



NCOIL Task Force Eyes Possible Enhancements to Unclaimed Property Model

During an inaugural conference call meeting on February 18, NCOIL President Rep. Greg Wren (AL) asked that Advisory Council members of the NCOIL Unclaimed Property Task bring forward top issues for consideration at its Spring Meeting in Savannah to update and enhance the process for timely death benefit payments in the NCOIL *Model Unclaimed Life Insurance Benefits Act*. The NCOIL model, enacted in nine states in the short time since its adoption, is being considered in at least seven other states in current legislative sessions.

NCOIL President Rep. Wren particularly welcomed the input of state officials represented by such groups as the National Association of Insurance Commissioners (NAIC), the National Association of State Treasurers (NAST),

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NCOIL SPRING MEETING
March 7 to 9
Savannah, GA



NCOIL INTERNATIONAL ISSUES TASK FORCE LAYS OUT 2014 STRATEGY

During a conference call on February 10, which served to formally kick start the NCOIL International Issues Task Force, NCOIL President Rep. Greg Wren (AL) stated that the Task Force will move forward aggressively, seek input from the Advisory Council on the top issues the Task Force must address, and form a working group of state officials as a needed faction of the Advisory Council.

According to Rep. Wren, “The Task Force will implement a hard-line timetable—starting now and throughout the next three years—to identify what

needs to be addressed and what doesn’t and to ensure that successful measures that states have taken to protect consumers and maintain insurer solvency, even in times of duress, are acknowledged in the global arena.”

At the NCOIL Savannah Spring Meeting on March 7, the Task Force will determine, with Advisory Council input, what its top priorities will be and how to best approach them. Also in Savannah, NCOIL will task Advisory Council members to work together at and between NCOIL (cont. on page 3)

LEGISLATORS AT NCOIL TO EXAMINE ACA IMPACT ON PHYSICIANS

NCOIL legislators at the March 7 to 9 Spring Meeting in Savannah will explore what the Affordable Care Act (ACA) means for physicians. The discussion furthers NCOIL’s commitment to studying impacts of the ACA.

During the Health, Long-Term Care & Health Retirement Issues Committee meeting on March 7, American Medical Association representatives Emily Carroll and Daniel Blaney-Koen will discuss concerns over narrowed provider networks available under some exchange plans and an ACA provision that requires a 90-day continued cover-

age period for consumers failing to pay premiums. The provision requires that insurers pay claims for services rendered in the first month of the grace period, but not in the last 60 days, raising fears that physicians will go uncompensated in some cases.

The Committee also will hear reports on progress in state exchange implementation and ACA-related fraudulent activity. On March 8, a special session entitled *Putting a Premium on Health: The Affordable Care Act and Underwriting* will examine changes in premiums resulting from ACA underwriting provisions.

NCOIL Eyes Possible Enhancements to Unclaimed Property Model

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the National Association of Unclaimed Property Administrators (NAUPA), and the Uniform Law Commission (ULC) in the Advisory Council.

Co-chairs of the newly created Task Force, Representatives Robert Damron of Kentucky and George Keiser of North Dakota, stressed that oversight of unclaimed property relating to insurance should be statutory and that departments of insurance in the individual states, with direction from state legislators, should be the guiding force in that process.



Rep. Wren also said that in Savannah on March 7 the Task Force will, taking into account Advisory Council input, determine and debate issues for consideration and move swiftly to expedite. The NCOIL Spring Meeting is scheduled to be held March 7 through 9, 2014.

WWW.NCOIL.ORG

Legislators Consider Support for “No Pay, No Play” Uninsured Driver Laws, Limits on Non-Economic Damages

Lawmakers at the NCOIL Spring Meeting will kick the tires on a proposal encouraging limits on how much drivers without insurance can benefit from insurance claims. On March 8, the Property-Casualty Insurance Committee will debate the proposed *Resolution in Support of “No Pay, No Play” Laws to Address the Problem of Uninsured Motorists Knowingly Driving Uninsured* as an NCOIL effort to explore cost-effective ways to boost compliance with auto liability insurance laws.

The draft resolution asserts that “no pay, no play” requirements—which prohibit uninsured drivers from receiving non-economic damages, such as for pain and suffering, following an accident—have the potential to reduce costs, discourage fraud, and promote fairness. The resolution characterizes people who

consciously decide not to buy auto coverage as “free riders” who “take advantage of a compensation structure to which they do not contribute.”

Sponsored by Rep. Don Gosen of Missouri—where “no pay, no play” legislation survived a governor’s veto last year—and by Rep.

“The draft resolution asserts that ‘no pay, no play’ requirements—which prohibit uninsured drivers from receiving non-economic damages, such as for pain and suffering, following an accident—have the potential to reduce costs, discourage fraud, and promote fairness.”

George Keiser of North Dakota, an NCOIL past president, the proposal does encourage certain exemptions, such as when an uninsured driver is injured when he or she is a pedestrian or is hurt by a motorist who drove under the influence.

Currently, 11 states—Alaska, California (via a ballot proposition), Iowa, Kansas, Louisiana, Michigan, Missouri, New Jersey, North Dakota, Oklahoma, and Oregon—have “no pay, no play” requirements, though their approaches sometimes vary significantly.

In New Jersey, for instance, uninsured drivers are banned from recouping economic as well as non-economic damages. Louisiana ties “no pay, no play” to the state’s minimum coverage limits—so that uninsured motorists cannot recover the first \$15,000 of their bodily injury and \$25,000 of their property damage claims. Oregon lets drivers go without insurance for 180 days, the longest duration of any state, before “no pay, no play” takes effect.

