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Rep. Matt Lehman, IN
President



Thomas B. Considine
NCOIL CEO



Asm. Ken Cooley, CA
Vice President

From the President's Desk

IN Rep. Matt Lehman, NCOIL President

Welcome to the first quarterly edition of FROM THE PRESIDENT'S DESK of 2021, as I begin my second term as NCOIL President. If you didn't attend the NCOIL Annual meeting last month, or didn't receive a briefing on the meeting from those who did attend, you may have read that first sentence and thought April Fools Day had arrived early. Yet the first sentence is indeed true; as characters from Michael Corleone to Sylvio Dante to George Costanza have said, "Just when I thought I was out, they pull me back in." Seriously though, my fellow Officers and I are honored that the NCOIL membership decided to hold us in our respective positions for 2021 due to the unprecedented nature of the times brought about by the global pandemic throughout 2020.

So, here I am writing to you as I begin this second term, just as excited as I was last year and hopeful that 2021 will be a far more normal year than 2020.

On a related note, I have decided to reappoint the 2020 Committee Chairs and Vice Chairs because I believe it is the logical extension of the Officers being held over, and because they all have done a great job in their respective positions. I did have to make a few new appointments due to vacancies and other issues arising and those are as follows: The Vice Chair of the Articles of Incorporation & Bylaws Revision Committee will be Sen. Shawn Vedaa (ND), the Vice Chair of the Audit Committee will be Rep. Richard Smith (GA), and the Vice Chair of the Life Insurance & Financial Planning Committee will be Rep. Wendi Thomas (PA).

I think I speak for all of us when I say that I was hoping that January 1st would start a much smoother and normal year for NCOIL, and society. Well, it looks like we will have to wait a few more months for that. We decided to delay the Spring National Meeting from March until mid-April. As we started 2021 and began planning in earnest for the Spring Meeting in Washington, D.C., we faced the situation where the D.C. government is still not allowing conferences. The decision to postpone the Spring Meeting gives us time to find a safe space to hold our Meeting and hopefully gives the COVID-19 vaccine more time to take root. Further, we are hopeful that by pushing the meeting back a month, more people will be vaccinated and therefore will have company/organization permission to travel. Lastly, by moving the meeting to mid-April, four additional state legislatures will be adjourned by then so hopefully we will be able to attract some legislators who otherwise would have been unable to do so.



Asm. Kevin Cahill, NY
Treasurer



Rep. Joe Fischer, KY
Secretary



Sen. Jason Rapert, AR
Immediate Past President



Sen. Travis Holdman, IN
Immediate Past President

From the President's Desk Cont'd

At the Spring Meeting, we have several Model Laws up for re adoption. There are three model laws up for re adoption under the Life Insurance & Financial Planning Committee:

- Beneficiaries' Bill of Rights (regarding retained asset accounts). Originally adopted on 11/21/10 and readopted on 2/28/16. The Model can be viewed [here](#).
- Life Insurance Consumer Disclosure Model Act. Originally adopted on 11/21/10 and readopted on 2/28/16. The Model can be viewed [here](#).
- Long Term Care Tax Credit Model Act. Originally adopted on 7/10/98 and readopted on 3/2/01, 7/11/03, 3/4/05, 3/7/10, and 2/28/16. The Model can be viewed [here](#).

There is one Model Law up for re adoption under the Health Insurance & Long Term Care Issues Committee:

- Employer Sponsored Group Disability Income Protection Model Act. Originally adopted 11/20/16. The Model can be viewed [here](#).

Legislators and interested parties are encouraged to provide any comments on the abovementioned Models in advance of the Spring Meeting. Please submit any comments to NCOIL General Counsel Will Melofchik at wmelofchik@ncoil.org

We'll also have other important topics to continue discussions that took place last year such as: telemedicine authorization, licensure and reimbursement; insurer restructuring mechanisms; business liability protection issues stemming from COVID-19; state efforts to stop distracted driving; strengthening state guaranty associations; air ambulance subscription membership products; and remote notarization. Of course, we will continue to discuss the impact of COVID-19 on the insurance market and its regulation, and the Special Committee on Race in Insurance Underwriting will continue its work from its inaugural meeting last month in Tampa.

We will be holding our CIP Planning meeting alongside the Spring Meeting as well. The CIP meeting will be on Thursday, April 15. CIP members should watch your In Boxes for additional information. Anyone interested in joining the CIP should reach out to our Assistant Director, Tess Badenhansen at tbadenhausen@ncoil.org or at 732-201-4133.

I look forward to the opportunity to continue my service as NCOIL President. I will continue my goal from last year to help continue to grow the organization by getting new states and legislators involved in NCOIL. I ask for your help in that effort. We were pleased with the way the new financial model including the legislator stipend program has helped to financially strengthen NCOIL in its first year of implementation. This was especially encouraging given the year in which we found ourselves. We believe the model with stipend program will be an effective tool in the advancement of NCOIL.

