



Rep. Tom Oliverson M.D., TX  
President



Thomas B. Considine  
NCOIL CEO



Asw. Pamela Hunter, NY  
Vice President

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## NCOIL Elects Historic New Officer Team

The National Council of Insurance Legislators (NCOIL) recently met and elected its lineup of officers for the upcoming year. For the first time ever, a majority-diverse group will lead NCOIL.

The organization elected Texas Representative Tom Oliverson, M.D. as President; New York Assemblywoman Pamela Hunter as Vice President; Minnesota Senator Paul Utke as Treasurer; and Louisiana Representative Edmond Jordan as Secretary. Arkansas Representative Deborah Ferguson, DDS remains in the leadership as Immediate Past President.

"It has been great to see NCOIL grow over the past several years and I am very honored to be elected President to help build on that momentum," said Rep. Oliverson. "I look forward to working with this officer group to continue advancing NCOIL's national reach and tackle emerging insurance public policy issues in the year ahead."

Asw. Hunter said, "NCOIL is an organization that knows how to get things done in an efficient and bipartisan way and I'm proud to be a part of its leadership. This year we have addressed important issues ranging from different types of ESG policy to insurance coverage for biomarker testing and I'm confident NCOIL will continue to play a key role in helping legislators and interested parties stay informed."

"Last year was a terrific year to be in the NCOIL officer ranks and I am very happy to now be serving as Treasurer. Keeping NCOIL on a sound financial path is essential in ensuring that we are able to continue making advances on insurance policy and grow our legislative membership long term," said Sen. Utke.

Rep. Jordan said, "I've had the honor to be in NCOIL's policy committee leadership for a number of years and I am glad to now take the next step and put that experience to work in the NCOIL officer ranks. This is an organization that I have benefited greatly from throughout my legislative career and I look forward to working to advance NCOIL and bring even more legislators into our membership."

The officer group assumed their responsibilities at the conclusion of the 2023 NCOIL Annual Meeting in Columbus, OH.

## NCOIL Elects Historic New Officer Team (Cont'd)



Sen. Paul Utke, MN  
Treasurer

Rep. Ferguson said, "This was a truly wonderful year to serve as NCOIL President and I know the organization is in great hands with the experienced and diverse leadership of this new officer group. I've seen firsthand each one of these officers positively impact the organization and couldn't be more thrilled for NCOIL's future."

NCOIL CEO Commissioner Tom Considine said, "We are very fortunate to have this officer group the membership has elected. Tom Oliverson has been a leader at NCOIL for years as well as in Texas where he chairs the House Insurance Committee. Pam Hunter was a very effective and result driven policy committee chair at NCOIL before starting her service as an officer and Paul Utke has continued to make invaluable contributions throughout his involvement. Our new addition to the officer ranks, Edmond Jordan, has taken the lead on many issues here throughout the years and we're all confident he'll make even greater contributions as an officer."

"Everyone at NCOIL is beyond appreciative of all Representative Ferguson has done leading the organization as President this past year. I know that her perspective and knowledge will be immensely valuable in the year ahead in her role as Immediate Past President," concluded Rep. Oliverson.

## 2023 Year in Review

### NCOIL Adopts Policy on Timely and Important Insurance Issues at Annual Meeting in Columbus



Rep. Edmond Jordan, LA  
Secretary

Belmar, NJ – The National Council of Insurance Legislators (NCOIL) concluded a successful 2023 Annual National Meeting (Meeting) from November 15<sup>th</sup> – 18<sup>th</sup> in Columbus, OH. In what was the last of the organization's three National Meetings in 2023, there were 347 participants consisting of 52 legislators from 25 states, 7 first-time legislators, 6 Insurance Commissioners (or equivalent), and 16 total insurance departments represented.

"During my final meeting as NCOIL President, I was pleased to see the organization finish off 2023 in a really strong way and continue building on the momentum of the past few years," said Arkansas Representative Deborah Ferguson, DDS, who concluded her term as NCOIL President at the conclusion of the Meeting. "In addition to advancing our policy priorities, we have strived this past year to create an atmosphere that is more welcoming for people of diverse viewpoints to contribute to our discussions which really is key in reaching consensus on the issues. As our membership has changed, so too has our Officer Group evolved naturally so that over the past few years has come to be more reflective of America as a whole."

The packed agenda featured discussions on topics such as: the continued growth and prevalence of artificial intelligence; the return of the U.S. Department of Labor's Fiduciary Rule; insurance issues related to catalytic converter theft; medical loss ratios for dental (DLR) health care services plans; public adjuster professional standards reform; and more.

NCOIL CEO Commissioner Tom Considine said, "NCOIL rounded out 2023 in a very strong way which is a testament to the hard work of President Ferguson and the Officers as well as our Committee leadership and everyone who has participated at NCOIL this past year. The Model Laws we adopted and issues we discussed shows how NCOIL continues to lead on pressing insurance public policy issues and sets the organization up for a busy 2024, led by this wonderful Officer group of Rep. Oliverson, Asw. Hunter, Sen. Utke, Rep. Jordan, and Rep. Ferguson." At the traditional Welcome Breakfast, Ohio Governor Mike DeWine delivered a highly interesting Keynote Address. Governor DeWine spoke on what makes Ohio unique as well as the importance of state-based insurance regulation.

