

Draft: 12/29/21

Market Regulation and Consumer Affairs (D) Committee
San Diego, California
December 15, 2021

The Market Regulation and Consumer Affairs (D) Committee met in San Diego, CA, Aug. 15, 2021. The following Committee members participated: Barbara D. Richardson, Chair (NV); Sharon P. Clark, Vice Chair, represented by Ron Kreiter (KY); Alan McClain (AR); Evan G. Daniels (AZ); Trinidad Navarro (DE); Dana Popish Severinghaus (IL); Chlora Lindley-Myers (MO); Edward M. Deleon Guerrero (MP); Troy Downing represented by Bob Biskupiak (MT); Jon Godfread (ND); Carter Lawrence (TN); Jonathan T. Pike (UT); and Michael S. Pieciak represented by Kevin Gaffney (VT). Also participating were: Damion Hughes (CO); Cynthia Amann (MO); Larry D. Deiter (SD); Mike Kreidler and John Haworth (WA); and Rebecca Rebholz (WI).

1. Adopted its Summer National Meeting Minutes

Commissioner Clark made a motion, seconded by Commissioner Godfread, to adopt the Committee's Aug. 16 minutes (*see NAIC Proceedings – Summer 2021, Market Regulation and Consumer Affairs (D) Committee*). The motion passed unanimously.

2. Adopted its 2022 Proposed Charges

Commissioner Richardson said the Committee's charges were circulated to Committee members, interested state insurance regulators, and interested parties on Nov. 22 and posted on the NAIC website. Since Nov. 22, the Market Information Systems (D) Task Force held a conference call and was not able to finish its review of the report drafted by the Market Information Systems Research and Development (D) Working Group. Because of this, Commissioner Richardson said the Task Force held an e-vote and added back the 2021 charge to "[d]evelop recommendations for the incorporation of artificial intelligence (AI) abilities in NAIC Market Information Systems for use in market analysis. Complete by the 2022 Summer National Meeting." The wording of the 2021 charge did not change, and only the completion date was changed to the 2022 Summer National Meeting. Hearing no questions or comments, Commissioner Pike made a motion, seconded by Commissioner Lawrence, to adopt the Committee's 2022 proposed charges. The motion pass unanimously.

3. Adopted Revisions to the *Market Regulation Handbook*

Commissioner Richardson said the next three agenda items are to consider adoption of a new title in-force standardized data request (SDR) (Attachment One), a new title claims SDR (Attachment Two), revisions to Chapter 24—Conducting the Health Examinations of the *Market Regulation Handbook* (Handbook) (Attachment Three), and revisions to Chapter 25—Conducting the Medicare Supplement Examination of the Handbook (Attachment Four).

Mr. Hughes said the Market Conduct Examinations Guidelines (D) Working Group began discussing a new title insurance in-force policy SDR and a new title insurance claims SDR at its March 30 meeting. Comments were received on the draft SDRs from Colorado, Nebraska, Rhode Island, the Center for Economic Justice (CEJ), and the American Land Title Association (ALTA). The Working Group adopted changes to Chapter 24 to include the review of quality-of-care complaints for examination standard 4, which focuses on qualify assessment and improvement. The Working Group adopted revisions to Chapter 25 to provide more specific cross-references to the *Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act* (#651).

Commissioner Godfread made a motion, seconded by Director Lindley-Myers, to adopt the new title in-force SDR, the new title claims SDR, and revisions to Chapters 24 and 25 of the Handbook. The motion passed unanimously.

4. Adopted its Task Force and Working Group Reports

Commissioner Richardson said the Privacy Protections (D) Working Group adopted a "Report on Consumer Data Privacy Protections," and the adoption of the Task Force and Working Group reports will include the receipt of the "Report on Consumer Data Privacy Protections."

Draft Pending Adoption

a. Antifraud (D) Task Force

Commissioner Navarro said the Antifraud (D) Task Force met Nov. 12 and adopted its Oct. 27 and Summer National Meeting minutes. The Antifraud Education Enhancement (D) Working Group worked with NAIC staff on an investigator safety training webinar delivered on Dec. 2. The Antifraud Technology (D) Working Group identified subject matter experts (SMEs) to continue working on an Antifraud Plan template to potentially be used by insurance companies. Commissioner Navarro said another draft will be circulated in the first quarter of 2022. He said the Improper Marketing of Health Insurance (D) Working Group continued to meet monthly in regulator-to-regulator session. The Working Group held its first open meeting on Dec. 11, which included hearing presentations from the Alliance of Health Care Sharing Ministries, America's Health Insurance Plans (AHIP), and Out2Enroll regarding their efforts to fight against the improper marketing of health insurance.

b. Market Information Systems (D) Task Force

Commissioner Kreidler said the Market Information Systems (D) Task Force met Nov. 23 and adopted the report of the Market Information Systems Research and Development (D) Working Group. The Working Group continues to monitor and oversee the prioritization of the Uniform System Enhancement Requests (USERs). It is also in the process of completing the 2021 Market Information Systems (MIS) data analysis metrics.

