

PROPOSED REGULATION OF THE COMMISSIONER OF INSURANCE

LCB File No. R028-12

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The State of Nevada, Department of Business and Industry, Division of Insurance (“Division”), (775) 687-0700, is proposing the adoption, amendment or repeal of regulations pertaining to chapters 616B, 679B, 686A and 689A of the Nevada Administrative Code (“NAC”). A workshop has been set for **10:00 a.m., on June 5, 2012**, at the Division’s office located at 1818 East College Parkway, 1st floor hearing room, Carson City, Nevada 89706. Interested parties may also participate through a simultaneous videoconference conducted at the Bradley Building, 2501 East Sahara Avenue, 2nd floor conference room, Las Vegas, Nevada 89104. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations. Please submit any written comments no later than **May 29, 2012**.

LCB File No. R026-12. Amend NAC 686A.282, 686A.288 and 686A.302.

Repeal NAC 686A.292, 686A.294, 686A.296, 686A.298, 686A.300 and 689A.431.

A regulation relating to insurance; prescribing the form which must be used for the submission of certain claims; repealing certain provisions relating to the submission of certain information for an insurance claim; and providing other matters properly relating thereto.

LCB File No. R027-12. Amend NAC 686A.4775, 686A.563 and 686A.573.

A regulation relating to insurance; revising provisions governing an illustration actuary; revising the notice that must be provided with policies of life insurance and annuity contracts that replace existing policies and contracts to conform with statutory requirements; and providing other matters properly relating thereto.

LCB File No. R028-12. Confidentiality of Records During an Examination.

A regulation relating to insurance; removing obsolete references to the Advocate for Insurance Customers; and providing other matters properly relating thereto.

LCB File No. R031-12.

Financial Reporting of Associations of Self-Insured Employers.

A regulation relating to industrial insurance; revising requirements concerning financial information that must be submitted to the Commissioner of Insurance by associations of self-insured employers; and providing other matters properly relating thereto.

LCB File No. R032-12. GASB Publication Cost.

A regulation relating to insurance; revising the price for purchasing a copy of a publication with which certain governmental employers that are self-insured for purposes of workers' compensation must comply; and providing other matters properly relating thereto.

A copy of all materials relating to the proposals may be obtained at the workshop or by contacting the Division, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706, (775) 687-0700. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all persons on the agency's mailing list for administrative regulations, posted to the agency's Internet Web site at doi.nv.gov, and was provided to or posted at the following locations:

Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706

Department of Business and Industry
Division of Insurance
2501 East Sahara Avenue, Suite 302
Las Vegas, NV 89104

Capitol Press Room
Capitol Building Basement
Carson City, NV 89710

Donald W. Reynolds Press Center
102 North Curry Street
Carson City, NV 89701

Legislative Counsel Bureau
401 South Carson Street
Carson City, NV 89701

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701

Blasdel Building
209 East Musser Street
Carson City, NV 89701

Nevada State Library & Archives
100 North Stewart Street
Carson City, NV 89701

Office of the Governor
Capitol Building
Carson City, NV 89710

Carson City Courthouse
885 East Musser Street
Carson City, NV 89701

Carson City Library
900 North Roop Street
Carson City, NV 89701

Churchill County Library
553 South Main Street
Fallon, NV 89406

Clark County District Library
833 Las Vegas Boulevard North
Las Vegas, NV 89101

Douglas County Library
P.O. Box 337
Minden, NV 89423

Elko County Library

Esmeralda County Library

NOTICE OF INTENT TO ACT UPON REGULATION

Notice of Hearing for the Adoption, Amendment or Repeal of Regulations of The Department of Business and Industry, Division of Insurance

The State of Nevada, Department of Business and Industry, Division of Insurance (“Division”), (775) 687-0700, will hold a public hearing at **9:30 a.m. on June 14, 2012**, at the Division’s office located at 1818 East College Parkway, 1st floor hearing room, Carson City, Nevada 89706. Interested persons may also participate through a simultaneous videoconference conducted at the Bradley Building, 2501 East Sahara Avenue, 2nd floor conference room, Las Vegas, Nevada 89104. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of a regulation that pertains to **chapter 679B** of the Nevada Administrative Code (“NAC”).

The following information is provided pursuant to the requirements of Nevada Revised Statute (“NRS”) 233B.0603 and the directives of the Governor:

LCB File No. R028-12. Confidentiality of Records During an Examination.

A regulation relating to insurance; removing obsolete references to the Advocate for Insurance Customers; and providing other matters properly relating thereto.

(1) Why is the regulation necessary and what is its purpose?