The policy Committee meetings then kicked off with the Health Insurance & Long Term Care Issues Committee, chaired by West Virginia Delegate Steve Westfall. The Committee adopted a Resolution in support of an embedded provision in state's insurance code to protect health savings account-qualified health insurance policies from certain



Rep. Deborah Ferguson, DDS AR  
Immediate Past President

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## Future NCOIL Meetings:

Spring 2024  
April 11-14  
Nashville, TN  
Sheraton Grand  
Nashville Downtown

Summer 2024  
July 17-20  
Costa Mesa, CA  
Westin South Coast  
Plaza

Annual 2024  
November 21-24  
San Antonio, TX  
The Westin Riverwalk

Spring 2025  
April 24-27  
Charleston, SC  
Francis Marion Hotel

## NCOIL Adopts Policy on Timely and Important Insurance Issues at Annual Meeting in Columbus (Cont'd)

state benefit mandates, sponsored by North Dakota Senator Jerry Klein. The Committee also continued discussion on the NCOIL Medical Loss Ratios for Dental (DLR) Health Care Services Plans Model Act.

"The Committee had a very productive meeting in Columbus and I was glad to see the adoption of the health savings account Resolution," said Del. Westfall. "The Committee also came very close to voting on the DLR Model, but it was ultimately agreed that we need some more time to further discuss some of the issues. I look forward to the Committee meeting via Zoom to vote on the Model in advance of the April National Meeting."

Following that, a general session titled "Artificial Intelligence: A Major Benefit or Likely Menace for Insurance and Society?" was moderated by Oklahoma Representative Forrest Bennett, Chair of the NCOIL Financial Services & Multi-Lines Issues Committee. "This was an important session to hold as the rapid development of AI means legislators will have to work quickly to address the concerns surrounding the technology. AI is sure to impact every industry and insurance is no exception," said Rep. Bennett.

The Workers' Compensation Insurance Committee, chaired by Ohio Senator Bob Hackett, met and heard an update on Federal workers' compensation issues. The Committee also discussed medical marijuana's impact on the workers' compensation marketplace, and overall work comp trends in light of continued advancements in medical treatment and diagnosis.

"This was a busy agenda for the Workers' Compensation Committee and I'm glad we were able to cover a lot of material and provide valuable information for legislators to take home to their states," said Sen. Hackett. "I was particularly glad that we were able to host the meeting right in my home state and show off Ohio as a great place to visit."

South Carolina Representative Carl Anderson then Chaired the Life Insurance & Financial Planning Committee. The Committee discussed: the NCOIL Life Insurance is a Promise for Life Model Act sponsored by Indiana Senator Travis Holdman; the return of the U.S. Department of Labor Fiduciary Rule; and the activities of the National Association of Insurance Commissioners (NAIC)'s Securities Valuation Office (SVO).

"This was an important time for the Committee to meet, particularly in light of the recent DOL Fiduciary rule proposal. The proposed rule undermines the state-based system of insurance regulation and our meeting made clear that state legislators will stay vigilant and push back on any and all attempts by the Federal government to encroach on that system," said Rep. Anderson.

The day concluded with the meeting of the Nominating Committee which voted to recommend the slate of new officers for next year.

Louisiana Representative Edmond Jordan will serve as Secretary, the first step in the NCOIL Officer ranks, Minnesota Senator Paul Utke will serve as Treasurer, New York Assemblywoman Pamela Hunter will serve as Vice President, and Texas Representative Tom Oliverson M.D., will serve as President. Outgoing President Representative Deborah Ferguson, DDS, will serve as Immediate Past President.

Rep. Oliverson said, "I am honored to be elected NCOIL President and look forward to working with my fellow Officers to continue advancing the organization. There are many pressing insurance public policy issues on the horizon for next year and I'm confident we are ready to hit the ground running."

"It is important that we continue to strive to make NCOIL look more like America and that starts with our leadership. Diverse perspectives are essential to the success of any organization especially one that influences public policy in every state across the country," said Rep. Ferguson. "Having a majority-diverse officer group that encompasses a range of talent, thought, and background will serve NCOIL well in the years to come."

Friday began with a meeting of the NCOIL Financial Services & Multi-Lines Issues Committee chaired by Rep. Bennett. The Committee adopted amendments to the NCOIL Insurance E-Commerce Model Act sponsored by Rep. Jordan; heard a presentation on earned wage access products; discussed inflation's impact on the insurance marketplace; and adopted a Resolution in Support of Establishing National Standards and Procedures for the Reporting and Payment of Premium Taxes Due as a Result of Direct Procurement, sponsored by Rep. Oliverson.

## Future NCOIL Meetings:

Summer 2025  
July 16-19  
Chicago, IL  
Renaissance Chicago  
Downtown Hotel

Annual 2025  
November 10-15  
Atlanta, GA  
The Whitley Hotel

Spring 2026  
Louisville, KY  
The Hyatt Regency

Summer 2026  
July 15-18  
Boston, MA  
Westin Copley Place

Annual 2026  
TBD

## NCOIL Adopts Policy on Timely and Important Insurance Issues at Annual Meeting in Columbus (Cont'd)

A very productive NCOIL-NAIC Dialogue was then held which included a strong lineup of NAIC representatives: Kentucky Commissioner Sharon Clark; Louisiana Commissioner Jim Donelon; Maryland Commissioner Kathleen Birrane; Oklahoma Commissioner Glen Mulready; and Rhode Island Superintendent Beth Dwyer.

"I was glad to see the positive working relationship between NCOIL and the NAIC continue to strengthen this year. Coming together to exchange our perspectives and ideas is essential in creating the best insurance public policy possible for consumers. We made significant progress discussing a wide array of issues in Columbus and I look forward to our organizations working together for years to come," said Rep. Ferguson.

Ohio Lieutenant Governor Jon Husted then delivered an address at Friday's Luncheon. He spoke on why Ohio is a great place to live and answered questions on topics ranging from Ohio's importance in electoral politics to the state's policy on medical cannabis.