The Property-Casualty Committee will meet from 1:30 to 3:00 p.m.



NCOIL SPRING MEETING

Join us in Savannah, GA
for insight into state,
federal, and global challenges
facing the states

March 7 to 9

Sign up at www.ncoil.org

Proposed model laws &
resolutions available online

Lawmakers to Explore Proposal Aimed at Helping Medicaid Agencies Recoup from P-C Insurance Claims

On March 8, NCOIL legislators convened in Savannah, Georgia, will launch debate on a proposed model law to ensure that state Medicaid agencies—including those administering expanded, ACA-inspired programs—are suitably reimbursed when property-casualty insurers pay auto insurance claims to Medicaid enrollees.

Sponsored by NCOIL Past President Representative Brian Kennedy (RI), the draft *Model Act Regarding Medicaid Interception of Insurance Payments* aims to meet a critical need as states look for additional Medicaid funds. States generally have no systems in place to ensure that Medicaid programs know about money their beneficiaries collect from bodily injury claims, let alone have ways to ensure that

Medicaid gets the money it's owed. When signing up for Medicaid, enrollees forfeit their right to reimbursement of payments that Medicaid made on their behalf.

Bodily injury claims of at least \$2,000 would be subject to the provisions in the draft NCOIL model. The proposal, slated for discussion at the March 7 to 9 NCOIL spring conference, would allow a beneficiary's representative to assert a lien for attorney fees, would create an appeals process, and would provide for data confidentiality. The draft also would give immunity to the par-



ties involved in interception of bodily injury payments, including to third parties who have a hand in identifying what Medicaid beneficiaries have received.

The proposed model law would not apply, however, to workers' compensation policies or to accident and health policies, whether they are expense incurred or indemnity.

Discussion of the model act will take place during the NCOIL Property-Casualty Insurance Committee's mid-afternoon meeting on Saturday the 8th, being held at the Hyatt Regency Savannah.

NCOIL International Issues...

meetings on key issues and concerns to achieve Task Force goals.

Rep. Wren went on to stress that that the state officials working group is vital to the success of the Task Force: "I believe it appropriate to institute a State-Official Working Group as part of the Task Force Advisory Council to provide a regulatory perspective on the burning issues that

must be tackled in any attempt to secure international harmony." Current representatives of state governmental organizations on the Advisory Council now include Karen Cordry on behalf of the National Association of Attorneys General (NAAG); Sen. Wesley Meredith (NC) on behalf of the National Conference of State Legislatures (NCSL); and Commissioners Michael Consedine (PA) and Kevin McCarty (FL) on

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behalf of the National Association of Insurance Commissioners (NAIC).

NCOIL International Issues Task Force Leadership

CHAIR:
Rep. Greg Wren, AL
NCOIL President

VICE CHAIRS:
Sen. Neil Breslin, NY
NCOIL President-Elect

Sen. Travis Holdman, IN
NCOIL Vice President

Visit www.ncoil.org to follow Task Force developments.

NCOIL Spring Meeting Highlights

In addition to committee meetings that will explore dozens of domestic and international insurance concerns, the March 7 to 9 NCOIL Spring Meeting in Savannah will feature the following special sessions.

UNCLAIMED PROPERTY TASK FORCE

Friday, March 8
9:30 to 10:45 a.m.

KEYNOTE LUNCHEON

Comm. Ralph Hudgens, GA
Friday, March 8
11:45 a.m. to 1:00 p.m.

STATE-FEDERAL COMMITTEE MEETING ON FIO REPORT

Friday, March 8
1:00 to 2:15 p.m.

INTERNATIONAL ISSUES TASK FORCE

Friday, March 8
3:00 to 4:15 p.m.

GENERAL SESSION

Longevity Risk & Insurance: What Happens When People Live Longer?
Friday, March 8
4:15 to 5:45 p.m.

LEGISLATORS' ROUNDTABLE

Legislator-to-legislator dialogue
Saturday, March 8
8:00 to 8:30 a.m.

GENERAL SESSION

Putting a Premium on Health: The Affordable Care Act and Underwriting
Saturday, March 8
9:45 to 11:15 a.m.

PENSION DE-RISKING

PROPOSED MODEL: Special Point-Counterpoint Discussion
Sunday, March 9
8:00 to 9:00 a.m.





NCOILetter

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NCOIL TO REVIEW LIFE SETTLEMENTS MODEL ACT

In accordance with NCOIL bylaws, legislators at the Spring Meeting will review its *Life Settlements Model Act*, originally adopted in 2000 to encourage fuller disclosure to consumers regarding their settlements amid growing concerns over fraudulent practices, pricing, and privacy. The model targets bad actors by establishing prohibited practices as well as licensing and examination requirements. Since adoption, the model has been enacted in more than 20 states and recently was introduced in New Jersey.

The NCOIL Life Insurance & Financial Planning Committee will conduct the review at its March 8 meeting in Savannah. Representatives from life insurer industry groups are expected to attend, including the American Council of Life Insurers

(ACLI) and the Life Insurance Settlements Association (LISA).

Legislators previously readopted the model in July 2004 with amendments, and, after significant debate, further amended it in 2007 to define and strengthen reporting requirements for stranger-originated life insurance (STOLI) transactions.

FUTURE NCOIL MEETINGS

2014 Summer Meeting
Boston, MA July 10 to 13
Boston Park Plaza

2014 Annual Meeting
San Francisco, CA Nov. 20 to 24
Grand Hyatt in Union Square