**02-031**

**MAINE BUREAU OF INSURANCE**

**Rulemaking agenda**

October 2013

AGENCY UMBRELLA-UNIT NUMBER: **02-031**

AGENCY NAME:Department of Professional and Financial Regulation, **Bureau of Insurance**

**CONTACT PERSON:** Thomas M. Record, Esq., Senior Staff Attorney, 34 State House Station, Augusta, ME 04333-0034. Tel: (207) 624-8424, [thomas.m.record@maine.gov](mailto:thomas.m.record@maine.gov)

**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**CONSENSUS-BASED RULE DEVELOPMENT:**  None anticipated

**EXPECTED 2013-2014 RULEMAKING ACTIVITY:**

**Life Insurance and Annuities**

**Amendments to Chapter 340**: **Mortality Tables for Determining Minimum Reserves and Nonforfeiture Benefits**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212, 951-958-A and 2528-2534.

PURPOSE: to reflect changes to NAIC Model Regulation

ANTICIPATED SCHEDULE: as time permits

AFFECTED PARTIES: life insurers

## Amendment to Chapter 830: Valuation of Life Insurance Policies

## STATUTORY AUTHORITY: 24-A M.R.S. §§ 212, 953 and 957-A

## PURPOSE: to reflect changes to NAIC Model Regulation

## ANTICIPATED SCHEDULE: as time permits

## AFFECTED PARTIES: life insurers

## Amendment to Chapter 915: Annuity Disclosure

## STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 2151-B

## PURPOSE: to update to reflect agency experience, including disclosure issues surrounding effect of state premium tax on account values, and to reflect development of new Buyer’s Guides.

## ANTICIPATED SCHEDULE: summer 2014

## AFFECTED PARTIES: annuity issuers and purchasers

## Amendment to Chapter 917: Suitability in Annuity Transactions

## STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 2517

## PURPOSE: to reflect 2010 changes to NAIC Suitability in Annuity Transactions Model Regulation in order to reflect the Harkins/Meek Amendment to the Dodd-Frank Act.

## ANTICIPATED SCHEDULE: fall 2013

## AFFECTED PARTIES: annuity issuers and producers

**Health Insurance**

**Amendment of Rule Chapter 191: Health Maintenance Organizations**

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 212, 4218 and 4222-A

PURPOSE: to readopt still-relevant provisions of Rule Chapter 750 within this Rule in conjunction with repeal of Rule Chapter 750.

ANTICIPATED SCHEDULE: summer 2014

AFFECTED PARTIES: health maintenance organizations

**Repeal of Chapter 271: Reinstitution of Medicare Supplement Coverage**

STATUTORY AUTHORITY: 24 M.R.S. §2328 and 24-A M.R.S.A. §§ 212, 5002, and 5003

PURPOSE: Repeal of a rule that is no longer necessary

ANTICIPATED SCHEDULE: fall 2013

AFFECTED PARTIES: none

**Amendment to Chapter 275: Medicare Supplement Insurance**

STATUTORY AUTHORITY: 24 M.R.S.A. §2317-B and 24-A M.R.S.A. §§ 212, 2413(1)(F), 4207(9), 5002-A, 5002-B, 5005, 5010-A, and 5011; 2013 Resolve 19

PURPOSE: to address availability of supplemental coverage for those persons moving from Medicare Advantage to Medicare Parts A and B, to clarify regarding what it means to be enrolled in MaineCare and provisions relating to residency requirements and pre-existing conditions.

ANTICIPATED SCHEDULE: fall 2013

AFFECTED PARTIES: Medicare supplement insurers, senior citizens

**Amendment to Chapter 420: Nursing Home Care Insurance and Long-Term Care Insurance**

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 212, 5052, 5053, 5078 and 5083

PURPOSE: to establish claims handling standards analogous to those provided for in Rule Ch. 425

ANTICIPATED SCHEDULE: fall 2013

AFFECTED PARTIES: long-term care insurers

**Amendment to Chapter 425: Long-Term Care Insurance**

STATUTORY AUTHORITY: 24 M.R.S.A. §§ 2316 and 2321 and by 24-A M.R.S.A. §§ 212, 2412, 2413, 2414, 2736, 5071, 5072, 5073, 5074, 5075, 5077, 5078, 5080 and 5083.

PURPOSE: to establish claims handling standards as required by 2013 PL c. 278.

Anticipated Schedule: fall 2013

AFFECTED PARTIES: long-term care insurers

**Amendment to Rule Chapter 580:** Third Party Notice of Cancellation

STATUTORY AUTHORITY: 24 M.R.S.A. §2370 and 24‑A M.R.S.A. §§ 212, 2707-A, 2847-C, 4212(2), 4222-A, and 5016

PURPOSE: to reflect statutory change enacted by 2013 Resolve c. 39.

ANTICIPATED SCHEDULE: spring 2014

AFFECTED PARTIES: health insurance carriers

**Repeal of Rule Chapter 750: Standardized Health Plans**

STATUTORY AUTHORITY: (Part 1)24 M.R.S. Chapter 19, and Title 24-A M.R.S. §§ 212, 2736-C(6)(F), 2736-C(8), 4222-A and 4222-B.