NCOIL CEO Commissioner Tom Considine then presented the NCOIL Lifetime Achievement award to Cmsr. Donelon. "Commissioner Jim Donelon is an insurance public policy legend who has been an excellent public servant for the people of Louisiana and has also greatly benefitted public policy nationally through his leadership at the NAIC. I was very proud to present this award to him on behalf of NCOIL," said Cmsr. Considine.

The focus then shifted to the final part of a yearlong series of general sessions focused on different types of Environmental, Social, and Governance (ESG) policy, with this session focusing on governance aspects and serving as a summary of the series. The series was co-facilitated by New York Assemblywoman Pamela Hunter, NCOIL Vice President, and Texas Representative Tom Oliverson, M.D., NCOIL President.

"This was a valuable series that provided legislators with nuanced perspectives on all three components of ESG policy. I was particularly happy with how the series sparked a constructive dialogue among our members which will serve us well as we deal with ESG issues in our respective legislatures," said Asw. Hunter.

Following that was a meeting of the Property & Casualty Insurance Committee, chaired by Rep. Jordan. The Committee continued discussions on the NCOIL Catalytic Converter Theft Prevention Model Act sponsored by Rep. Oliverson and Rep. Jordan, and the NCOIL Public Adjuster Professional Standards Reform Model Act sponsored by Kentucky Representative Michael Meredith and co-sponsored by Indiana Representative Matt Lehman and Del. Westfall.

The Committee also re-adopted with amendments the NCOIL Model State Uniform Building Code and heard a presentation from Tom Travis of the Louisiana Department of Insurance regarding the state's highly successful Fortify Homes Program. The Committee also adopted amendments to the NCOIL Delivery Network Company (DNC) Insurance Model Act sponsored by Del. Westfall and Kentucky Representative Michael Sarge Pollock.

Rep. Jordan said, "The Committee had a productive year and I'm proud of the work we accomplished on a host of issues impacting the property & casualty insurance marketplace. With growing concerns over things like insurance underwriting transparency and the damage caused by an increased frequency in natural disasters, it is important that legislators are well prepared to address these issues as they arise in their states."

Friday concluded with a meeting of the NCOIL Budget Committee, chaired by Asw. Hunter, in which the Committee adopted the 2024 NCOIL Budget. The Budget was later adopted by the Executive Committee as a whole on Saturday.

"It is just so gratifying to look back and see how NCOIL has grown from a position of financial instability 7 years ago to one now where we are in a more than sound financial position brought about by more states, more legislators, and strong support from sponsors ranging from insurers & other corporations, to think tanks, to consumer groups and other non-profits," said Rep. Ferguson.

Saturday began with a general session titled "Whose Claim is This Anyway? Examining a Legislative Framework for

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## NCOIL Adopts Policy on Timely and Important Insurance Issues at Annual Meeting in Columbus (Cont'd)

Litigation Funding,” moderated by Rep. Lehman. “This topic has garnered a lot of attention recently making this the perfect time for NCOIL to address it from a bipartisan legislative perspective. As we consider developing model policy surrounding litigation funding, this session was important to ensure that we have a well-informed understanding of the topic,” said Rep. Lehman.

The Joint State-Federal Relations & International Insurance Issues Committee, chaired by Utah Representative Jim Dunnigan, then met and heard presentations on the latest developments related to the Employee Retirement Income Security Act of 1974 (ERISA), and the National Flood Insurance Program (NFIP). The Committee also began discussions on a Model Law relating to mental health parity, sponsored by Kentucky Representative Rachel Roberts.

“It is important that state legislators remain engaged on issues with our Federal counterparts and that we continue to make sure our perspectives are heard. Federal inaction on things such as a long term reauthorization of the NFIP underscores how important it is for the states to continue to advocate for reforms and meetings like these are an important part of that,” said Rep. Dunnigan.

The Annual Meeting concluded Saturday morning with a meeting of the NCOIL Executive Committee during which Rep. Oliverson was officially sworn in as NCOIL President.

“Having been involved with NCOIL for many years now, it has been great to see the organization’s continued growth and success. I’m thankful to the work Representative Ferguson and other past NCOIL Presidents have done to build such a solid foundation for NCOIL to advance in 2024 and beyond,” concluded Rep. Oliverson.

## NCOIL Pushes Back on DOL Encroachment of the State-Based System of Insurance Regulation

NCOIL CEO Commissioner Tom Considine issued the following statement regarding the Department of Labor proposed fiduciary rule announced on October 31:

“This proposed rule from the DOL is both unnecessary and burdensome to many of the consumers it seeks to protect. Further, it undermines the well-established and continually reaffirmed framework of the state-based system of insurance regulation which has been effectively protecting consumers and promoting solvency in the market since Congress passed the McCarran-Ferguson Act in 1945.”

“The States have already proven that they are well suited to address the DOL’s concerns. For example, to date, 40 states have adopted updates to the National Association of Insurance Commissioners (NAIC) Suitability in Annuity Transactions Model Regulation that requires all recommendations made by agents and insurers be in the best interest of the consumer. It is troubling the White House chose to characterize this robust consumer-oriented state legislative and regulatory framework as one that ‘provides inadequate protections and misaligned incentives.’ This is patently false, and a harsh reminder that NCOIL must always remain vigilant in protecting the proven state-based system of insurance regulation, especially against misguided federal action such as the DOL’s proposal,” he continued.

“This continues a growing trend on the part of regulators in Washington to take a second bite at the apple, if you will, to pursue expanding federal jurisdiction in areas where they were unsuccessful almost a decade ago. We at NCOIL urge the DOL to withdraw its proposal,” Considine concluded.