Before closing, I would like to mention one last thing. As you may know, The Competitive Health Insurance Reform Act of 2020 was signed into law earlier this month by President Trump. The Act repeals the McCarran Ferguson Act's limited antitrust exemption for health insurers (including dental insurers). Identical bills had passed the House in previous Congressional sessions but had stalled in the U.S. Senate.

While NCOIL opposed the Act, we don't anticipate seeing any immediate or significant changes to the state-based system of insurance regulation. In a practical sense, the most significant negative aspect of the limited repeal is the "slippery slope argument" in that it makes it easier to open the door to further repeal in the future. It seems that many Members of both Houses of Congress became convinced that this very limited exception to the McCarran-Ferguson Doctrine is a logical extension to the already existing bifurcated federal/state health insurance regulatory landscape

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Future NCOIL Meetings:

Spring 2021
April 15—18
Location TBD

Summer 2021
July 14—17
Boston, MA

Annual 2021
November 17—20
Scottsdale, AZ

Spring 2022
March 3—6
Las Vegas, NV

Summer 2022
July 13—16
Jersey City, NJ

Annual 2022
November 16—19
New Orleans, LA

From the President's Desk Cont'd

that has been in place since the enactment of the ACA. On balance, the Members believed the benefits of the limited repeal outweighed the “slippery slope” negative. We will of course continue to monitor this.

I look forward to your participation and seeing you either in-person or on the Zoom screen at the Spring Meeting in April. Please do not hesitate to share your ideas or thoughts with me throughout the year.

Best Regards,

Matt Lehman

Transparency in Dental Benefits Contracting Model Law

NCOIL adopted the Transparency in Dental Benefits Contracting Model Act (Model) at year's end. The Model was sponsored by AR Rep. Deborah Ferguson, Vice Chair of the NCOIL Health Insurance & Long-Term Care Issues Committee (Health Committee), and ND Rep. George Keiser, former NCOIL President. The measure passed on a voice vote by both the Health Committee and the Executive Committee.

The Model was first introduced at the 2019 NCOIL Annual Meeting in Austin, Texas and contained five substantive sections. After much work and compromise among everyone involved, the Model was narrowed to include three sections dealing with network leasing arrangements, prior authorization payments, and virtual credit cards, all under the umbrella of transparency.

Rep. Keiser said, “I am proud that I was able to introduce this Model and that Rep. Ferguson, as a dentist who deals with these issues so often, was able to guide it across the finish line. The Model protects both patients and dentists and should be considered by states during their next legislative session.”

“These issues are very important to me, as I have seen how if left unchecked, the practices that the Model addresses can harm both patients and dentists,” stated Rep. Ferguson. “I am confident that this Model provides for the ultimate level of transparency. Transparency in dental insurance and dental care is of the utmost importance for the dentist, but more so for the patient, as they end up absorbing unnecessary costs.”

NY Asw. Pamela Hunter, Chair of the NCOIL Health Committee, remarked: “I am very pleased with all of the hard work that Rep. Keiser, Rep. Ferguson, and stakeholders put into getting this Model adopted. When discussions on the Model began, both sides were far apart on the issues, but NCOIL once again provided a forum where people with difference perspectives can work together to develop sound insurance public policy.”

During the drafting discussions of the Model, NCOIL legislators and staff heard from a wide array of interested parties including the American Dental Association (ADA); the National Association of Dental Plans (NADP); America's Health Insurance Plans (AHIP); the American Council of Life Insurers (ACLI); the Health Benefits Institute; and the American Bankers Association (ABA).

NCOIL CEO, Commissioner Tom Considine, stated, “The Model came a long way from when it was first introduced and that really is due in large part to the leadership from Rep. Keiser and Rep. Ferguson. As sponsors, they were able to guide the conversations to a point where sufficient consensus could be reached so the Model could be adopted and presented to states for consideration. Everyone had the same goal of ensuring that people have access to affordable and quality dental care, and this Model highlights the importance of that.”

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Transparency in Dental Benefits Contracting Model Act Cont'd.

Highlights of the Model include requiring fair and transparent network contracts. The Model permits a contracting entity to grant a third-party access to a provider network contract, or a provider's dental services or contractual discounts provided pursuant to a provider network contract if certain requirements are met such as:

- at the time the contract is entered into or renewed, or a when there are material modifications to a contract relevant to granting access to a provider network contract to a third party, the dental carrier allows any provider which is part of the carrier's provider network to choose to not participate in third party access to the contract or to enter into a contract directly with the health insurer that acquired the provider network;
- the third party accessing the contract agrees to comply with all of the contract's terms;
- the contracting entity identifies, in writing or electronic form to the provider, all third parties in existence as of the date the contract is entered into or renewed; and
- the contracting entity notifies network providers that a new third party is leasing or purchasing the network at least 30 days in advance of the relationship taking effect.