Commissioner Kreidler said most of the Task Force meeting was dedicated to consideration of the Working Group's recommendations regarding incorporation of artificial intelligence (AI) abilities in NAIC MIS. The recommendations of the Working Group were in fulfillment of the Task Force's charge to develop these recommendations. There were five recommendations in the report: 1) evaluate currently available market analysis data and assess its quality; 2) adopt a more rigorously statistical approach to identify the predictive power of market scoring systems and integrate data into a single overall analysis; 3) incorporate promising AI modes of analyses, as well as traditional statistical modeling; 4) assess ways AI can improve the efficiency of qualitative analysis and facilitate pattern recognition across larger volumes of textual evidence; and 5) explore potential data sources suitable for AI techniques. Consumer representatives were generally supportive of the recommendation and suggested a new charge to begin exploring the types of data needed to implement more robust statistical methods, including AI. Commissioner Kreidler said some Task Force members were concerned that there was no NAIC staff feedback on the cost and time required to implement the recommendations and prioritize competing priorities. Additionally, there was concern of overlap with the charges being considered for the new Innovation, Cybersecurity, and Technology (H) Committee. Commissioner Kreidler said the Task Force did not vote on the recommendations and will have further discussions in 2022.

c. Producer Licensing (D) Task Force

Director Deiter said the Producer Licensing (D) Task Force met Nov. 29. He said the Producer Licensing Uniformity (D) Working Group provided the Task Force with the results of its survey regarding what the Working Group members recommend as the appropriate producer licensing standard for pet insurance. Seven Working Group members suggested that the current Uniform Licensing Standards, which treats pet insurance as a non-core limited line is the appropriate licensing standard, seven Working Group members suggested that the major lines of authority of property/casualty (P/C) should be required, one Working Group member suggested that pet insurance should become a core limited line, and one Working Group suggested that a license for any major line of authority should be required. Since the survey was completed prior to the Property and Casualty Insurance (C) Committee adopting the Pet Insurance Model Act, which includes a training requirement for insurance producers who want to sell, solicit, or negotiate Pet Insurance, Director Deiter said the Task Force will review this issue in more detail after the NAIC members consider adoption of the Pet Insurance Model Act.

Director Deiter said the Task Force discussed the draft procedures for amending the NAIC Producer Licensing Applications, which are being developed to ensure that the consideration of changes to the uniform applications support the NAIC members' goal of providing stable, uniform applications and encourage the use of electronic technology for licensing. The Task Force will circulate a revised draft, and it plans to consider adoption of the procedures during the first quarter of 2022. Once the procedures are adopted, Director Deiter said the Task Force will review the proposed amendments to the Producer Licensing Applications, which the Task Force and the Committee adopted in 2018. The Executive (EX) Committee and Plenary did not consider adoption of these amendments, and the amendments will be reviewed within the framework of the adopted procedures.

Director Deiter said the Task Force received comments from the American Council of Life Insurers (ACLI) on diversity, equity, and inclusion (DE&I), and its request for the Task Force to provide further consideration on how the 1033 waiver process and the presence of unnecessary pre-licensing education mandates may be unnecessary barriers to individuals seeking an insurance producer license.

Draft Pending Adoption

In response to the referral from the Special (EX) Committee on Race and Insurance, Director Deiter said the Task Force discussed the elimination of cultural bias in producer licensing examinations, which included a review of preliminary feedback from two examination vendors on their internal training and industry standards for examination fairness. The Task Force is still seeking input from another examination vendor and will compile the responses in a report to the Special Committee.

Director Deiter said the Task Force received a report from the National Insurance Producer Registry (NIPR) Board of Directors. October marked the 25th anniversary for NIPR, and NIPR is on track to have its highest transaction volume and revenue year with a forecast of processing more than \$1 billion in fees for state insurance departments. NIPR continues to implement the contact change request application for business entities and recently implemented a chat feature for customers.

Finally, the Task Force discussed how states could address errors or misstatements on producer licensing applications, which were completed by third-party authorized submitters.

d. Market Conduct Examination Guidelines (D) Working Group

Mr. Hughes said the Market Conduct Examination Guidelines (D) Working Group met Nov. 4, Oct. 7, and Sept. 2. He said the Working Group adopted a new title in-force SDR, a new title claims SDR, and revisions to Chapters 24 and 25 of the Handbook. He said the Working Group discussed revisions to Chapter 21—Conducting the Property and Casualty Examination regarding provisions from the *Real Property Lender-Placed Insurance Model Act* (#631) and Chapter 20—General Examination Standards regarding provisions in the *Insurance Holding Company System Regulatory Act* (#440). He said the Working Group received updates from state SMEs reviewing the following models potentially affecting the Handbook: *Suitability in Annuity Transactions Model Regulation* (#275), *Corporate Governance Annual Disclosure Model Act* (#305), and *Corporate Governance Annual Disclosure Model Regulation* (#306). He said the Working Group received some additional background from Tim Mullen (NAIC) on the Working Group’s charge regarding group supervision of market conduct risks.