NCOIL President Rep. Deborah Ferguson, DDS (AR) spoke at the AHIP 2023 Medicare, Medicaid, Duals & Commercial Markets Forum during a general session titled “What Is Keeping State Health Legislators and Regulators Up at Night” along with OK Insurance Commissioner Glen Mulready



## NCOIL Holds Successful DC Fly-In to Educate Congress About the Importance of State-Based Insurance Regulation

Belmar, NJ- A bipartisan group of NCOIL legislators from State Legislatures around the country met in Washington, D.C. to meet with Members of Congress and their staffs about the vital importance of the state-based regulation of insurance and its success for more than 70 years.

Legislators participating in the educational sessions included: AR Rep. Deborah Ferguson, DDS, NCOIL President; TX Rep. Tom Oliverson, M.D., NCOIL Vice President; MN Sen. Paul Utke, NCOIL Secretary; IN Sen. Travis Holdman, NCOIL Immediate Past President; OH Sen. Bob Hackett, Chair of the NCOIL Workers' Compensation Insurance Committee; OK Rep. Forrest Bennett, Chair of the NCOIL Financial Services & Multi-Lines Issues Committee; and KY Rep. Rachel Roberts, Vice Chair of the NCOIL Health Insurance & Long Term Care Issues Committee.

They, together with NCOIL CEO, Commissioner Tom Considine, General Counsel Will Melofchik and staff, participated in dozens of meetings with Senators, House Members, and committee and congressional staff, including significant numbers of both the House Financial Services Committee and Senate Banking Committee, to highlight the importance of preserving the state-based system of insurance regulation, along with other NCOIL policy priorities.

"Meeting with our federal counterparts to discuss the importance of state-based insurance regulation is vital in ensuring that we continue to create the best marketplace possible for our mutual constituencies," said Rep. Ferguson. "NCOIL's efforts to have an ongoing dialogue with Members of Congress and their staffs have proven to be very useful in advancing our shared policy goals."

The day began with U.S. Representative Warren Davidson (R-OH) speaking to NCOIL legislators about preserving the state-based system of insurance regulation as well as current congressional priorities relating to insurance issues. Rep. Davidson, a U.S. Army veteran and graduate of West Point, currently chairs the U.S. House Financial Services Subcommittee on Housing and Insurance.

Throughout their meetings, NCOIL legislators discussed several topics including: the preservation of the McCarran Ferguson Act; the need for a long-term reauthorization and modernization of the National Flood Insurance Program (NFIP); amending the Employee Retirement Income Security Act of 1974 (ERISA) to add a statutory waiver provision so that States could seek ways to apply their particular reforms to all health insurance plans whose members all reside in that State – including self-insured plans of a certain number of members; the Federal Insurance Office (FIO); the return of the Systemically Important Financial Institution (SIFI) Designation for Non-Banks; the Federal Tri-Agency Health Insurance Rule Proposal; and the Secure and Fair Enforcement Regulation Banking (SAFER) Act.

"Each state has diverse needs that require unique solutions. This is particularly true when it comes to insurance," said Rep. Oliverson. "Discussing and educating Congress about allowing States to operate as 'laboratories of democracy' leads to well-tailored and innovative insurance public policy that benefits consumers and industry alike."

NCOIL CEO Commissioner Tom Considine said, "With so many timely and important insurance issues currently intersecting at the State and Federal levels, this was a crucial time for NCOIL legislators to visit The Hill and meet with Congress about the established and proven state-based system of insurance legislation and regulation. This is an approach that has led to the largest, most competitive, and innovative insurance market in the world and it is vital that it continue."



**ANNUAL MEETING MINUTES**  
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## 2023 Summer Meeting Welcome Breakfast:



## NCOIL Concludes Successful Summer Meeting in Minneapolis

The National Council of Insurance Legislators (NCOIL) concluded a highly successful 2023 Summer National Meeting (Meeting) from July 19<sup>th</sup> – 22<sup>nd</sup> in Minneapolis. In what was the second of the organization's three National Meetings in 2023, there were 338 participants consisting of 55 legislators from 30 states, 17 first-time legislators, 5 Insurance Commissioners (or equivalent), and 14 total insurance departments represented.

Arkansas Representative Deborah Ferguson, DDS, NCOIL President said, "The attendance at this meeting really highlights NCOIL's continued commitment to being representative of America. Over 50% of the legislators that attended were of gender or racial diversity, which is a great sign of progress from when that number was below 20% just five years ago and it is vital that it continue."

"Additionally, we were able to adopt three model laws and advance numerous important issues all while having a near even split of Democrats to Republicans which really shows how NCOIL is a national model for bipartisanship," Ferguson continued.

The packed agenda featured discussions on topics such as: insurance requirements for biomarker testing; different types of environmental, social and governance (ESG) policy; insurance issues related to catalytic converter theft; hospital price transparency; medical loss ratios (MLRs) for dental health care services plans; the recent failures of Silicon Valley and other banks; different ways to increase access to long term care services; mental health parity laws; and more.

"This meeting built on the strong momentum of the past few years and is a great indication of where NCOIL is heading from both substantive and legislative membership perspectives," said NCOIL CEO Commissioner Tom Conside. "As a national organization, it is essential to have a wide range of viewpoints participating at our meetings, so having legislators from 30 states including 17 first time legislators is a really positive sign for NCOIL's future."

The Meeting kicked off with the NCOIL Open Golf Outing to Benefit the Insurance Legislators Foundation (ILF) Scholarship Fund on Wednesday afternoon. The event helped reinvigorate the ILF Scholarship Fund which helps legislators attend NCOIL National Meetings.

"Our second NCOIL Open was a great event, and I was glad to see so many people come together to help raise money for a worthwhile cause," said Texas Representative Tom Oliverson, M.D., NCOIL Vice President. "The event will help further strengthen NCOIL as we have more legislators attending our Meetings than ever before."

