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**NCOIL Annual Meeting
December 9th—12th Tampa, FL
[REGISTER NOW](#)**



Rep. Matt Lehman, IN
President



Thomas B. Considine
NCOIL CEO



Asm. Ken Cooley, CA
Vice President

Capital

O By Will Melofchik – NCOIL General Counsel
r Greetings -
n Welcome to the latest installment of Capital Corner, a column that aims
e to update you on some of the issues that NCOIL is following. Below are issues that
r NCOIL will be discussing at the upcoming NCOIL Annual Meeting and throughout 2021.

Things have been moving at warp speed here at the NCOIL National Office since we returned from our last meeting in Old Town in late September. Since that time, we have been working hard to develop another important and timely agenda for the Annual Meeting in Tampa. Once again, while the agenda contains several issues related to COVID-19, it also contains several issues unrelated to COVID-19 as we have not lost sight of the other, pressing matters of public policy which must also be considered. For example, this Annual Meeting will begin with a full day dedicated to the initial meeting and hearing of the Special Committee on Race in Insurance Underwriting. Below are three issues that NCOIL will discuss extensively at our Annual Meeting and beyond.

Pandemic Business Interruption Insurance Coverage Proposals Continue to Garner National Attention

If you are reading this column, you know that one of the most important issues throughout the past several months regardless of one's involvement in the insurance industry has been business interruption insurance coverage issues arising from the global pandemic. NCOIL has been heavily involved with this issue since it exploded onto the scene. We weighed in at both the federal and state level with letters and phone calls, and we held a webinar with the Rutgers Center for Risk and Responsibility which was attended by hundreds of legislators, regulators, consumer advocates and industry representatives.

NCOIL has continued to closely monitor the issue as the litigation surrounding it has moved forward, and "solutions" have been proposed & developed at both the federal and state level. At NCOIL's "Summer" Meeting this past September, a general session was held titled: "Future Pan-



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Treasurer



Rep. Joe Fischer, KY
Secretary



Sen. Jason Rapert, AR
Immediate Past President



Sen. Travis Holdman, IN
Immediate Past President

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demics: Approaches to Dealing with Business Interruptions.” The session discussed several proposals that have been offered to deal with business interruptions in future pandemics such as the Pandemic Risk Insurance Act (PRIA), the Business Continuity and Protection Program (BCPP), and the Chubb Pandemic Business Interruption Program.

Also during the “Summer” meeting, the Joint State-Federal Relations & International Insurance Issues Committee (Committee) heard from Matt Brewis, Director of General Insurance and Conduct Specialists at the U.K.’s Financial Conduct Authority (FCA) who discussed, among other things, the FCA’s business interruption test case brought against certain insurers in order to determine a number of principles relating to business interruption to bring some clarity to the law, with the intention that these principles could then be applied across the market to hopefully bring a quicker resolution to individual disputes.

At the upcoming NCOIL Annual Meeting, the Committee will again discuss these very important issues and will hear from:

- Congresswoman Carolyn Maloney (NY-12), Chair of the U.S. House Committee on Oversight & Reform;
- Deirdre Manna, Senior VP, Head of Gov’t & Industry Affairs – Zurich North America; and
- Peter Caminiti, Property Technical Director - Zurich North America

Congresswoman Maloney is the Sponsor of PRIA and will brief the Committee on the current status of PRIA as well as the overall federal pandemic business interruption coverage legislative landscape. Deirdre Manna and Peter Caminiti will speak to Zurich’s own pandemic business interruption coverage proposal.

NCOIL will continue to monitor these issues very closely and we hope you can join us for this discussion in Tampa, either in-person or via Zoom.

Future of U.S. Healthcare System Takes Center Stage at NCOIL

As we all know, the Affordable Care Act (ACA) has been a lightning rod for debate since President Obama signed it into law in 2010. Since that time, the debate over the ACA’s effectiveness and constitutionality has not stopped, and has seemingly grown more fierce with each passing year.

Just last month, The Supreme Court of the United States heard oral arguments on California v. Texas (known as Texas v. U.S. in the lower courts) which centers around the constitutionality of the ACA in light of the individual mandate penalty being reduced to zero in 2017. Regardless of the Supreme Court’s ruling, its impact on the future of the healthcare system will be monumental.

On top of all of that, we just had an unprecedented election season which technically is not finished due to the Georgia Senate runoff. Regardless of who comes out on top in that runoff, reforms to the healthcare system are almost certain.

