

## Draft Pending Adoption

Attachment --  
Market Regulation and Consumer Affairs (D) Committee  
12/11/25

Draft: 12/9/25

Market Regulation Certification (D) Working Group  
Hollywood, Florida  
December 9, 2025

The Market Regulation Certification (D) Working Group of the Market Regulation and Consumer Affairs (D) Committee met in Hollywood, FL, Dec. 9, 2025. The following Working Group members participated: Bryan Stevens, Chair (WY); T.J. Patton, Vice Chair (MN); Lori Plant (AR); Daniel Mathis (IA); Mary Kwei (MD); Jo A. LeDuc (MO); Charles Whitehead and Tracy Biehn (NC); Ralph Boeckman (NJ); Sahar M. Hassanin (NM); Rodney Beetch (OH); Landon Hubbart (OK); Rachel Moore (SC); Tanji J. Northrup (UT); Andrea Baytop and Julie Fairbanks (VA); Karla Nuisl (VT); Sandy Ray (WA); and Michael Malone (WV). Also participating were: Danielle Torres (MI); and Elizabeth Nunes (GA).

### 1. Adopted its Nov. 17 Minutes

Stevens said the Working Group met Nov. 17 and took the following action: 1) discussed a draft proposal for a market analysis standard to be added to the Voluntary Market Regulation Certification Program; and 2) discussed the implementation of the full certification phase of the Voluntary Market Regulation Certification Program.

LeDuc made a motion, seconded by Patton, to adopt the Working Group's Nov. 17 minutes (Attachment XX). The motion passed unanimously.

### 2. Adopted a Market Analysis Standard for the Voluntary Market Regulation Certification Program

Stevens said that after the Working Group's Nov. 17 meeting, the subject matter expert (SME) group met and revised the draft market analysis standard's wording to reflect the Working Group's conversation.

Patton said the new definition of market analysis broadens what counts toward market analysis to include baseline, Market Analysis Review System (MARS) Level 1, Level 2, and certain continuum actions that involve market analysis. He said the proposed standard now includes a minimum of 30 reviews based on the broadened definition. He stated that during the Nov. 17 meeting, there was a lot of discussion on the appropriate number of reviews. The consensus seemed to be that 30 was a good "stretch goal" for jurisdictions, but some departments with fewer resources expressed concerns that 30 reviews could be undoable.

Patton said that to address those concerns, the proposal is that this standard will not be mandatory, but rather coded yellow. An additional checklist question was proposed, asking jurisdictions whether they have a strategy in place for completing 30 reviews if they did not do 30 reviews.

Stevens said completing 30 reviews sounds like a lot, but with the broadened definition, they can be done. He said he is the only one in his state doing market analysis, and he thinks he can reach 30 reviews.

LeDuc made a motion, seconded by Baytop, to adopt the proposed Requirement 12—Department Market Analysis Activity with a primary (not mandatory) requirement of 30 market analysis activities (Attachment XX). The motion passed unanimously.

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Stevens said the Market Regulation and Consumer Affairs (D) Committee will vote on the standard at the Spring National Meeting.

### 3. Discussed the Implementation Plan for Full Certification

Stevens stated that the Voluntary Market Regulation Certification Program is currently in the first step of the implementation plan. Last year and this year, the Working Group received 22 applications for provisional certification. He said that per the program's implementation plan, each jurisdiction that submits a self-certification is automatically provisionally certified. Each of the 22 jurisdictions that have submitted self-certifications has received an acknowledgement, and the appointed peer review group is currently doing assessments of the jurisdictions' self-certifications.

Stevens said that the second step of the implementation plan is to develop a mechanism for implementing the Full Certification Program. Once in place, jurisdictions will have the option to continue self-certifying or to apply for full certification.

Stevens said the plan calls for the formation of a market regulation standards and certification working group. He said he believed that would be this current Working Group, with one difference: the new Working Group's members would be appointed annually.