At the traditional Welcome Breakfast on Friday morning, attendees were greeted by Minnesota Insurance Commissioner Grace Arnold who spoke about her prior experiences implementing healthcare policy at the Center for Consumer Information and Insurance Oversight and her current role leading the Minnesota Department of Commerce.

Following the Breakfast, the focus shifted to part two of a year-long series of general sessions on ESG policy, with this session focusing on social aspects. The series is co-facilitated by New York Assemblywoman Pamela Hunter, NCOIL Treasurer, and Rep. Oliverson.

"Our first session of this series sparked a productive dialogue among our members and I was glad to see the second session do the same as our focus shifted to the social components of ESG policy," said Rep. Oliverson. "We had a great panel that provided multiple perspectives on ESG policy and I look forward to seeing that thought diversity continue as we round out the series in November."

Asw. Hunter said, "ESG-related matters have undoubtedly become a focal point in state legislatures around the country and this series has allowed us to open a platform for diverse perspectives to come together and educate legislators on the complexities and potential impacts of ESG policy. I'm confident that our final session in Columbus will help complete our members understanding of the issue."

The policy committee meetings then kicked off with the Joint State-Federal Relations and International Insurance Issues Committee, with Michigan Representative Brenda Carter, Vice Chair of the Committee, presiding. The Committee heard a presentation on recent federal healthcare reform proposals, received an overview of Minnesota's "Basic Health Program", and discussed the Internal Revenue Service (IRS) proposed regulation on captive insurers.

"This was a perfect time for the Committee to meet as there are many Federal initiatives being proposed right now that, if implemented, have massive implications for our state-based system of insurance regulation," said Rep. Carter. "This Committee will be watching those developments with great interest, and I look forward to our next meeting in November."

## 2023 Summer National Meeting:



## NCOIL Concludes Successful Summer Meeting in Minneapolis (Cont'd)

The Health Insurance and Long Term Care Issues Committee, chaired by West Virginia Delegate Steve Westfall, then met and adopted both the NCOIL Biomarker Testing Insurance Coverage Model Act, sponsored by Asw. Hunter and co-sponsored by Minnesota Senator Paul Utke, NCOIL Secretary, and the NCOIL Hospital Price Transparency Model Act, sponsored by Rep. Oliverson and co-sponsored by Kentucky Representative Rachel Roberts, Vice Chair of the Committee.

Del. Westfall said, "The Committee has worked tirelessly to get these two models to a place where they could be voted on and I thank the sponsors and co-sponsors for listening to and considering input from a wide range of perspectives during the drafting and deliberation process. Hospital price transparency and coverage for biomarker testing are two issues of great interest to the public and these models provide effective guidance for legislators to bring back to their states."

The Committee also continued discussion on the NCOIL Medical Loss Ratios for Dental (DLR) Health Care Services Plans Model Act, sponsored by Del. Westfall and co-sponsored by Illinois Representative Rita Mayfield, and heard a presentation on new at-home addiction treatment programs. Lastly, North Dakota Senator Jerry Klein introduced a Resolution in Support of Embedded Provision in the State Insurance Code to Protect Health Savings Accounts-Qualified Health Insurance Policies from Certain State Benefit Mandates.

The day concluded with the Financial Services and Multi-Lines Issues Committee, chaired by Oklahoma Representative Forrest Bennett. The Committee discussed and subsequently adopted the NCOIL Federal Home Loan Bank (FHLB) Insurer-Member Model Act sponsored by Indiana Senator Travis Holdman, NCOIL Immediate Past President and co-sponsored by Mississippi Senator Walter Michel, Chair of the NCOIL Articles of Organization & Bylaws Revision Committee.

The Committee also discussed proposed amendments to the NCOIL Insurance E-Commerce Model Act sponsored by Louisiana Representative Edmond Jordan, Chair of the NCOIL Property & Casualty Insurance Committee, a Resolution in Support of Existing Law Exemptions for New Data Privacy Laws sponsored by Rep. Bennett, and a Resolution in Support of Establishing National Standards and Procedures for the Reporting and Payment of Premium Taxes Due as a Result of Interstate Insurance Transactions sponsored by Rep. Oliverson.

"With a packed agenda in Minneapolis, I was glad to see the Committee get a new Model Law over the finish line and further discussion on the models and resolutions we are continuing consideration on. I look forward to another productive dialogue in November," said Rep. Bennett.

Friday kicked off with a meeting of the Workers' Compensation Insurance Committee, chaired by Ohio Senator Bob Hackett. The Committee heard a "State of the Line" presentation focused on the on the status of and trends in the overall workers' compensation insurance marketplace, discussed trends in states that have adopted drug formularies, and heard about the latest developments in the Minnesota workers' compensation system. The Committee also re-adopted four existing model laws.

"By discussing the latest workers' compensation legislative and regulatory trends we were able to provide valuable information that legislators can bring back and use in their states. I look forward to having our next meeting in my home state in November to continue more worthwhile discussions," said Sen. Hackett.

A very productive NCOIL-NAIC Dialogue was then held which included an strong lineup of NAIC representatives: Idaho Director and NAIC Immediate Past President Dean Cameron, Indiana Commissioner Amy Beard, Louisiana Commissioner Jim Donelon, Minnesota Commissioner Grace Arnold, and Oklahoma Commissioner Glen Mulready.

Rep. Ferguson stated, "Bringing legislators and regulators together to discuss how the decisions we make will impact the insurance market helps produce the best public policy for our mutual constituencies. In this meeting, we made significant progress in discussing a wide array of issues and another strong turnout of Commissioners and Directors highlighted NCOIL's continued positive working relationship with the NAIC."

