departments; 3) a schedule of the NAIC meetings for the following year and their locations; 4) a list of the NAIC committees and their memberships; 5) an explanation that the role of the consumer representatives at NAIC meetings is to serve as a liaison to the consumer advocacy community and to offer the consumer perspective; and 6) the following statement:

**The NAIC provides an equal opportunity for all applicants and does not discriminate based on: race, creed, color, sex, sexual orientation, gender identity or expression, religion, age, national origin or ancestry, handicap or disability, marital status, pregnancy, genetic information, veteran or military status or any other status protected by law.**

- B. Prospective consumer representatives are required to submit fully completed applications to the NAIC by October 31. (Partial or late applications will not be considered.) To be considered a fully completed application, the applicant must:
1. Submit a copy of his or her organization's by-laws, if available, reflecting the organization's mission to represent consumer interests and promote consumer protection, if the applicant is applying as a representative of a consumer organization.
  2. Submit a completed and signed application with all required attachments.
  3. Submit a signed NAIC Conflict of Interest Statement to disclose conflicts, if any, and acknowledge the NAIC's expectation that he or she will notify the Board of any potential conflict of interest as soon as one arises during the year. The Board will determine if a conflict exists and what action may be required on a case-by-case basis.

## Section 6. Consumer Representative Qualifications

- A. Applicants for the position of NAIC consumer representative shall:
1. Demonstrate a commitment to and experience ~~with consumer advocacy regarding~~ insurance regulatory issues;
  2. ~~Demonstrate an expertise in insurance regulatory issues~~ Represent a consumer organization or apply as an individual to represent a consumer perspective;
  3. Demonstrate an ability to effectively advocate on behalf of ~~for~~ consumers in a collegial, respectful and professional manner;
  4. Commit to ~~attending regular NAIC meetings absent exceptional circumstances, and commit to participating in the work of~~ the NAIC, including attending NAIC meetings; contributing to the work of NAIC Committees, Task Forces, and Working Groups; and communicating and coordinating with other NAIC ~~conference calls, including calls among~~ consumer representatives; and
  5. ~~Only be considered for~~ For reappointment, demonstrate a track record of participation at NAIC as defined in Item 4. above, if he or she attends NAIC meetings and participates in NAIC meetings and NAIC calls.
- B. Applicants for a funded representative position must describe in detail the applicant's need for NAIC funding, including his or her current source of funding. If he or she is applying as a consumer representative of an organization, he or she must submit the organization's most current annual budget.
- C. At the completion of the selection process, successful applicants will be notified of his or her appointment as either a funded or unfunded consumer representative.

- D. The current Board will determine if unsuccessful applicants for funded positions may be considered for unfunded positions.

#### **Section 7. Reimbursement of Expenses**

NAIC funded consumers shall submit expense reports itemizing the costs of attending NAIC meetings according to the NAIC Funded Consumer Representative Guidelines for Reimbursement of Expenses located on the NAIC Consumer Participation web site.

Unfunded consumer representatives will not receive reimbursement for travel expenses from the NAIC but are eligible for other benefits, including waiver of the NAIC national meeting registration fees.

#### **Section 8. Designated Consumer Representative Term**

Designated consumer representatives are appointed by NAIC and consumer members of the Board and shall serve two-year terms; however, each must submit a recertification form for the second year of the term.

NAIC and consumer members of the Board will review recertification forms to determine if there is a reason a designated consumer representative should not continue to serve. If no reason is determined, the designated consumer representatives shall serve the second year of his or her two-year term.

#### **Section 9. Representatives ~~Chosen to Represent an Organization~~ Who Change Their Status Midyear**

~~When~~If an NAIC Consumer Representative wishes to change their status midyear to represent a different organization or represent consumers as an individual instead of on behalf of an organization, notification of the change in status is required to be sent to NAIC staff support in a timely fashion with the materials noted below.

