

**ADOPTED REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. R129-06

Effective September 18, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 679B.130 and 687B.120; §2, NRS 679B.130 and 689A.740; §3, NRS 679B.130 and 689C.155.

A REGULATION relating to insurance; revising provisions governing health benefit plans required to be filed with the Commissioner of Insurance; and providing other matters properly relating thereto.

Section 1. NAC 687B.004 is hereby amended to read as follows:

687B.004 Any form required to be filed pursuant to the provisions of NRS 687B.120 ~~[may]~~

:

1. Must be filed in accordance with the current bulletin issued by the Division that addresses life and health form filing procedures and with the National Association of Insurance Commissioners' "Uniform Life, Accident and Health, Annuity, Credit Transmittal Document," which is required to be filed pursuant to that bulletin; and

2. May be filed in accordance with the System for Electronic Rate and Form Filing developed and implemented by the National Association of Insurance Commissioners.

Sec. 2. NAC 689A.435 is hereby amended to read as follows:

689A.435 ~~[1.—The Commissioner hereby adopts by reference "Bulletin No. 87-4, Policy and Form Filing Procedures," excluding paragraphs (c), (d) and (e) of subsection 3 of the~~

~~bulletin. A copy of the bulletin may be obtained at no cost from the Department of Business and Industry, Division of Insurance, 788 Fairview Drive, Suite 300, Carson City, Nevada 89701.~~

~~—2.]~~ An individual carrier that is required to file with the Commissioner its basic health benefit plans and standard health benefit plans pursuant to NRS 689A.655 shall comply with the filing procedures set forth in the ~~[publication adopted in subsection 1]~~ *current bulletin issued by the Division that addresses life and health form filing procedures* and shall stamp “HIPAA” on the ~~[FFD100 form]~~ *National Association of Insurance Commissioners’ “Uniform Life, Accident and Health, Annuity, Credit Transmittal Document,”* which is required to be filed pursuant to that ~~[publication.]~~ *bulletin.*

Sec. 3. NAC 689C.125 is hereby amended to read as follows:

689C.125 ~~[1.—The Commissioner hereby adopts by reference “Bulletin No. 87-4, Policy and Form Filing Procedures,” excluding paragraphs (c), (d) and (e) of subsection 3 of the bulletin. A copy of the bulletin may be obtained at no cost from the Department of Business and Industry, Division of Insurance, 788 Fairview Drive, Suite 300, Carson City, Nevada 89701.~~

~~—2.]~~ A carrier that is required to file with the Commissioner its basic health benefit plans and standard health benefit plans pursuant to NRS 689C.157 shall comply with the filing procedures set forth in the ~~[publication adopted in subsection 1]~~ *current bulletin issued by the Division that addresses life and health form filing procedures* and shall stamp “HIPAA” on the ~~[FFD100 form]~~ *National Association of Insurance Commissioners’ “Uniform Life, Accident and Health, Annuity, Credit Transmittal Document,”* which is required to be filed pursuant to that ~~[publication.]~~ *bulletin.*

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R129-06

The Commissioner of Insurance adopted regulations assigned LCB File No. R129-06 which pertain to chapters 687B, 689A and 689C of the Nevada Administrative Code on August 11, 2006.

Notice date: 5/26/2006
Hearing date: 6/27/2006

Date of adoption by agency: 8/11/2006
Filing date: 9/18/2006

INFORMATIONAL STATEMENT

A hearing was held on June 27, 2006, at the offices of the Department of Business and Industry, Division of Insurance (Division), 788 Fairview Drive, Suite 300, Carson City, Nevada 89701, with a simultaneous video-conference conducted at the Bradley Building, 2501 E. Sahara Avenue, Real Estate Division Conference Room, 2nd Floor, Las Vegas, Nevada 89104, regarding the adoption of the regulation concerning life and health filing transmittal documents.

Public comment was solicited by posting notice of the hearing in the following public locations: Division's Carson City Office, Legislative Counsel Bureau, Capitol Building Lobby, Blasdel Building, Carson City Courthouse, State Library, Capitol Press Room, and the Division's Las Vegas Office.

The Division maintains a list of interested parties, comprised mainly of insurance companies, agencies and other persons regulated by the Division. These persons were notified of the hearing and that copies of the regulation could be obtained from or examined at the offices of the Division in Carson City.