Mr. Hughes said the Working Group has been asked to coordinate with the Mental Health Parity and Addiction Equity Act (MHPAEA) (B) Working Group to update the mental health parity-related chapter of the Handbook to ensure it reflects the current mental health parity compliance requirements set forth in federal guidance enacted in December 2020. He said the two working groups would be addressing this issue in 2022.

e. Market Analysis Procedures (D) Working Group

Mr. Haworth said the Market Analysis Procedures (D) Working Group met Nov. 18 and continued its discussion of the market analysis training needs of state insurance regulators. He said the Working Group is developing standard scorecard ratios in response to the Committee’s adoption of the Short-Term Limited-Duration (STLD) and Travel Insurance Market Conduct Annual Statement (MCAS) blanks. He said draft ratios have been developed for both lines of business, and the Working Group should have the final draft ready by the 2022 Spring National Meeting. He said the Working Group began a discussion about the current market analysis tools that may be eliminated in the NAIC’s i-Site+. Many of the tools are being replaced with enhanced tools being developed as part of the *State Ahead* project to develop self-service dashboards. Mr. Haworth said the Working Group will provide its expertise to the Market Information Systems Research and Development (D) Working Group regarding the final decision to replace these tools. Finally, the Working Group discussed the definitions of “surrender” and “replacement” for the purposes of the Annuity MCAS Data Call and Definitions. A clarification will be drafted for the Frequently Asked Questions (FAQ) document.

f. Market Conduct Annual Statement Blanks (D) Working Group

Ms. Rebholz said the Market Conduct Annual Statement Blanks (D) Working Group met Nov. 22 and exposed two changes to the current Homeowner and Auto MCAS blanks. The Working Group exposed revisions to the definition of “lawsuit” and the placement of the lawsuit data elements in the MCAS blanks. Ms. Rebholz said this will allow for the distinction between claims-related lawsuits and non-claims-related lawsuits. The Working Group also exposed an interrogatory question for capturing information on third-party vendors who provide data and algorithms used in the digital claims process. Ms. Rebholz said the Working Group will consider adoption of these changes in the first quarter of 2022. She said the Working Group received an update on the Life MCAS draft edits for accelerated underwriting (AU) as the Working Group continues to coordinate the development of a definition for AU with the definition that will be adopted by the Accelerated Underwriting (A) Working Group. She said the Working Group’s “Other Health” SMEs will be led by Mary Kay Rodriguez (WI).

Draft Pending Adoption

g. Privacy Protections (D) Working Group

Ms. Amann said the Working Group met Dec. 11, Nov. 22, Oct. 25, Oct. 11, Sept. 27, Sept. 13, and Aug. 30. During the Aug. 30 meeting, the Working Group heard an update on state privacy legislation and California Proposition 24 and circulated the first exposure draft of the privacy policy statement with comments of interested parties incorporated into the draft.

During the Sept. 13 meeting, Ms. Amann said the Working Group discussed the consumer right to opt-out of data sharing and reviewed the comments of AHIP, the Blue Cross Blue Shield Association (BCBSA), and the Coalition of Health Companies. She said the use of the term “right” was used for ease of language, and the term “right” should be considered as an area for future discussion. During the Sept. 27 meeting, Ms. Amann said the Working Group continued its discussion regarding a consumer’s right to opt-out of information sharing and reviewed the nine principles for consumer data privacy in insurance submitted by Harry Ting (Health Consumer Advocate).

During the Oct. 11 meeting, Ms. Amann said the Working Group received an update on state privacy legislation and discussed a consumer’s right to correct information. During the Oct. 25 meeting, she said the Working Group reviewed a data privacy legislation chart and a consumer’s right to delete information. During the Nov. 22 meeting, she said the Working Group heard an update on state privacy legislation and discussed a consumer’s right to data portability, a consumer’s right to restrict the use of data, and consumer ownership of data. She said the Working Group also reviewed the final exposure draft of the privacy report.

Ms. Amann said the Working Group met Dec. 11 and restated that the term “right” should be considered an area for future consideration, and the policy statement was changed to be a Working Group report to eliminate any reference the Working Group was making to a statement on behalf of the NAIC members. She concluded her report and requested that the Committee receive the Working Group’s final exposure “Report on Consumer Data Privacy,” which includes the following: 1) a summary of consumer privacy protections provided by the *Health Information Privacy Model Act* (#55), the *NAIC Insurance Information and Privacy Protection Model Act* (#670), and the *Privacy of Consumer Financial and Health Information Regulation* (#672); 2) a summary of the General Data Protection Regulation (GDPR) and recently adopted state consumer privacy protection laws; 3) a summary of the Working Group’s discussion on data transparency, consumer control of data, consumer access to data, data accuracy, and data ownership and portability; and 4) a recommendation that Model #670 and Model #672 be revised to modernize their applicability to the current technology-based insurance market. Commissioner Godfreed said the report is a significant undertaking and a significant step forward for these discussions.

Commissioner Godfreed made a motion, seconded by Commissioner Lawrence, to adopt the following reports, including the receipt but not the adoption of the “Report on Consumer Data Privacy Protections” (Attachment Five): 1) Antifraud (D) Task Force; 2) Market Information Systems (D) Task Force; 3) Producer Licensing (D) Task Force; 4) Market Conduct Examination Guidelines (D) Working Group (Attachment Six); 5) Market Analysis Procedures (D) Working Group (Attachment Seven); 6) Market Conduct Annual Statement Blanks (D) Working Group (Attachment Eight); and 8) Privacy Protections (D) Working Group (Attachment Nine). The motion passed unanimously.