**(**Part II 24-A M.R.S. §§ 212, 4202-A(1) and 4204(2-A)(O)

PURPOSE: to reflect 2011 PL c. 90 and the Affordable Care Act; to be done in conjunction with amendment of Rule Ch. 191

ANTICIPATED SCHEDULE: spring 2014

AFFECTED PARTIES: health carriers, individual health insurance purchasers

**Amendment to Rule Chapter 940: Requirements for Health Insurance Rate Filings and Data Reporting**

STATUTORY AUTHORITY: 24 M.R.S.A. §2321 and 24‑A M.R.S.A. §§ 212, 405-A(2)(E), 2413, 2736, 2736-C, 2808-B, 2839, 4207, and 4309-A

PURPOSE: to reflect changes in the process for health insurance rating and rate filings resulting from rules adopted under the Affordable Care Act.

ANTICIPATED SCHEDULE: winter 2014

AFFECTED PARTIES: health carriers

**Amendment to Rule Chapter 945: Annual Report Supplement for Health Insurers**

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 212 and 423-D

PURPOSE: to coordinate with the recently developed Supplemental Exhibit filed with Annual Statements as part of the Affordable Care Act data collection efforts.

ANTICIPATED SCHEDULE: summer 2014

AFFECTED PARTIES: health insurers

**New Rule: Navigator Certification and Training for Health Benefit Exchanges**

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 212 and 2188

Purpose: to reflect 2011 PL c. 90 and 2013 PL c. 388 by establishing certification and training requirements for persons serving as navigators to health benefit exchanges

ANTICIPATED SCHEDULE: pending

AFFECTED PARTIES: navigators

**New Rule: Insurance Carrier Medical Provider Profiling Programs**

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 212 and 4303-A.

PURPOSE: to reflect 2013 PL c. 383 by establishing requirements for the disclosure of profiling program data by a carrier to a medical provider

ANTICIPATED SCHEDULE: winter 2014

AFFECTED PARTIES: health carriers, medical providers

**New Rule: Health Plan Explanations of Benefits**

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 212 and 4303(13)

PURPOSE: to establish the minimum information and standards for explanation of benefits forms used by carriers

ANTICIPATED SCHEDULE: summer 2014

AFFECTED PARTIES: health carriers

**Property and Casualty Insurance**

**Amendment to Rule Chapter 390, Motor Vehicle Insurance Identification Cards**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 2412(7).

PURPOSE: to provide standards for electronic proof of motor vehicle insurance

ANTICIPATED SCHEDULE: fall 2013

AFFECTED PARTIES: motor vehicle insurers, law enforcement, Secretary of State’s Office

**Amendment to Rule Chapter 630, Rural Medical Access Program**

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 212, 229(1), 6305 and 6311

PURPOSE: to tie the assessment to program funding needs

ANTICIPATED SCHEDULE: fall 2013

AFFECTED PARTIES: physicians

**New Rule: Group Property and Casualty Insurance**

STATUTORY AUTHORITY:  24-A M.R.S. §§ 212, 2951 – 2953.

PURPOSE: to adopt rules establishing requirements for group property and casualty policies consistent with Chapter 40-A and specifying additional types of insurance that may be issued on a group basis and the types of groups that may be policyholders.

ANTICIPATED SCHEDULE:  fall-winter 2013

AFFECTED PARTIES:  property and casualty insurers

**New Rule: Hurricane Deductibles**

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 212 and 3061

PURPOSE: to adopt standards and procedures for insurers that use hurricane deductibles

ANTICIPATED SCHEDULE: fall-winter 2013

AFFECTED PARTIES: property insurers

**Financial Regulation of Insurers**

**Amendments to Chapter 180: Insurance Holding Company Systems**

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 212 and 222

PURPOSE: to update the rule in light of 2013 PL c. 238

ANTICIPATED SCHEDULE: winter 2014

AFFECRTED PARTIES: domestic insurers and their controlling interests

**Amendments to Chapter 710: Standards for Determining Hazardous Financial Condition for Insurance Companies**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212, 417 and 3423.

PURPOSE: to update in light of changes to national standards

ANTICIPATED SCHEDULE: winter 2014

AFFECTED PARTIES: insurers

**Amendments to Chapter 740: Credit for Reinsurance**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 731-B

PURPOSE: to update in light of changes to national standards

ANTICIPATED SCHEDULE: winter 2014

AFFECTED PARTIES: insurers

**New Rule: Risk Retention Groups**

STATUTORY AUTHORITY: 24-A M.R.S.A. §§ 212 and 6718

PURPOSE: to adopt financial and corporate governance standards applicable to Maine domestic risk retention groups

ANTICIPATED SCHEDULE: winter 2014

AFFECTED PARTIES: domestic risk retention groups

**Miscellaneous**

**AMENDMENTS TO CHAPTER 920: Reporting of Fraudulent Insurance Acts**

STATUTORY AUTHORITY: 24-A M.R.S. §§ 212 and 2186

PURPOSE: to update current reporting form and instructions to address ambiguities

ANTICIPATED SCHEDULE: spring 2014

AFFECTED PARTIES: Insurers