The hearing was attended by 11 individuals. Oral testimony was provided by Kim Everett, representing the Division. Ms. Everett addressed the differences between the Legislative Counsel Bureau (LCB) version and the proposed Division version and testified that the Division had one problem with LCB's changes. Ms. Everett explained that LCB had, in effect, limited the regulation to only apply to the Basic Plan and Standard Plan in order to comply with the filing procedures to be outlined by the Division's new form filing bulletin. Ms. Everett suggested that a new section be added to the proposed regulation that would amend Chapter 687B of the Nevada Administrative Code (NAC) to encompass all life and health plans that submit filings to comply with the filing procedures to be outlined by the Division's new form filing procedures bulletin. Upon approval of the proposed regulation, the Life and Health Section will release a new bulletin to the effect that the new form filings will require the use of the National Association of Insurance Commissioners' Uniform Life, Accident and Health, Annuity, Credit Transmittal Document.

Jack Kim testified on behalf of Sierra Health Services. Mr. Kim stated that the health plans should be given 30 days from the date of the new bulletin to comply with the new form filing requirements. The Division did not object to his recommendation.

The Commissioner has issued an order adopting the regulation, as revised, pursuant to the workshop and hearing, as a permanent regulation of the Division.

Based upon the testimony received at the hearing, the proposed regulation is revised as follows:

1. A new Section 1 is added to read as follows:

Section 1. *Chapter 687B of NAC is hereby amended by adding thereto a new section to read as follows:*

Any form required to be filed pursuant to the provisions of NRS 687B.120 shall be filed in accordance with the current bulletin issued by the Division that addresses life and health form filing procedures and the National Association of Insurance Commissioners' Uniform Life, Accident and Health, Annuity, Credit Transmittal Document which is required to be filed pursuant to that bulletin.

2. Section 1 is renumbered as Section 2 and is amended to read as follows:

Sec. 2. NAC 689A.435 is hereby amended to read as follows:

689A.435 [1. The Commissioner hereby adopts by reference “Bulletin No. 87-4, Policy and Form Filing Procedures,” excluding paragraphs (c), (d) and (e) of subsection 3 of the bulletin. A copy of the bulletin may be obtained at no cost from the Department of Business and Industry, Division of Insurance, 788 Fairview Drive, Suite 300, Carson City, Nevada 89701.

2.] An individual carrier that is required to file with the Commissioner its basic health benefit plans and standard health benefit plans pursuant to NRS 689A.655 shall comply with the filing procedures set forth in the [publication adopted in subsection 1] *current bulletin issued by the Division that addresses life and health form filing procedures* and shall stamp “HIPAA” on the [FFD100 form] *National Association of Insurance [Commissioner's] Commissioners' Uniform Life, Accident and Health, Annuity, Credit Transmittal Document* which is required to be filed pursuant to that [publication.] *bulletin.*

3. Section 2 is renumbered as Section 3 and is amended to read as follows:

Sec. 3. NAC 689C.125 is hereby amended to read as follows:

689C.125 [1. The Commissioner hereby adopts by reference “Bulletin No. 87-4, Policy and Form Filing Procedures,” excluding paragraphs (c), (d) and (e) of subsection 3 of the bulletin. A copy of the bulletin may be obtained at no cost from the Department of Business and Industry, Division of Insurance, 788 Fairview Drive, Suite 300, Carson City, Nevada 89701.

2.] A carrier that is required to file with the Commissioner its basic health benefit plans and standard health benefit plans pursuant to NRS 689C.157 shall comply with the filing procedures set forth in the [publication adopted in subsection 1] *current bulletin issued by the Division that addresses life and health form filing procedures* and shall stamp “HIPAA” on the [FFD100 form] *National Association of Insurance [Commissioner's] Commissioners' Uniform Life, Accident and Health, Annuity, Credit Transmittal Document* which is required to be filed pursuant to that [publication.] *bulletin.*

The economic impact of the regulation is as follows:

- (a) On the business it is to regulate: The proposed regulation would require a minimal additional cost to the life and health insurers that would implement the proposed regulation.
- (b) On the public: None.

The Division may incur some additional expense to enforce the proposed regulation that cannot be measured at this time.

The Division is not aware of any overlap or duplication of the regulation with any state, local or federal regulation.

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

IN THE MATTER OF THE

CAUSE NO. **06.476**
LCB FILE NO. **R129-06**

**REGULATION CONCERNING LIFE
AND HEALTH FILING TRANSMITTAL
DOCUMENTS.**

**SUMMARY OF PROCEEDINGS
AND ORDER**

SUMMARY OF PROCEEDINGS

A public workshop, as required by Nevada Revised Statute (NRS) 233B.061, on the proposed regulation concerning the life and health filing transmittal document was held before Alice A. Molasky-Arman, Commissioner of Insurance (Commissioner), on June 27, 2006, at the Department of Business and Industry, Division of Insurance (Division), in Carson City, Nevada, and video-conferenced to the Bradley Building in Las Vegas, Nevada. A public hearing on the proposed regulation was also held before the Commissioner, on June 27, 2006, in Carson City, Nevada, and video-conferenced to the Bradley Building in Las Vegas, Nevada. The regulation is proposed under the authority of NRS 679B.130.