5. Discussed Other Matters

Birny Birnbaum (CEJ) said he was not recognized prior to the adoption of charges and would like to propose two charges for the Committee to consider. The first is for the Committee to review the use of dark patterns, which prompt consumers to purchase products they did not want and disclose personal information. Mr. Birnbaum said state insurance regulators must understand how dark patterns work and how the rapid deployment of digital interfaces is transforming how consumers and insurers interact. He urged the Committee to adopt a charge to explore the use of manipulative and deceptive practices in digital insurance interfaces, including applications and disclosures (dark patterns), and he recommend any changes needed in training for market regulation staff and any changes needed in regulatory guidance to insurers.

Mr. Birnbaum said when the Market Conduct Annual Statement effort was launched as a pilot project over 15 years ago, state insurance regulators opted to use market conduct examination authority to facilitate the data collection. The result was that individual MCAS submissions were treated as confidential. Mr. Birnbaum said there is no reason why individual company MCAS data is confidential, but there are good reasons to make the submissions public information. He suggested that the Committee adopt a charge to explore benefits and costs of public access to individual company MCAS submissions and methods of MCAS data collection that would permit public access.

Having no further business, the Market Regulation and Consumer Affairs (D) Committee adjourned.

Draft: 3/9/22

Adopted by the Executive (EX) Committee and Plenary, __ __, __

Adopted by the Market Regulation and Consumer Affairs (D) Committee, __ __, __

2022 Proposed Revised Charges

MARKET REGULATION AND CONSUMER AFFAIRS (D) COMMITTEE

The mission of the Market Regulation and Consumer Affairs (D) Committee is to monitor all aspects of the market regulatory process for continuous improvement. This includes market analysis, regulatory interventions with companies, and multi-jurisdictional collaboration. The Committee will also review and make recommendations regarding the underwriting and market practices of insurers and producers, as those practices affect insurance consumers, including the availability and affordability of insurance.

Ongoing Support of NAIC Programs, Products or Services

1. The **Market Regulation and Consumer Affairs (D) Committee** will:
 - A. Monitor the centralized collection and storage of market conduct data, national analysis, and reporting at the NAIC, including issues regarding the public availability of data.
 - B. Monitor and assess the current process for multi-jurisdictional market conduct activities and provide appropriate recommendations for enhancement, as necessary.
 - C. Evaluate all data currently collected in the NAIC Market Information Systems (MIS) and considered confidential to determine what, if any, can be made more widely available.
 - D. Oversee the activities of the Antifraud (D) Task Force.
 - E. Oversee the activities of the Market Information Systems (D) Task Force.
 - F. Oversee the activities of the Producer Licensing (D) Task Force.
 - G. Monitor the underwriting and market practices of insurers and producers, as well as the conditions of insurance marketplaces, including urban markets, to identify specific market conduct issues of importance and concern. Hold public hearings on these issues at the NAIC national meetings, as appropriate.
 - H. In collaboration with other technical working groups, discuss and share best practices through public forums to address broad consumer concerns regarding personal insurance products.
 - I. Coordinate with the International Insurance Relations (G) Committee to develop input and submit comments to the International Association of Insurance Supervisors (IAIS) and/or other related groups on issues regarding market regulation concepts.
 - J. Coordinate with the Health Insurance and Managed Care (B) Committee to provide policy recommendations regarding uniform state enforcement of the federal Affordable Care Act (ACA).
 - K. Review the “Best Practices and Guidelines for Consumer Information Disclosures” (adopted October 2012) and update, as needed.
2. The **Advisory Organization Examination Oversight (D) Working Group** will:
 - A. Revise the protocols, as necessary, for the examination of national or multistate advisory organizations (including rating organizations and statistical agents) to be more comprehensive, efficient, and possibly less frequent than the current system of single-state exams. Solicit input and collaboration from other interested and affected committees and task forces.
 - B. Monitor the data reporting and data collection processes of advisory organizations (including rating organizations and statistical agents) to determine if they are implementing appropriate measures to ensure data quality. Report the results of this ongoing charge, as needed.
 - C. Actively assist with and coordinate multistate examinations of advisory organizations (including rating organizations and statistical agents).