- A. If they want to apply to represent an organization that has previously participated in the program, they must complete the sections of the application relevant to personal conflicts of interest, sign a new conflict of interest form, complete sections of the application relevant to the organization's conflict of interest, and submit the organization's budget.
- B. If they are applying to represent an organization that has not previously been represented at NAIC, they must complete the sections of the application related to the organization.
- C. If they are applying to represent consumers as an individual after representing an organization, they must complete the sections of the application relevant to personal conflicts of interest and sign a new conflict of interest form.

In a timely manner, NAIC staff support will distribute the materials to all Board members for review, discussion, and a vote as to whether the change requested is acceptable for continuation as a NAIC Consumer Representative. A vote to accept must include a majority vote is required to approve a change in status. The majority vote must include at least two regulator members and two consumer members for the change to be approved. NAIC staff support will notify the Consumer Representative seeking the change of the Board's decision. The NAIC Consumer Representative would then continue to serve the remainder of their term.

~~A consumer representative chosen to represent an organization will be expected to resign their position if the representative ceases to be affiliated with the organization or if the organization ceases to exist.~~

~~Such a representative may apply to be an individual, independent consumer representative during the next annual application period.~~

#### **Section 10. Further Information**

Information about the NAIC Consumer Participation Program (application deadline, selection criteria, etc.) and complete listings of the current NAIC Consumer Representatives can be found on the NAIC website.

**Section 11. NAIC/Consumer Liaison Committee**

- A. The purpose of the NAIC Consumer Liaison Committee is to assist the NAIC in its mission to support state insurance regulation by providing consumer views on insurance regulatory issues. The Liaison Committee provides a forum for ongoing dialogue between NAIC members and NAIC consumer representatives.
- B. To promote participation at NAIC meetings, the agenda of the NAIC Consumer Liaison Committee shall be set and distributed no later than 21 days prior to the next NAIC national meeting by the Chairperson of the NAIC Consumer Liaison Committee in consultation with one of the six consumer members of the Consumer Participation Board of Trustees. Any amendments made to this agenda are subject to the approval of the Chairperson of the NAIC Consumer Liaison Committee.

Draft: 8/9/24

## Model Law Development Report

**Amendments to the *Model Regulation to Implement the Accident and Sickness Insurance Minimum Standards Model Act (#171)***—Amendments to Model #171 are required for consistency with the federal Affordable Care Act (ACA) and the revisions to its companion model act, the *Supplementary and Short-Term Health Insurance Minimum Standards Model Act (#170)*. The Accident and Sickness Insurance Minimum Standards (B) Subgroup completed the revisions to Model #170 in late 2018, which the Executive (EX) Committee and Plenary adopted in February 2019. Therefore, they did not require approval of a Request for NAIC Model Law Development by the Executive (EX) Committee.

Soon after completing its work on Model #170, the Subgroup began considering revisions to Model #171. The Subgroup met every two weeks until December 2019. After a long hiatus since late 2019 due to the loss of a co-chair, the COVID-19 pandemic, and other resource issues, the Subgroup resumed its meetings in June 2021. The Subgroup has been meeting on a regular basis to discuss the comments received on Model #171. During the last few months of 2022, the Subgroup's discussions focused on Section 8—Supplementary and Short-Term Health Minimum Standards for Benefits. This section establishes minimum standards for benefits for the products subject to the model, including accident-only coverage, hospital indemnity or other fixed indemnity coverage, and disability income protection coverage. The revisions also include a new section establishing minimum benefits for short-term, limited-duration (STLD) plans. The Subgroup completed its discussions of Section 8 in December 2022, including developing a new subsection establishing minimum benefit standards for STLD plans.