The Model also prohibits dental benefit plans from denying any claim subsequently submitted by a dentist for procedures specifically included in a prior authorization unless an exception applies for each procedure denied such as:

- benefit limitations such as annual maximums and frequency limitations not applicable at the time of the prior authorization are reached due to utilization subsequent to issuance of the prior authorization;
- the documentation for the claim provided by the person submitting the claim clearly fails to support the claim as originally authorized; or
- if, subsequent to the issuance of the prior authorization, new procedures are provided to the patient or a change in the condition of the patient occurs such that the prior authorized procedure would no longer be considered medically necessary, based on the prevailing standard of care.

Further, the Model prohibits dental benefit plans from restricting the methods of payment from the dental benefit plans or its vendor or the health maintenance organization to the dentist in which the only acceptable payment method is a credit card payment. If initiating or changing payments to a dentist using electronic funds transfer payments, including virtual credit card payments, a dental benefit plan or its contracted vendor or health maintenance organization shall:

- notify the dentist if any fees are associated with a particular payment method; and
- advise the dentist of the available methods of payment and provide clear instructions to the dentist as to how to select an alternative payment method.

A full copy of the model is [here](#).

**NCOIL Annual Meeting Minutes are up on our website now.
Click below for more information.**



ANNUAL MEETING MINUTES

CLICK HERE FOR MORE INFO

NCOIL Prepares for Spring Meeting

NCOIL announced its decision to delay the Spring National Meeting from March to April 15 – 18. Additionally, the meeting will be moved from Washington, D.C. This decision was made in large part due to the strict in-person gathering limits currently in place in Washington, D.C. which made holding a conference there unworkable. Additionally, the later dates will allow more time for the COVID vaccine to take root. The new location for the April meeting will be announced within the next two weeks. The meeting will again be by a hybrid format allowing for both in-person and virtual participation via Zoom.

NCOIL CEO, Commissioner Tom Considine said, “We feel that this is the best decision, as we do not want to rush into anything if we don’t have to. By moving the meeting to April, it will give us time to find a safe location that can accommodate our group’s needs. We also believe that companies and organizations may be more inclined to let their employees travel after the first quarter as the vaccine will be more widely distributed by then. The meeting will again be in a hybrid format and we are confident that our Spring Meeting will be a success.”

Additionally, there are four NCOIL Model Laws scheduled for re-adoption at the Spring Meeting. Per NCOIL Bylaws, all NCOIL Model Laws are scheduled to either be re-adopted or sunset every five years.

There are three laws up for re-adoption under the Life Insurance & Financial Planning Committee:

- Beneficiaries’ Bill of Rights (regarding retained asset accounts). Originally adopted on 11/21/10 and readopted on 2/28/16. The Model can be viewed [here](#).
- Life Insurance Consumer Disclosure Model Act. Originally adopted on 11/21/10 and re-adopted on 2/28/16. The Model can be viewed [here](#).
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Cmsr. Considine stated “NCOIL Model Laws are always improved by feedback from legislators across the country and interested parties with different perspectives. After a Model Law is adopted, things can certainly change in a way that warrant changes to the Model, or perhaps even rendering the Model unnecessary. We welcome comments on the Models scheduled for re-adoption at the Spring Meeting to ensure that those Models are put on the best path going forward.

Committee meeting minutes from the 2020 Annual Meeting are posted [here](#).

Recordings of all meetings and sessions are posted on the NCOIL YouTube Channel [here](#).

Registration for the 2021 NCOIL Spring Meeting will open once the location is finalized.

NCOIL Adopts Resolution Recognizing Senator Jim Seward as Honorary NCOIL Member

At the NCOIL 2020 Annual Meeting in Tampa, Florida, the Executive Committee honored NCOIL Past President New York Senator Jim Seward by adopting a Resolution declaring him an Honorary Member of NCOIL, effective upon Senator Seward's retirement from the New York State Senate at the end of 2020.

NCOIL CEO, Commissioner Tom Considine said, "Sen. Seward embodies all that is good about NCOIL. The outpouring of support for this bipartisan gentleman was overwhelming from both sides of the aisle."

New York Senator Neil Breslin, former NCOIL President, stated "No one is more deserving of being an Honorary Member of NCOIL than Jim Seward. I have worked with Jim on so many issues in New York and at NCOIL meetings. He is a wonderful person and has contributed so much to NCOIL."

Senator Seward stated, "I am extremely honored by this Resolution. NCOIL is such an important organization and the fact that my colleagues chose to recognize my service over the years really means a lot."

Reminder to check out the NCOIL YouTube Channel

Weren't able to attend our past meetings? Interested in our upcoming meeting, but not able to attend? Good news— you can visit our YouTube channel for recordings of past meetings. We will also be posting sessions from the upcoming Annual Meeting in Tampa after the meeting, so stay tuned!

Visit the link below to keep up to date on all things NCOIL!

<https://www.youtube.com/channel/UCe09Z77z4q6HG1kv3fDG7Bg>

Reminder that Contributing States are eligible for two legislator stipends per National Meeting to help underwrite the cost of participating. Click below for more information

Please contact Tess Badenhause at tbadenhausen@ncoil.org with any questions.

LEGISLATOR STIPENDS NOW AVAILABLE FOR CONTRIBUTING STATES

CLICK HERE FOR MORE INFORMATION