Connecticut Representative Tammy Nuccio, Vice Chair of the NCOIL Financial Services & Multi-Lines Issues Committee, then moderated a general session titled "Silicon Valley Bank, Signature Bank, and First Republic Failures: Are We in a Banking Crisis?" Rep. Nuccio said, "This is an extremely timely topic, and I was pleased to facilitate a conversation so that legislators can have a complete understanding of what led to the failures and what types of policy, if any, could be enacted in the future to prevent that from happening again."

## 2023 Summer National Meeting:



## NCOIL Concludes Successful Summer Meeting in Minneapolis (Cont'd)

The Life Insurance and Financial Planning Committee, chaired by South Carolina Representative Carl Anderson then met. The agenda featured continued discussion of the NCOIL Life Insurance is a Promise for Life Model Act sponsored by Sen. Holdman, a discussion on Minnesota's project to increase access to long-term care services, and adoption of a Resolution Opposing the Return of a U.S. Department of Labor Fiduciary Rule sponsored by Rep. Anderson. The Committee also heard an update on the activities of the Interstate Insurance Product Regulation Compact (IIPRC).

Rep. Anderson said, "I'm proud of the productive dialogue the Committee held and greatly appreciated the testimony of our panelists as we discussed the issues at hand. It was also great to see my Resolution be adopted as it's yet another example of NCOIL pushing back on unnecessary federal encroachment in the state-based system of insurance regulation. I look forward to the Committee's continued work on the many other timely and important life insurance and financial planning related issues."

Saturday began with a meeting of the Property & Casualty Insurance Committee, chaired by Rep. Jordan. The Committee introduced and discussed the NCOIL Catalytic Converter Theft Prevention Model Act, sponsored by Rep. Oliverson and Rep. Jordan, and the NCOIL Public Adjuster Professional Standards Reform Model Act, sponsored by Kentucky Representative Michael Meredith and co-sponsored by Indiana Representative Matt Lehman, NCOIL Immediate Past President. The Committee also introduced and discussed proposed amendments to the NCOIL Model State Uniform Building Code, sponsored by Utah Representative Jim Dunnigan and co-sponsored by Georgia Representative Matthew Gambill, and readopted six existing model laws.

"The models we introduced and issues we discussed certainly laid the groundwork for a busy rest of the year," said Rep. Jordan. "It was great to see the Committee begin to take action on a number of pressing topics which really shows how NCOIL can lead on important issues in an efficient manner."

Following that was a general session titled, "The Ongoing Effort to Achieve Mental Health Parity," moderated by Rep. Roberts. "This session was beyond important because while great strides have been made to break the stigma surrounding mental illness, proper coverage for mental healthcare isn't a reality for many Americans, often preventing them from seeking the care they need," said Rep. Roberts.

The Summer Meeting concluded on Saturday afternoon with a meeting of the Executive Committee during which the Committee adopted a Resolution in honor of Past NCOIL President New Mexico Senator Carroll Leavell who passed away earlier this month.

"Senator Leavell was a great public servant and a truly good man. His leadership at NCOIL made the organization stronger and we all owe him a debt of gratitude. Our deep sympathy is with his family and his community," said Rep. Lehman.

"This meeting was another step in building upon the progress NCOIL has been making over the past several years. I'm looking forward to meeting again in Ohio in November where we can finish off the year in a productive and great way," concluded Ferguson.

## NCOIL Adopts Two New Health Insurance Model Laws at Summer Meeting in Minneapolis

Belmar, NJ – At the 2023 National Council of Insurance Legislators (NCOIL) Summer National Meeting in Minneapolis, the organization adopted two new NCOIL Model Laws. The Models were first adopted by the group's Health Insurance and Long-Term Care Issues Committee (Committee), Chaired by West Virginia Delegate Steve Westfall, and passed by NCOIL as a whole on Saturday July 22nd.

The two new Models are the NCOIL Biomarker Testing Insurance Coverage Model Act, sponsored by New York Assemblywoman Pamela Hunter, NCOIL Treasurer, and co-sponsored by Minnesota Senator Paul Utke, NCOIL Secretary, and the NCOIL Hospital Price Transparency Model Act sponsored by Texas Representative Tom Oliver-son, M.D., NCOIL Vice President, and co-sponsored by Kentucky Representative Rachel Roberts, Vice Chair of the Committee.

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## 2023 Summer Health Committee Meeting:



## NCOIL Adopts Two New Health Insurance Model Laws at Summer Meeting in Minneapolis (Cont'd)

Del. Westfall said, "The Committee has worked tirelessly to get these two Models to a place where they could be considered and I thank the sponsors and co-sponsors for listening to and incorporating input from a wide range of perspectives during the drafting and deliberation process. Hospital price transparency and health insurance coverage for biomarker testing are two issues of great interest to the public and these Models will provide effective guidance for legislators to bring back to their states."

"I was pleased to see the committee adopt two bills that are so important in helping patients to navigate the healthcare marketplace," said Arkansas Representative Deborah Ferguson, DDS, NCOIL President, "I am confident that these Models will prove to be very useful to legislators and I'll be watching with great interest as bills based on the Models are introduced in legislatures across the country."

The NCOIL Biomarker Testing Insurance Coverage Model Act requires insurance coverage for biomarker testing for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of a covered person's disease or condition. Approximately ten states have enacted similar legislation, with another ten states having introduced bills that largely mirror the Model.