3. The **Market Actions (D) Working Group** will:
 - A. Facilitate interstate communication and coordinate collaborative state regulatory actions.
4. The **Market Analysis Procedures (D) Working Group** will:
 - A. Recommend changes to the market analysis framework based on results over the past five years, including the current set of Level 1 and Level 2 questions.
 - B. Discuss other market data collection issues and make recommendations, as necessary.
 - C. Consider recommendations for new lines of business for the Market Conduct Annual Statement (MCAS).
5. The **Market Conduct Annual Statement Blanks (D) Working Group** will:
 - A. Review the MCAS data elements and the “Data Call and Definitions” for those lines of business that have been in effect for longer than three years and update them, as necessary.
 - B. Develop an MCAS blank to be used for the collection of data for additional lines of business, where appropriate.
6. The **Market Conduct Examination Guidelines (D) Working Group** will:
 - A. Develop market conduct examination standards, as necessary, for inclusion in the *Market Regulation Handbook*.
 - B. Monitor the adoption and revision of NAIC models and develop market conduct examination standards to correspond with adopted NAIC models.
 - C. Develop updated standardized data requests, as necessary, for inclusion in the *Market Regulation Handbook*.
 - D. Develop uniform market conduct procedural guidance (e.g., a library, depository, or warehouse with market conduct examination templates, such as an exam call letter, exam exit agenda, etc.) for inclusion in, or for use in conjunction with, the *Market Regulation Handbook*.
 - E. Coordinate with the Innovation, Cybersecurity, and Technology (H) Committee to develop market conduct examiner guidance for the oversight of regulated entities’ use of insurance and non-insurance consumer data and models using algorithms and artificial intelligence (AI).
 - F. Discuss the effectiveness of group supervision of market conduct risks and develop examination procedural guidance, as necessary.
 - G. Discuss the role of market conduct examiners in reviewing insurers’ corporate governance as outlined in the NAIC’s *Corporate Governance Annual Disclosure Model Act* (#305) and *Corporate Governance Annual Disclosure Model Regulation* (#306).
7. The **Market Regulation Certification (D) Working Group** will:
 - A. Develop a formal market regulation certification proposal for consideration by the NAIC membership that provides recommendations for the following: 1) certification standards; 2) a process for the state implementation of the standards; 3) a process to measure the states’ compliance with the standards; 4) a process for future revisions to the standards; and 5) assistance for jurisdictions to achieve certification.
8. ~~The **Privacy Protections (D) Working Group** will:~~
 - ~~A. Review state insurance privacy protections regarding the collection, use and disclosure of information gathered in connection with insurance transactions and make recommended changes, as needed, to certain NAIC models, such as the *NAIC Insurance Information and Privacy Protection Model Act* (#670) and the *Privacy of Consumer Financial and Health Information Regulation* (#672).~~
8. The **Speed to Market (D) Working Group** will:
 - A. Consider proposed System for Electronic Rates & Forms Filing (SERFF) features or functionality presented to the Working Group by the SERFF Advisory Board (SAB), likely originating from the SERFF Product

- Steering Committee (PSC). Upon approval and acquisition of any needed funding, direct the SAB to implement the project. Receive periodic reports from the SAB, as needed.
- B. Provide feedback and recommendations concerning the SERFF modernization when requested by the Executive (EX) Committee and any group assigned oversight of the SERFF modernization by the Executive (EX) Committee.
 - C. Discuss and oversee the implementation and ongoing maintenance/enhancement of speed to market operational efficiencies related to product filing needs, efficiencies, and effective consumer protection. This includes the following activities:
 - i. Provide a forum to gather information from the states and the industry regarding tools, policies, and resolutions to assist with common filing issues. Provide oversight in evaluating product filing efficiency issues for state insurance regulators and the industry, particularly regarding uniformity.
 - ii. Use SERFF data to develop, refine, implement, collect, and distribute common filing metrics that provide a tool to measure the success of the speed to market modernization efforts, as measured by nationwide and individual state speed to market compliance, with an emphasis on monitoring state regulatory and insurer responsibilities for speed to market for insurance products.
 - iii. Facilitate proposed changes to the product coding matrices (PCMs) and the uniform transmittal document (UTD) on an annual basis, including the review, approval, and notification of changes. Monitor, assist with, and report on state implementation of any PCM changes.
 - iv. Facilitate the review and revision of the *Product Filing Review Handbook*, which contains an overview of all the operational efficiency tools and describes best practices for industry filers and state reviewers regarding the rate and form filing and review process. Develop and implement a communication plan to inform the states about the *Product Filing Review Handbook*.
 - D. Provide direction to NAIC staff regarding SERFF functionality, implementation, development, and enhancements. Direct NAIC staff to provide individual state speed to market reports to each commissioner at each national meeting. Receive periodic reports from NAIC staff, as needed.
 - E. Conduct the following activities, as desired, by the Interstate Insurance Product Regulation Commission (Compact):
 - i. Provide support to the Compact as the speed to market vehicle for asset-based insurance products, encouraging the states' participation in, and the industry's usage of, the Compact.
 - ii. Receive periodic reports from the Compact, as needed.

NAIC Support Staff: Tim Mullen/Randy Helder

D Cmte Revised Charges

Draft: 3/28/22

Adopted by the Executive (EX) Committee and Plenary, ____, ____, ____

Adopted by the Market Regulation and Consumer Affairs (D) Committee, ____, ____, ____

Adopted by the Antifraud (D) Task Force, March 28, 2022

2022 Proposed Revised Charges

ANTIFRAUD (D) TASK FORCE

The mission of the Antifraud (D) Task Force is to serve the public interest by assisting the state insurance supervisory officials, individually and collectively, through the detection, monitoring, and appropriate referral for the investigation of insurance crime, both by and against consumers. The Task Force will assist the insurance regulatory community by conducting the following activities: 1) maintaining and improving electronic databases regarding fraudulent insurance activities; 2) disseminating the results of research and analysis of insurance fraud trends, as well as case-specific analysis, to the insurance regulatory community; and 3) providing a liaison function between state insurance regulators, law enforcement (federal, state, local, and international), and other specific antifraud organizations. The Task Force will also serve as a liaison with the NAIC Information Technology Group (ITG) and other NAIC committees, task forces, and/or working groups to develop technological solutions for data collection and information sharing. The Task Force will monitor all aspects of antifraud activities by its working groups on the following charges.