Additionally, Stevens said that to be fully certified, the jurisdiction's application would be reviewed by an NAIC review team constructed like the financial accreditation review team. He said he thought the current peer review group could transform into this review team. He said the Working Group needs to discuss how the reviews would be conducted (e.g., via Webex, in person, or a combination of both).

Stevens said requests for full certification must be submitted before the Spring National Meeting each year, and no more than 12 applications per year would be accepted for review. This would allow for a five-year cycle of 12 jurisdictions per year. At the Fall National Meeting each year, the recommendations for full certification will be provided to the Working Group for decisions.

Stevens said that fully certified jurisdictions will submit a self-certification in the third year and renew their full certification every five years. He said any fully certified jurisdiction can exit full certification at any time and choose to just be provisionally certified or not participate at all.

Stevens said the first questions to be answered are the composition and methods of the review team and the annually appointed working group.

Patton said the program currently has 22 provisionally certified states, and it is important to maintain the momentum. Stevens agreed and said that it is important to learn from what other states are doing in their market regulation programs. He said that, for example, he would like to know if Missouri is conducting an examination on a Wyoming domestic company so that he can know the processes they are using and trust the work that Missouri is doing when he does his own analysis of the company.

LeDuc said it would help to get more states if the program and checklist were simplified and easier to complete. Randy Helder (NAIC) said the NAIC publications team is working on improving the format and look of the program and is using Missouri's template for the checklist due to its user-friendliness and clarity.

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Patton and Nussl asked if the Working Group was ready to begin reviewing applications for full certification. Stevens said it would be better to start after the Spring National Meeting, when the new requirement will be considered by the Market Regulation and Consumer Affairs (D) Committee. LeDuc said it would be useful to first get the peer review team assessments of the self-certification back to the provisionally certified states and receive their feedback.

Stevens asked why states that have not submitted self-certifications have yet to do so. Kwei said that Maryland had some struggles with replacing some market regulation leadership. She said she thought Maryland would be ready in 2026. LeDuc said the peer review group is available to assist, and Baytop said the initial assessments will be sent to the provisionally certified states soon. She said it would be helpful to get their feedback to understand what changes could be made to make the checklist and measurements clearer.

Torres said Michigan is provisionally certified but has some concerns regarding some of the statutory authorities referenced in the certification program. She said the feedback from the peer review group will be helpful in working with their legislature to get model acts adopted. Stevens agreed. He said Wyoming does not have some of the referenced market regulation statutes, but its examination statutes are broad enough to allow them to accomplish what is addressed in the referenced market regulation statutes.

Stevens reminded the Working Group that self-certification applications can still be sent to Helder, and all self-certifications will be acknowledged with provisional certification. He stated that if a department of insurance (DOI) can get them submitted prior to the Market Regulation and Consumer Affairs (D) Committee's Dec. 11 meeting, he will be able to report the total number of provisionally certified states to the Committee. He stated that at this time, he plans to report that the program has 22 provisionally certified states, but he will add any that arrive before the Committee's meeting.

Nunes stated that she does the market analysis for Georgia, and the state also uses contractors. It is difficult for Georgia to calculate the full-time equivalent (FTE) number of analysts and examiners. Stevens said most states use contractors to some extent. LeDuc said it is still important to know how many in-house staff are being used for market analysis, as well as counting the hours of the contractors. Baytop said Virginia did not use a complicated formula for FTE. If an examiner also did some analysis, they would be counted as half an analyst. Stevens suggested that a compilation of the types and methods of answers that were provided by the provisionally certified states for each checklist question could be useful for states that are still working on their self-assessments. He said that the compilation will be ready before the 2026 Spring National Meeting.

Having no further business, the Market Regulation Certification (D) Working Group adjourned.

SharePoint/NAIC Support Staff Hub/Member Meetings/D Cmte/2025 Fall/MRCWG/Fall