The Model is intended to only apply post-diagnosis, and will help give more patients the ability to have a biomarker test conducted to guide treatment decisions in instances when the test provides clinical utility as demonstrated by medical and scientific evidence, including, but not limited to: labeled indications for a test approved or cleared by the Food and Drug Administration (FDA) of the United State government or indicated tests for an FDA approved drug; Centers for Medicare and Medicaid Services (CMS) National Coverage Determinations or Medicare Administrative Contractor (MAC) Local Coverage Determinations; or nationally recognized clinical practice guidelines.

"The passage of this Model is an important step in making sure patients are able to make the best-informed decisions about the treatment options available to them when they need it most," said Asw. Hunter. "We heard a range of differing opinions on this issue, but as NCOIL continues to prove, we were able to come together and adopt a Model on a vitally important issue that can be used to protect patients all across the country."

During the drafting and deliberation process, NCOIL legislators and staff heard from a wide array of interested parties including: America's Health Insurance Plans (AHIP); the American Cancer Society Cancer Action Network; Biotechnology Innovation Organization (BIO); Blue Cross Blue Shield Association; California Health Benefits Review Program (CHBRP); ERISA Industry Committee (ERIC); GO2 Foundation for Lung Cancer; International Foundation for Autoimmune & Autoinflammatory Arthritis; National Comprehensive Cancer Network (NCCN); Ochsner Cancer Institute; and the UC San Diego Moore Cancer Center.

The NCOIL Hospital Price Transparency Model Act will enable states to implement laws and regulations that mandate healthcare facilities to disclose prices for specific items and services, offering patients accessible and transparent pricing information. Facilities will be required to maintain a list of standard charges for their items and services as well as provide a consumer friendly list of shoppable services available at the facility. Non-compliance can result in a corrective action plan, administrative penalties, and a prohibition of collective debt actions against patients. The genesis for the Model and similar state laws is a very similar federal hospital price transparency regulation that hospitals have not been fully compliant with.

Rep. Oliverson said, "Lack of transparency in hospital pricing over the years has resulted in a lack of competition in the marketplace and led to rising healthcare costs across the nation. Unfortunately, this has made healthcare unaffordable for many Americans. This Model, combined with increased compliance with the federal regulation, will help ensure that consumers are empowered to make the best healthcare decisions for themselves and their families."

During the drafting and deliberation process, the Committee heard from a wide array of interested parties including: the American Hospital Association (AHA); the Cicero Institute; the Council for Affordable Health Coverage; the National Academy for State Health Policy (NASHP); PatientRightsAdvocate.org; and the Texas Public Policy Foundation.

NCOIL CEO Commissioner Tom Considine said, "The passage of these two Models really underscores how NCOIL continues to be on the cutting edge of emerging healthcare public policy issues. It also shows NCOIL's commitment to hearing different perspectives on all types of issues and being willing to make changes to Models throughout the drafting process. These are two issues that are very important to consumers so kudos to the Committee for working hard to reach a bipartisan consensus and getting these models over the finish line."

## NCOIL Pushes Back on IRS Encroachment of the State Regulation of Insurance

Belmar, NJ – The National Council of Insurance Legislators (NCOIL) has submitted a comment letter to the Internal Revenue Service (IRS) urging it to retract a proposed rule which poses a significant threat to the longstanding framework of the state regulation of insurance and violates the McCarran-Ferguson Doctrine.

“The Proposed Rule undermines the well-established and continually reaffirmed framework of the state-based system of insurance regulation,” said Arkansas Representative Deborah Ferguson, DDS, NCOIL President. “This system has created the strongest, safest, and most successful insurance market in the world, and it is imperative that state insurance legislators and regulators work together to prevent federal encroachment that has no basis in law.”

If promulgated, the Rule would abrogate the States’ authority in a number of ways related to the captive insurance area. Many businesses across America have established captive insurance companies to mitigate against a wide range of extremely relevant risks. A significant subset of these are on the smaller to medium size of the range and are able to make a small insurance company election, known as an 831(b) tax election.

The IRS has apparently expressed concerns regarding certain companies’ utilization of Section 831(b), something that NCOIL takes no position on other than to condemn fraud in all instances. However, in its attempt to address its concerns, the IRS goes too far and seeks to insert itself into captive insurance companies’ loss ratios, an insurance business aspect which constitutes the very heart and core of “the business of insurance” which, pursuant to the McCarran-Ferguson Act, shall be “regulated by the States.”

NCOIL CEO, Commissioner Tom Considine stated, “We at NCOIL urge the IRS to retract the Proposed Rule and return to the drawing board to address its stated concerns in a way that is narrow, tailored, non-retroactive, and most importantly does not violate the McCarran-Ferguson Doctrine by infringing on the Congressionally-delegated rights of the States to regulate the business of insurance.”

A full copy of the comment letter can be viewed [here](#).

## Second Annual NCOIL Open Golf Outing a Success

The National Council of Insurance Legislators (NCOIL) held the Second Annual NCOIL Open Golf Outing to Benefit the Insurance Legislators Foundation (ILF) Scholarship Fund in July at Majestic Oaks Golf Club in Ham Lake, MN. The event helped reinvigorate the Scholarship Fund which helps legislators attend NCOIL National meetings.



Congrats to the Coalition Against Insurance Fraud on its 30th anniversary!

Howard Goldblatt started a close partnership between the Coalition & NCOIL that continues today under Matthew Smith’s watch fighting fraud & protecting consumers.

Here's to many more! #Coalition30th

## 2023 Spring National Meeting:



## NCOIL Concludes Successful Spring Meeting in San Diego

The National Council of Insurance Legislators (NCOIL) concluded a highly successful 2023 Spring National Meeting (Meeting) from March 9th -12th in San Diego. In what was the first of the organization's three National Meetings in 2023, there were 317 participants consisting of 53 legislators from 23 states, 19 first-time legislators, 9 Insurance Commissioners (or equivalent), and 12 total insurance departments represented.