The hearing was attended by 11 individuals. The following people provided testimony before the Hearing Officer: Kim Everett, representing the Division; and Jack Kim, representing Sierra Health Services. The Division received no written comments.

Ms. Everett addressed the differences between the Legislative Counsel Bureau (LCB) version and the Division version of the proposed regulation. Ms. Everett stated that the Division had one problem with LCB's changes. She explained that LCB had, in effect, limited the regulation to only apply to the Basic Plan and Standard Plan in order to comply with the filing procedures to be outlined by the Division's new form filing procedures bulletin. Ms. Everett suggested that a new section be added to the proposed regulation that would amend Chapter 687B of the Nevada Administrative Code (NAC) to encompass all life and health plans that

submit filings to comply with the filing procedures to be outlined by the Division's new form filing procedures bulletin. Upon approval of the proposed regulation, the Life and Health Section will release a new bulletin to the effect that new form filings will require the use of the National Association of Insurance Commissioners' Uniform Life, Accident and Health, Annuity, Credit Transmittal Document.

Mr. Kim, testifying on behalf of Sierra Health Services, stated that the health plans should be given 30 days from the date of the new bulletin to comply with the new form filing requirements. The Division did not object to his recommendation.

Based upon the testimony received at the hearing, the proposed regulation is revised as follows:

1. A new Section 1 is added to read as follows:

Section 1. **Chapter 687B of NAC is hereby amended by adding thereto a new section to read as follows:**

Any form required to be filed pursuant to the provisions of NRS 687B.120 shall be filed in accordance with the current bulletin issued by the Division that addresses life and health form filing procedures and the National Association of Insurance Commissioners' Uniform Life, Accident and Health, Annuity, Credit Transmittal Document which is required to be filed pursuant to that bulletin.

2. Section 1 is renumbered as Section 2 and is amended to read as follows:

Sec. 2. NAC 689A.435 is hereby amended to read as follows:

689A.435 [~~1. The Commissioner hereby adopts by reference "Bulletin No. 87-4, Policy and Form Filing Procedures," excluding paragraphs (c), (d) and (e) of subsection 3 of the bulletin. A copy of the bulletin may be obtained at no cost from the Department of Business and Industry, Division of Insurance, 788 Fairview Drive, Suite 300, Carson City, Nevada 89701.~~

~~2.]~~ An individual carrier that is required to file with the Commissioner its basic health benefit plans and standard health benefit plans pursuant to NRS 689A.655 shall comply

with the filing procedures set forth in the [~~publication adopted in subsection 4~~] *current bulletin issued by the Division that addresses life and health form filing procedures* and shall stamp “HIPAA” on the [~~FFD100 form~~] *National Association of Insurance [Commissioner’s] Commissioners’ Uniform Life, Accident and Health, Annuity, Credit Transmittal Document* which is required to be filed pursuant to that [~~publication.~~] *bulletin.*

3. Section 2 is renumbered as Section 3 and is amended to read as follows:

Sec. 3. NAC 689C.125 is hereby amended to read as follows:

689C.125 [~~1. The Commissioner hereby adopts by reference “Bulletin No. 87-4, Policy and Form Filing Procedures,” excluding paragraphs (c), (d) and (e) of subsection 3 of the bulletin. A copy of the bulletin may be obtained at no cost from the Department of Business and Industry, Division of Insurance, 788 Fairview Drive, Suite 300, Carson City, Nevada 89701.~~

~~2.] A carrier that is required to file with the Commissioner its basic health benefit plans and standard health benefit plans pursuant to NRS 689C.157 shall comply with the filing procedures set forth in the [~~publication adopted in subsection 4~~] *current bulletin issued by the Division that addresses life and health form filing procedures* and shall stamp “HIPAA” on the [~~FFD100 form~~] *National Association of Insurance [Commissioner’s] Commissioners’ Uniform Life, Accident and Health, Annuity, Credit Transmittal Document* which is required to be filed pursuant to that [~~publication.~~] *bulletin.*~~

ORDER OF THE COMMISSIONER

Having reviewed the record in this matter, it is hereby ordered that the proposed regulation regarding life and health filing transmittal documents, LCB File No. R129-06, be adopted, as amended, as a permanent regulation of the Division.

SO ORDERED this _____ day of August, 2006.

ALICE A. MOLASKY-ARMAN
Commissioner of Insurance