The Subgroup resumed its meetings in February 2023 and plans to continue meeting regularly to continue its discussions. It plans to work on the following Model #171 sections in this order: 1) the remainder of Section 8, including revisiting the proposed new subsection on STLD plans to discuss the Feb. 24, 2023, comments received on that section; 2) Section 7—Prohibited Policy Provisions; 3) revisit Section 5—Definitions and Section 6—Policy Definitions to reconcile any inconsistencies that may have arisen after the Subgroup's review of the substantive provisions of Model #171; and 4) Section 9—Required Disclosure Provisions. The Subgroup is completing work on Section 9—Required Disclosure Provisions. It recently completed its review of all the comments received on Model #171. The Subgroup set a public comment deadline of Dec. 1, 2023, to receive comments on the initial draft reflecting its discussions and preliminary revisions to Model #171. The Subgroup resumed its meetings in January to discuss the comments received. The Subgroup completed its review of those comments following the Spring National Meeting and distributed a draft reflecting all its discussions for final comment. The Subgroup received additional comments on the draft and began discussion of those comments in June. The Subgroup anticipates completing its discussion of the additional comments following the Summer National Meeting and will forward the proposed draft of revisions to Model #171 to the Regulatory Framework (B) Task Force for its consideration.

**Amendments to the *Public Adjuster Licensing Model Act (#228)***—The Executive (EX) Committee approved a Request for NAIC Model Law Development for amendments to Model #228 during the 2024 Spring National Meeting. The Model Law Review Request provided guidance that Model #228 should be amended to strengthen regulatory standards governing the conduct of public adjusters for the following four issues: 1) individuals acting as unlicensed public adjusters; 2) contractors who are also acting as public adjusters on the same claim; 3) inappropriate assignment of benefit rights; and 4) excessive fees charged by public adjusters.

The Public Adjuster Licensing (D) Working Group met July 17, June 18, and April 5. During its April 5 meeting, the Working Group discussed proposed modifications to Sections 3 and 14 of the model, which address public adjuster fees. During its June 18 meeting, the Working Group discussed proposed amendments to Sections 15,

16, and 19 of the model to strengthen regulatory standards regarding individuals acting as unlicensed public adjusters; contractors who are also acting as public adjusters on the same claim; and inappropriate assignment of benefit rights. During its July 17 meeting, the Working Group adopted proposed amendments.

The Producer Licensing (D) Task Force received comments on the model during its Aug. 13 meeting.

**Amendments to the *Privacy of Consumer Financial and Health Information Regulation (#672)*** —During the 2022 Summer National Meeting, the Executive (EX) Committee approved a Request for NAIC Model Law Development for a new model that would replace existing models in order to enhance consumer protections and corresponding obligations of entities licensed by insurance departments to reflect the extensive innovations that have been made in communications and technology. The Privacy Protections (H) Working Group approved this request on Aug. 2, 2022. The drafting process continued through 2023, culminating in the Working Group pausing its public activities to allow subject matter experts (SMEs) the time necessary to review the comments received, discuss the detailed concerns with individual companies, and develop wording that would address the needs of industry to conduct business while providing important consumer protection. The SMEs met twice a week on this endeavor.

With the Innovation, Cybersecurity, and Technology (H) Committee's recent adoption of an extension to Dec. 31, 2024, the Working Group also started 2024 with new leadership. Throughout the first part of the year, the new leadership focused on understanding the status of work to ensure a proper transition of responsibilities. Following the Spring National Meeting, the Working Group met to hear from an SME on the current privacy landscape. During a June 12 meeting, after hearing comments from interested parties, the Working Group adopted its path forward to revise the existing NAIC privacy model, Model #672. During its July 10 meeting, the Working Group: 1) discussed incorporating comments it had received on core privacy principles from regulators, industry, and consumer representatives into Model #672; and 2) announced it would be requesting volunteers to serve on the drafting group. The Working Group met Aug. 5 in regulator-to-regulator session to discuss next steps in preparation for the Summer National Meeting. During its Aug. 14 meeting, the Working Group will: 1) hear an update on federal privacy legislation; 2) hear a presentation on legacy systems and consumer data protections; 3) discuss record retention and data deletion; and 4) provide guidelines for drafting group volunteers.