This all leads us to an extremely important and timely general session at the upcoming NCOIL Annual Meeting titled: “What Next For Federal Healthcare? A New Presidency – SCOTUS Decision Looming.” Participating in the session will be a pair of very distinguished speakers:

- Abbe R. Gluck - Professor of Law and Faculty Director of the Solomon Center for Health Law and Policy at Yale Law School; Professor of Internal Medicine at Yale Medical School; former law clerk to U.S. Supreme Court Justice Ruth Bader Ginsburg; and
- Chris Pope, Ph.D. - Senior Fellow at the Manhattan Institute

Future NCOIL Meetings:

Annual 2020
December 9—12
Tampa, FL

Spring 2021
March 11—14
Washington, DC

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

REGISTRATION FOR NCOIL ANNUAL MEETING IS OPEN

Registration for the 2020 NCOIL Annual Meeting at the Marriot Tampa Water Street Hotel and Marina in Tampa, FL from December 9th—12th is open.



See the full tentative schedule on page 6 or view at the NCOIL website [here](#)

NCOIL Welcomes New Employee Tess Badenhausen, Assistant Director of Administration



Please join us in welcoming Tess Badenhausen as the new Assistant Director of Administration for NCOIL Support Services, LLC. Tess is from Summit, New Jersey and now lives in Sea Girt. She graduated from James Madison University in 2017 with a degree in Hospitality Management and Business. She then went on to work for Make-A-Wish New Jersey as their Manager of External Events for two and a half years before joining NCOIL Support Services in October 2020. Welcome to the NCOIL team, Tess!

FLORIDA CLE OPPORTUNITY

The 2020 NCOIL Annual Meeting has been approved for 23.5 credits of Florida CLE.

In light of said approval, it is likely that other states will grant CLE approval if attendees submit their record of attendance and proof of FL CLE approval.

Registration is now open at <http://ncoil.org/2020-ncoil-annual-meetingregistration/>

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/UCe09Z77z4q6HG1kv3fDG7Bq>

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As illustrated by past U.S. Supreme Court decisions, particularly decisions related to the ACA, it is always risky to make predictions about the outcome of a case based on oral argument. The same can be said for predicting federal and state elections. Nonetheless, discussing all possible outcomes in order to be best prepared is certainly the prudent and timely thing to do. Please be sure to not miss this general session as it is sure to be one of the highlights of the Annual Meeting.

NCOIL Continues Effort to Modernize Insurance Regulation

At the NCOIL Spring Meeting this past March, NCOIL concluded its work on its initial “insurance modernization” initiative. That initiative began when about two years ago, NCOIL legislators and NCOIL staff had received some comments as to how the market is ripe for some “clean up” legislation in terms of removing outdated obstacles that prevented the industry to move past some obsolete ways of doing business. The prime example that was provided was that some states still don’t have legislation on the books that allows consumers the option of receiving electronic notices from insurers; they require paper.

Therefore, NCOIL made it a priority throughout 2019 to develop “insurance modernization” model legislation for states to consider adopting. At first, NCOIL was not sure if it would develop some sort of an omnibus modernization model law or develop separate “rifle shot” models – NCOIL decided on the latter. After discussing internally and soliciting feedback on which topics the model legislation should address, NCOIL landed upon three issues:

- allowing consumers to opt-in to the electronic delivery and posting of insurance documents and notices;
- modernizing the current paper process used to transfer title ownership of a total-loss vehicle from the insured to the insurer; and
- modernizing state anti-rebating laws.

NCOIL was able to work decisively throughout last year and adopt model legislation on each of the three topics at our Spring meeting this past March. After that meeting, there were no concrete plans to continue the modernization initiative, but that changed once the global pandemic really hit home in the days following our Spring meeting.

With the arrival of the pandemic, insurance companies and policyholders found themselves in the center of the storm. In a matter of hours and days, many carriers had to make their entire operations remote and at the same time policyholders were calling their carriers about their coverage and asking for help during these unprecedented times.

Overall, the industry has weathered the crisis very well, but the pandemic did expose a number of gaps and vulnerabilities, and it reinforced the need for a re-evaluation of a number of the laws and regs around the industry. Accordingly, NCOIL has decided that its insurance modernization initiative should be re-booted to examine what changes the industry should make to better protect consumers going forward as a result of the pandemic. The initiative will again be handled by the Financial Services & Multi-Lines Issues Committee. Based on feedback from NCOIL member legislators and industry colleagues, the following issues were identified as ripe for discussion and potential action.

The first is remote notarization. During the pandemic, several states temporarily eliminated in-person notarization requirements and gave businesses the ability to remotely notarize documents such as certified policy requests, affidavits, injury releases, statements, and settlement offers. The prevailing thought now seems to be that today’s technology capabilities have made in-person notarization antiquated and that allowing for remote notarization will provide greater efficiency to insurance transactions without sacrificing security, and will promote customer satisfaction.