The proposed regulation amends that portion of NAC 679B.034 which is now obsolete. By eliminating the reference to the Advocate in this regulation, the regulation will be current.

When information is gathered by the Commissioner as a result of an examination, this regulation defined what information is confidential and not available for the public. The regulation prescribed that, after the completion of an examination, the information is confidential unless “(II) The Advocate for Insurance Customers requests release of the records and other information for public inspection.” The position of Advocate for Insurance Customers (“Advocate”) was created by Senate Bill 474 in the 1991 session of the Legislature. This position was repealed during the 1993 session.

(2) What are the terms or substance of the proposed regulation?

The proposed regulation amends that portion of NAC 679B.034 which is now obsolete. By removing the reference to the Advocate, the regulation will be current.

(3) What is the anticipated impact of the regulation on the problem(s)?

Since the subsection of the regulation regarding the Advocate has been obsolete for more than 18 years, there will be no impact. This amendment is for housekeeping purposes only.

(4) Do other regulations address the same problem(s)?

No.

(5) Are alternate forms of regulation sufficient to address the problem(s)?

No.

(6) What value does the regulation have to the public?

The amendment removes obsolete information.

(7) What is the anticipated economic benefit of the regulation?

- a. Public**
 - 1. Immediate:** no impact
 - 2. Long Term:** no impact
- b. Insurance Business**
 - 1. Immediate:** no impact
 - 2. Long Term:** no impact
- c. Small Businesses**
 - 1. Immediate:** no impact
 - 2. Long Term:** no impact
- d. Small Communities**
 - 1. Immediate:** no impact
 - 2. Long Term:** no impact
- e. Government Entities**
 - 1. Immediate:** no impact
 - 2. Long Term:** no impact

(8) What is the anticipated adverse impact, if any?

- a. Public**
 - 1. Immediate:** no impact
 - 2. Long Term:** no impact
- b. Insurance Business**
 - 1. Immediate:** no impact
 - 2. Long Term:** no impact
- c. Small Businesses**
 - 1. Immediate:** no impact
 - 2. Long Term:** no impact
- d. Small Communities**
 - 1. Immediate:** no impact
 - 2. Long Term:** no impact
- e. Government Entities**
 - 1. Immediate:** no impact
 - 2. Long Term:** no impact

(9) What is the anticipated cost of the regulation, both direct and indirect?

- a. **Enactment** – None
- b. **Enforcement** – None
- c. **Compliance** – None

(10) Does the regulation establish a new fee or increase an existing fee?

No.

(11) Provide a statement which identifies the methods used by the agency in determining the impact of the proposed regulation on a small business, prepared pursuant to subsection 3 of NRS 233B.0608.

Since the Advocate position was eliminated more than 18 years ago, there is nothing to measure.

(12) Provide a description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, state the name of the regulating federal agency.

Not applicable.

(13) If the regulation is required pursuant to federal law, provide a citation and description of the federal law.

Not applicable.

(14) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, provide a summary of such provisions.

Not applicable.

Persons wishing to comment upon the proposed action of the Division may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Division, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706. **Written submissions must be received by the Division on or before May 29, 2012.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the offices of the Division, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706, and 2501 East Sahara Avenue, Suite 302, Las Vegas, Nevada 89104, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are

also available in the **State of Nevada Register of Administrative Regulations**, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/register>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at or provided to the following locations:

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Division of Insurance
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Carson City, NV 89706

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Las Vegas, NV 89101

Douglas County Library
P.O. Box 337
Minden, NV 89423

Elko County Library
720 Court Street

Esmeralda County Library
P.O. Box 430

Elko, NV 89801

Eureka Branch Library
P.O. Box 293
Eureka, NV 89316

Lander County Library
P.O. Box 141
Battle Mountain, NV 89820

Lyon County Library
20 Nevin Way
Yerington, NV 89447

Pershing County Library
P.O. Box 781
Lovelock, NV 89419

Tonopah Public Library
P.O. Box 449
Tonopah, NV 89049

White Pine County Library
950 Campton Street
Ely, NV 89301

Goldfield, NV 89013

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

Lincoln County Library
P.O. Box 330
Pioche, NV 89043-0330

Mineral County Public Library
P.O. Box 1390
Hawthorne, NV 89415

Storey County Public Library
P.O. Box 14
Virginia City, NV 89440

Washoe County Library
P.O. Box 2151
Reno, NV 89505-2151

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify the Commissioner's secretary in writing at 1818 East College Parkway, Suite 103, Carson City, Nevada 89706, or by calling no later than five (5) working days prior to the hearing, (775) 687-0700.

DATED this 11th day of May, 2012.

/s/
SCOTT J. KIPPER
Commissioner of Insurance