

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE

IN RE:)	
)	
AMERICAN PET INSURANCE)	NOTICE OF PENDING
COMPANY (product name: Trupanion))	PROCEEDING AND HEARING
)	
Docket No. INS-23-800)	

Acting Superintendent of Insurance Timothy N. Schott issues this Notice of Pending Proceeding and Hearing in the above-captioned matter.

I. PENDING PROCEEDING

The Superintendent hereby gives notice that by submission made on April 26, 2023, American Pet Insurance Company (APIC) sought approval, pursuant to 24-A M.R.S. § 2412, of a form filing for a pet insurance plan to be delivered in this State, under the product name Trupanion. The Bureau of Insurance conducted its review of APIC’s form filing electronically using the System for Electronic Rates & Forms Filing (SERFF),¹ under SERFF Tracking #APII-133646841 (APIC Form Filing).

On July 7, 2023, the Superintendent disapproved APIC’s Form Filing for the following reasons (quoted verbatim):

- (a) The form filing violates the prohibition under 24-A M.R.S. § 3156(2) by requiring 12 days to transpire before coverage in the policy begins for illnesses or orthopedic conditions resulting from an accident. Disapproval is warranted under 24-A M.R.S. § 2413(1)(A).
- (b) The form filing (e.g., the Declarations Page) uses three terms – Inception Date, Enrollment Date, and Effective Date – which are blank on the Declarations Page until completed by the insurer on the date of enrollment. Use of these terms in the policy is inconsistent, ambiguous, or misleading to consumers. Disapproval is warranted under 24-A M.R.S. § 2413(1)(B).

On August 4, 2023, APIC filed an appeal and request for hearing on the Superintendent’s disapproval of APIC’s Form Filing. *See* 24-A M.R.S. §§ 2412(5) and 229.

Finding that the standards under 24-A M.R.S. § 229(4) are satisfied, the Superintendent will hold a hearing as set forth herein.

¹ *See* Bureau of Insurance Bulletin 360.

II. HEARING

Pursuant to 24-A M.R.S. §§ 229 and 230, 5 M.R.S. § 9052, and Insurance Rule Chapter 350, the Superintendent hereby gives notice that a public hearing will be held in the above-captioned matter beginning at 1:00 p.m. on September 22, 2023,² in the Central Conference Room at the Department of Professional and Financial Regulation, 221 State Street, Augusta, Maine.

APIC has requested an opportunity to provide briefing to the Superintendent in advance of the hearing, which is hereby GRANTED. APIC's brief is due for filing no later than September 8, 2023.

III. PURPOSE

The purpose of the proceeding and hearing is for the Superintendent to adjudicate APIC's appeal of the Superintendent's July 7, 2023, disapproval of APIC's Form Filing.

IV. INTERVENTION

American Pet Insurance Company is designated a party to this proceeding. Persons wishing to intervene as parties in this proceeding shall file their applications in writing with the Superintendent no later than 3:00 p.m. on September 8, 2023. Applicants should either hand deliver their intervention applications to the attention of Karma Lombard at the offices of the Bureau of Insurance, 221 State Street, Augusta, Maine or mail them to the Superintendent at the following address:

Timothy N. Schott, Acting Superintendent
Attn: Karma Lombard
Docket No. INS-23-800
Bureau of Insurance
Maine Department of Professional and Financial Regulation
#34 State House Station
Augusta, Maine 04333-0034

An applicant claiming intervention as of right pursuant to 5 M.R.S. § 9054(1) shall include in the application a statement either explaining how the applicant is or may be, or is a member of a class that is or may be, substantially and directly affected by the proceeding or identifying the applicant as an agency of federal, state, or local government. Applications for permissive intervention pursuant to 5 M.R.S. § 9054(2) shall contain a statement explaining and substantiating the applicant's interest in the proceeding. The Superintendent will not grant late applications without a compelling demonstration of good cause.

Any party that opposes an application for intervention shall file a statement in opposition with the Superintendent by 3:00 p.m. on September 15, 2023. The Superintendent in his

² This date is set by mutual consent, upon request by APIC and agreement of the Superintendent.

discretion may rule on intervention applications at any time, without having to wait for the expiration of the opposition to intervention deadline.

V. PROCEDURE

The Superintendent will conduct the proceeding and hearing in accordance with the provisions of the Maine Administrative Procedure Act, 5 M.R.S. chapter 375, subchapter 4; 24-A M.R.S. §§ 229 to 236; Bureau of Insurance Rule chapter 350; and any rulings of the Superintendent. All parties to the proceeding have the right to present evidence and witnesses at the hearing and have the right to be represented by counsel. Failure of any party to appear may result in disposition by default with respect to that party. The Superintendent, however, may set aside a default for good cause.

The Department of Professional and Financial Regulation does not discriminate on the basis of disability in the admission to, access to, or operation of its programs, services, or activities. Individuals in need of auxiliary aid for effective communication at the hearing are invited to make their needs and preference known to Karma Lombard at the Bureau of Insurance, telephone 207-624-8540, sufficiently in advance of the hearing so that appropriate arrangements can be made.

August 10, 2023


TIMOTHY N. SCHOTT
Acting Superintendent of Insurance