Ongoing Support of NAIC Programs, Products or Services

1. The **Antifraud (D) Task Force** will:
 - A. Work with NAIC committees, task forces, and working groups (e.g., Title Insurance (C) Task Force, etc.) to review issues and concerns related to fraud activities and schemes related to insurance fraud.
 - B. Coordinate efforts to address national concerns related to agent fraud and activities of unauthorized agents related to insurance sales.
 - C. Coordinate the enforcement and investigation efforts of state and federal securities regulators with state insurance fraud bureaus.
 - D. Coordinate with state, federal, and international law enforcement agencies in addressing antifraud issues relating to the insurance industry.
 - E. Review and provide comments to the International Association of Insurance Supervisors (IAIS) on its Insurance Core Principles (ICPs) related to insurance fraud.
 - F. Coordinate activities and information from national antifraud organizations and provide information to state insurance fraud bureaus.
 - G. Coordinate activities and information with state and federal fraud divisions to determine guidelines that will assist with reciprocal involvement concerning antifraud issues resulting from natural disasters and catastrophes.
 - H. Coordinate efforts with the insurance industry to address antifraud issues and concerns.
 - I. Evaluate and recommend methods to track national fraud trends.
 - I.J. [Develop seminars, trainings, and webinars regarding insurance fraud. Provide three webinars by the 2022 Fall National Meeting](#)
- ~~2. The **Antifraud Education Enhancement (D) Working Group** will:~~
 - ~~A. [Develop seminars, trainings, and webinars regarding insurance fraud. Provide three webinars by the 2022 Fall National Meeting.](#)~~

3.2. The **Antifraud Technology (D) Working Group** will:

- A. Work with the NAIC to develop an Antifraud Plan Repository to be used by insurers to create and store an electronic fraud plan for distribution among the states/jurisdictions. Complete by 2022 Fall National Meeting.
- B. Evaluate sources of antifraud data and propose methods for enhancing the utilization and exchange of information among state insurance regulators, fraud investigative divisions, law enforcement officials, insurers, and antifraud organizations. Complete by the 2022 Fall National Meeting.

4.3. The **Improper Marketing of Health Insurance (D) Working Group** will:

- A. Coordinate with state insurance regulators, both on a state and federal level, to provide assistance and guidance monitoring the improper marketing of health plans, and coordinate appropriate enforcement actions, as needed, with other NAIC committees, task forces, and working groups.
- B. Review existing NAIC models and guidelines that address the use of lead generators for sales of health insurance products, and identify models and guidelines that need to be updated or developed to address current marketplace activities.

NAIC Support Staff: Greg Welker/Lois E. Alexander

[Antifraud TF Charges](#)

Date: 3/31/22

Virtual Meeting

(in lieu of meeting at the 2022 Spring National Meeting)

ANTIFRAUD (D) TASK FORCE

Monday, March 28, 2022

3:00 – 4:00 p.m. ET / 2:00 – 3:00 p.m. CT / 1:00 – 2:00 p.m. MT / 12:00 – 1:00 p.m. PT

Meeting Summary Report

The Antifraud (D) Task Force met March 28, 2022. During this meeting, the Task Force:

1. Adopted its 2021 Fall National Meeting minutes, which included the following action:
 - A. Adopted its July 26, 2021, and Oct. 27, 2021, minutes.
 - B. Received updates from its working groups.
 - C. Heard reports from interested parties.
2. Discussed a letter sent to the Task Force concerning racial bias and discrimination. The Task Force discussed the letter and asked for comments from any members or interested state insurance regulators. The Task Force heard comments from Birny Birnbaum (Center for Economic Justice—CEJ), an NAIC consumer representative. The Task Force advised that it continue to monitor this potential topic and schedule additional meetings to discuss, if warranted.
3. Adopted a recommendation to disband the Antifraud Education Enhancement (D) Working Group. The Task Force reviewed its existing working groups and determined that the Working Group would be disbanded and its current charge moved under the Task Force.
4. Received an update from the Antifraud Technology (D) Working Group. The Working Group formed a subject matter expert (SME) group in 2021 to create a template for industry to use when creating the Antifraud Plan. The Working Group will expose the final draft of the template for comment. The Working Group will meet to discuss these comments and potentially adopt the template. Once adopted by the Working Group, it will be presented to the Task Force for consideration of adoption.
5. Received an update from the Improper Marketing of Health Insurance (D) Working Group. The Working Group has continued to meet monthly in regulator-to-regulator session. The Working Group is holding its second open meeting at the Spring National Meeting.
6. Heard reports on antifraud activity from the Coalition Against Insurance Fraud (CAIF).

[AFTF Summary.docx](#)



NATIONAL MEETING SPRING 2022

Date: 3/30/22

Virtual Meeting

(in lieu of meeting at the 2022 Spring National Meeting)

MARKET INFORMATION SYSTEMS (D) TASK FORCE

Friday, March 25, 2022

12:00 – 1:00 p.m. ET / 11:00 a.m. – 12:00 p.m. CT / 10:00 – 11:00 a.m. MT / 9:00 – 10:00 a.m. PT

Meeting Summary Report

The Market Information Systems (D) Task Force met March 25, 2022. During this meeting, the Task Force:

1. Adopted its Dec. 3, 2021, minutes, which included the following action:
 - A. Revised its 2022 charges to continue work on developing recommendations for the incorporation of artificial intelligence (AI) abilities in the NAIC Market Information Systems (MIS).
2. Adopted its 2021 Fall National Meeting minutes.
3. Considered the Market Information Systems Research and Development (D) Working Group recommendations regarding the incorporation of AI in the NAIC MIS. The Task Force will continue discussion and consideration for adoption at its next meeting.
4. Adopted the report of the Market Information Systems Research and Development (D) Working Group, which met March 16 in regulator-to-regulator session, pursuant to paragraph 3 (specific companies, entities, or individuals) and paragraph 6 (consultations with NAIC staff members related to NAIC technical guidance) of the NAIC Policy Statement on Open Meetings, and took the following action:
 - A. Accepted a request to create or enhance a Market Conduct Annual Statement (MCAS) Personalized Information Capture System (PICS) event to notify subscribers on a recurring basis of outstanding waiver and extension requests.
 - B. Accepted a request to add a new Complaints Database System (CDS) coverage type code for telehealth.
 - C. Completed its review of the 2020 MIS data analysis metrics results.
5. Heard a report on outstanding Uniform System Enhancement Request (USER) forms.
6. Adopted the Market Information System Research and Development (D) Working Group's MIS Data Analysis Metrics and Recommendations.

SharePoint/NAIC Support Staff Hub/Member Meetings/Spring 2022 National Meeting/Summaries/MISTF Summary



NATIONAL MEETING SPRING 2022

Date: 3/25/22

Virtual Meeting

(in lieu of meeting at the 2022 Spring National Meeting)

MARKET ANALYSIS PROCEDURES (D) WORKING GROUP

Thursday, March 3, 2022

3:00 – 4:00 p.m. ET / 2:00 – 3:00 p.m. CT / 1:00 – 2:00 p.m. MT / 12:00 – 1:00 p.m. PT

Meeting Summary Report

The Market Analysis Procedures (D) Working Group met March 3, 2022. During this meeting, the Working Group:

1. Adopted its 2021 Fall National Meeting minutes, which included the following action:
 - A. Discussed proposed standard ratios for the travel insurance and short-term limited-duration (STLD) insurance Market Conduct Annual Statement (MCAS) blanks. The Working Group formed a group of volunteers to revise the ratios and report back to the Working Group.
 - B. Discussed the market analysis tools in iSite+ that will be replaced with enhanced tools and dashboards.
2. Reviewed its 2022 charges.
3. Discussed a draft of the revised standard ratios for the travel insurance and STLD insurance MCAS blanks. The Working Group will vote to adopt the ratios on its next conference call.
4. Adopted a motion to add the disability and lender-placed insurance MCAS data to the Market Analysis Review System (MARS). This request will be forwarded to the Market Information Systems Research and Development (D) Working Group.

SharePoint/NAIC Support Staff Hub/Member Meetings/Spring 2022 National Meeting/Summaries/MAP Summary

*Virtual Meeting***MARKET CONDUCT ANNUAL STATEMENT BLANKS (D) WORKING GROUP**

March 17, 2022

Summary Report

The Market Conduct Annual Statement Blanks (D) Working Group met March 17, 2022. During this meeting, the Working Group:

1. Adopted its Nov. 22, 2021 minutes, which included the following action:
 - A. Adopted its July 28, 2021 minutes.
 - B. Received an update on the life Market Conduct Annual Statement (MCAS) draft edits for Accelerated Underwriting.
 - C. Received an update on the Other Health MCAS drafting group.
 - D. Received a proposal from the SME group on lawsuit definitions and placement of the lawsuit data elements for the homeowner and private passenger auto MCAS.
 - E. Received a proposal from the SME group on reporting of digital claims interrogatory questions.
2. Received an update on the life MCAS draft edits for accelerated underwriting.
3. Received an update from the other health MCAS drafting group.
4. Adopted the proposal for digital claims interrogatories for the homeowner and private passenger MCAS lines of business.
5. Discussed the proposed lawsuit definitions and placement of lawsuit data elements for the homeowners and private passenger auto MCAS.
6. Received guidance regarding the new "Number of lawsuits closed with consideration for the consumer" data element for the homeowner and private passenger auto MCAS lines of business.

SharePoint/NAIC Support Staff Hub/Member Meetings/Spring 2022 National Meeting/Summaries/Final Summaries/MCAS Blanks WG 3.17.22 Summary



NATIONAL MEETING SPRING 2022

Virtual Meeting

MARKET CONDUCT EXAMINATION GUIDELINES (D) WORKING GROUP

March 10, 2022

Summary Report

The Market Conduct Examination Guidelines (D) Working Group met March 10, 2022. During this meeting, the Working Group:

1. Discussed its 2022 charges and priorities, which include but are not limited to: 1) updating Chapter 24B—Conducting the MHPAEA-Related Examination of the *Market Regulation Handbook* (Handbook) to reflect current federal guidance on mental health parity analysis requirements for non-quantitative treatment limitations (NQTLs); 2) revising Chapter 23—Conducting the Life and Annuity Examination to incorporate the revisions adopted by the NAIC in February 2020 to the *Suitability in Annuity Transactions Model Regulation* (#275); 3) creating new Travel insurance-related standardized data requests (SDRs) related to in-force policies and claims; and 4) continuing the Working Group's discussion on carry-over exposure drafts from 2021 of revisions to Chapter 20—General Examination Standards relating to the *Insurance Holding Company System Regulatory Act* (#440) and revisions to Chapter 21—Conducting the Property and Casualty Examination relating to the *Real Property Lender-Placed Insurance Model Act* (#631).
2. Discussed exposure drafts of Chapters 20 and 21 of the Handbook and received numerous comments on the two exposure drafts from State Farm; the American Council of Life Insurers (ACLI); Examination Resources LLC; and McIntyre & Lemon PLLC, who submitted comments on behalf of the Consumer Credit Industry Association (CCIA); the American Property Casualty Insurance Association (APCIA); the American Bankers Association (ABA); the National Association of Mutual Insurance Companies (NAMIC); and the Council of Insurance Agents and Brokers (CIAB). The Working Group decided to extend the comments due date on both exposure drafts to allow for more time for comment and discussion at the next Working Group meeting, which is scheduled to occur in April.