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Another issue relates to producer licensing. The pandemic made it necessary for producer licensing exams and continuing education to be conducted remotely. Several states temporarily allowed for that to happen and based on the feedback NCOIL has received, states should consider making those short-term waivers permanent. Doing so can present significant cost-saving opportunities for insurers and producers and enable more convenient and timely action for producers who in turn can provide needed products to consumers more readily.

Lastly, the NCOIL Health Insurance & Long Term Care Issues Committee is currently developing a Telemedicine Reimbursement and Authorization Model Act. The pandemic has caused both federal and state telemedicine laws to be examined in order to make sure patients can receive the care they need without any delays; such as when quarantined during a global health emergency like the one in which we find ourselves.

There appears to be almost unanimous agreement that once we finally return to a sense of normalcy following the pandemic, the expansion of telemedicine is here to stay. Some states have already taken action to enact legislation that would make many of the telemedicine flexibilities expanded during the pandemic permanent. This presents a great opportunity for NCOIL to get involved and provide guidance to states in the form of telemedicine model legislation.

Each of these issues will be discussed during the NCOIL Annual Meeting next week. NCOIL hopes to have either Model Legislation or a Resolution on each of these three topics finalized for states to consider adopting at some point next year.

What are your thoughts on an NCOIL's COVID-19 Insurance Modernization Initiative? Are there other issues that should be discussed and considered as part of the initiative? NCOIL looks forward to getting this discussion started and hearing from everyone who is interested in this issue.

Please submit any thoughts or comments on pandemic business interruption coverage issues, federal and state healthcare issues, or NCOIL's COVID-19 insurance modernization initiative to wmelofchik@ncoil.org.

We hope to see you soon, and hear from you in the interim.

Happy Holidays
-Will

Congratulations are in Order!

Executive Committee member, Senator Jay Hottinger was recently elected as President Pro Tempore of the Ohio Senate. As President Pro Tempore, Hottinger will help guide the policy decisions of the Ohio Senate and work on key issues during the 134th General Assembly such as the state budget, continued economic recovery, and job creation. Please join us in congratulating our friend Jay in his achievements.

NCOIL also congratulates West Virginia Delegate Steve Westfall on being named "State Legislator of the Year" by the National Association of Mutual Insurance (NAMIC). Delegate Westfall serves on our Property and Casualty Committee.

We are also excited for Senator Dan McConchie as he has been elected leader of The Illinois State Senate Republican Caucus.

Congrats to all!

NCOIL 2020 ANNUAL MEETING SCHEDULE

WEDNESDAY, DECEMBER 9TH

| | | | |
|---|---------|---|---------|
| Special Committee on Race in Insurance Underwriting | 9:30 AM | - | 1:00 PM |
| Special Committee on Race in Insurance Underwriting | 2:00 PM | - | 5:00 PM |
| Welcome Reception | 6:00 PM | - | 7:00 PM |

THURSDAY, DECEMBER 10TH

| | | | |
|--|----------|---|----------|
| Welcome Breakfast | 8:30 AM | - | 10:00 AM |
| Networking Break | 10:00 AM | - | 10:15 AM |
| General Session | 10:15 AM | - | 11:30 AM |
| Joint State-Federal Relations & International Insurance Issues Committee | 11:30 AM | - | 12:45 PM |
| Legislator Luncheon | 12:45 PM | - | 1:45 PM |
| Health Insurance & Long Term Care Issues Committee | 1:45 PM | - | 3:15 PM |
| Networking Break | 3:15 PM | - | 3:30 PM |
| Financial Services & Multi-Lines Issues Committee | 3:30 PM | - | 4:45 PM |
| CIP Member & Sponsor Reception | 5:00 PM | - | 6:00 PM |

FRIDAY, DECEMBER 11TH

| | | | |
|---|----------|---|----------|
| Workers' Compensation Insurance Committee | 9:00 AM | - | 10:30 AM |
| Networking Break | 10:30 AM | - | 10:45 AM |
| NCOIL—NAIC Dialogue | 10:45 AM | - | 12:00 PM |
| Luncheon with Keynote Address | 12:00 PM | - | 1:45 PM |
| Health General Session | 1:45 PM | - | 3:15 PM |
| Life Insurance & Financial Planning Committee | 3:15 PM | - | 4:30 PM |

SATURDAY, DECEMBER 12TH

| | | | |
|---|----------|---|----------|
| Property & Casualty Insurance Committee | 9:00 AM | - | 10:45 AM |
| Networking Break | 10:45 AM | - | 11:00 AM |
| NCOIL Innovation Series | 11:00 AM | - | 12:30 PM |
| Business Planning Committee & Executive Committee | 12:30 PM | - | 1:15 PM |