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NATIONAL MEETING SPRING 2022

Date: 3/25/22

Virtual Meeting

(in lieu of meeting at the 2022 Spring National Meeting)

MARKET REGULATION CERTIFICATION (D) WORKING GROUP

Tuesday, March 22, 2022

1:00 – 2:00 p.m. ET / 12:00 – 1:00 p.m. CT / 11:00 a.m. – 12:00 p.m. MT / 10:00 – 11:00 a.m. PT

Meeting Summary Report

The Market Regulation Certification (D) Working Group met March 22, 2022. During this meeting, the Working Group:

1. Reviewed the status of the Voluntary Market Regulation Certification Program and discussed the remaining tasks to be accomplished before forwarding it to the Market Regulation and Consumer Affairs (D) Committee. The certification requirements and implementation plan are drafted, but updates and revisions need to be adopted by the Working Group. A scoring matrix is being drafted.
2. Heard a report on the draft of the scoring matrix for the certification program. The drafting group will send a final draft to the Working Group prior to the Summer National Meeting.

SharePoint/NAIC Support Staff Hub/Member Meetings/Spring 2022 National Meeting/Summaries/MRCWG Summary



NATIONAL MEETING SPRING 2022

Virtual Meeting

(in lieu of meeting at the 2022 Spring National Meeting)

ADVISORY ORGANIZATION EXAMINATION OVERSIGHT (D) WORKING GROUP

Tuesday, March 22, 2022

2:00 – 3:00 p.m. ET / 1:00 – 2:00 p.m. CT / 12:00 – 1:00 p.m. MT / 11:00 a.m. – 12:00 p.m. PT

Meeting Summary Report

The Advisory Organization Examination Oversight (D) working group met March 22, 2022 in regulator-to-regulator session pursuant to paragraph 3 of the NAIC Policy Statement on Open Meetings. During this meeting, the Working Group:

1. Received status updates on the status of three ongoing examinations, two of which should be sending draft reports to the lead states and the Working Group within the next few weeks.
2. Received updates on four companies' Comprehensive Annual Analysis (CAA) forms. Company reports were in order with no major concerns. One company will be having an exam later this year, and issues will be addressed during the exam.
3. Discussed the advisory organizations that are offering telematics services to insurers and the working group's continuing development of examination standards for these activities.
4. Discussed the 2022 exam calendar; three companies are scheduled to start this year. The Working Group is working with the domicile states to gather information to prepare to start the exams.



NATIONAL MEETING SPRING 2022

Date: 4/5/22

*2022 Spring National Meeting
Kansas City, Missouri*

PRIVACY PROTECTIONS (D) WORKING GROUP

Monday, April 4, 2022

2:30 – 3:30 p.m.

Meeting Summary Report

The Privacy Protections (D) Working Group met April 4, 2022. During this meeting, the Working Group:

1. Adopted its 2021 Fall National Meeting minutes, which included the following action:
 - a. Adopted its Nov. 22, Oct. 25, and Oct. 11 minutes, which included the following action:
 - i. Discussed comments received on the remaining segments of the consumer rights (right to correct information, right to delete information, right of data portability, and right to restrict the use of data) in the draft privacy report.
 - ii. Discussed the Nov. 18 final draft of the Privacy Report to the Market Regulation and Consumer Affairs (D) Committee, which the Working Group exposed for a 14-day public comment period ending Dec. 2.
 - b. Received comments on the final exposure draft of the Privacy Protections (D) Working Group Report on Consumer Data Privacy Protections.
 - c. Adopted the final exposure draft of the Privacy Protections (D) Working Group Report on Consumer Data Privacy Protections with edits marked in redline in Attachment Four:
 - i. Changed the title of the report in Appendix A by removing “NAIC” and changing “Privacy Policy Statement” to “Privacy Report.”
 - ii. Reworded a certain segment to clarify that by “rights,” the Working Group meant “categories” to be discussed further during the revisions to privacy models phase recommended in the Working Group.
 - iii. Clarified wording that referenced future concerns to ensure the report met its charges to make recommendations concerning the need for NAIC privacy models to be modernized in 2022.
2. Heard updates by Jennifer McAdam on state and Brooke Stringer on federal privacy legislation.
3. Discussed comments received from the ACLI and the Health Coalition on the Exposure Draft of the Privacy Protection (D) Working Group’s that was exposed Mar. 23, 2022, for a 7-day public comment period ending Mar. 30.
4. Adopted the Exposure Draft of the Working Group’s 2022 Workplan.

SharePoint/NAIC Support Staff Hub/Member Meetings/Spring 2022 National Meeting/Summaries/Final Summaries/PPWG_Final Summary