NCOIL's policy Committees met and held discussions on a wide variety of emerging topics and important issues currently impacting the insurance and financial services marketplaces. The packed agenda featured topics such as: insurance underwriting transparency; insurance requirements for biomarker testing; different types of environmental, social and governance (ESG) policy; insurance issues related to catalytic converter theft; hospital price transparency, and more.

"In my first meeting as NCOIL President, I was thrilled to see the policy committees have such productive meetings and lay the groundwork for what is shaping up to be a very busy 2023," said Arkansas Representative Deborah Ferguson, DDS. "The policy focused discussions we had on a slate of emerging issues proves that NCOIL continues to be on the cutting edge of insurance public policy. Additionally, the strong legislator turnout ensured that these discussions included a broad spectrum of perspectives and backgrounds."

NCOIL CEO Commissioner Tom Considine said, "The attendance in San Diego underscores why now is a better time than ever to be involved in NCOIL. We had the strongest legislator attendance for a Spring Meeting ever with a near perfect split of 50% Republicans and 50% Democrats which really highlights NCOIL's ongoing commitment to bipartisanship."

"The 19 first-time legislators also bodes well for NCOIL's continued tremendous growth. As an organization principally represented by legislators, term limits and legislators leaving office for different opportunities are things we must constantly contend with, so seeing new faces at our meetings is always great and a positive sign," Considine continued.

At the traditional Welcome Breakfast on Friday morning, attendees heard a fantastic Keynote Address from Brigadier General Peter Cross of the California National Guard (CND) who spoke about his experience serving both California and the United States domestically as well as the work the CND has done helping the war effort in Ukraine.

Also during the Breakfast, Rep. Ferguson presented Idaho Insurance Director and NAIC Immediate Past President Dean Cameron with the NCOIL Regulatory Leadership Award, honoring all he has done to advance insurance public policy and strengthen the relationship between NCOIL and the NAIC.

"I am honored and humbled by this recognition. I strongly believe collaboration is critical in protecting consumers," said Director Cameron.

The policy committee meetings kicked off with the Joint State-Federal Relations and International Insurance Issues Committee, chaired by Utah Representative Jim Dunnigan. The Committee heard a presentation on Federal and State data from balance billing independent dispute resolution programs, held a policy discussion and briefing on Braidwood Management, Inc. v. Becerra, and received an update on preparations for/implications of the end of the Public Health Emergency.

"The Committee's meeting was extremely productive, and I am proud of the work we accomplished as there are many changes occurring on the Federal level that will have implications throughout the states," said Rep. Dunnigan. "Understanding how Federal initiatives will impact state law is essential in preserving our state-based system of insurance regulation."

The Workers Compensation Insurance Committee then met and discussed the proposed U.S. Department of Labor Worker Classification Rule as well as emerging developments and issues in the Workers Compensation marketplace. "It was great for the Committee to meet in San Diego to continue working on a range of issues," said Ohio Senator Bob Hackett, Chair of the Committee. "By discussing workers' compensation legislative & regulatory trends we were able to provide valuable information that legislators can bring back and use in their states."

A very productive NCOIL-NAIC Dialogue was then held which included an impressive lineup of NAIC representatives: Missouri Director and NAIC President Chlora Lindley-Myers; Idaho Director and NAIC Immediate Past President

*Cont'd on Page 13*

## 2023 Spring National Meeting:



## NCOIL Concludes Successful Spring Meeting in San Diego (Cont'd)

Dean Cameron; Alaska Director Lori Wing-Heier; Arkansas Commissioner Alan McClain; Kansas Commissioner Vicki Schmidt; Louisiana Commissioner Jim Donelon; Oklahoma Commissioner Glen Mulready; Montana Commissioner Troy Downing; and Utah Commissioner Jon Pike.

Rep. Ferguson stated, "Bringing legislators and regulators together to discuss how the decisions we make will impact the insurance market helps produce the best public policy for our mutual constituencies. In this meeting, we made significant progress in discussing a wide array of issues and another strong turnout of Commissioners and Directors highlighted NCOIL's continued positive working relationship with the NAIC."

Following the Dialogue was the first session of a year-long special series of general sessions focused on ESG policy. This session served as an introduction to ESG with a substantive focus on environmental issues. The series is co-facilitated by NCOIL Treasurer Assemblywoman Pamela Hunter (NY) and NCOIL Vice President Representative Tom Oliverson, M.D. (TX).

"Highlighting this topic for a full year will provide a deeper understanding of the implications surrounding all different types of ESG public policy and I was happy to see this first session spark a productive dialogue among our members," said Asw. Hunter, who facilitated the first session. "The panel provided multiple perspectives on what is and is not sound ESG policy and I look forward to seeing that thought diversity continue throughout the year."

Friday wrapped up with a meeting of the Life Insurance and Financial Planning Committee chaired by South Carolina Representative Carl Anderson. The agenda featured the introduction of the NCOIL Life Insurance is a Promise for Life Model Act sponsored by Indiana Senator Travis Holdman, NCOIL Immediate Past President, as well as discussion on California's Life Insurance Policy Lapse Laws and the new federal retirement security law, the SECURE Act 2.0.

Rep. Anderson said, "We are off to a great start this year working on a variety of issues impacting the life insurance industry and what was accomplished in San Diego set the stage for what is a busy road ahead for the Committee. I look forward with great interest as Senator Holdman's Model develops and we continue work on many timely and important life insurance and financial planning related issues."

Saturday began with a meeting of the Property & Casualty Insurance Committee chaired by Louisiana Representative Edmond Jordan. The Committee heard presentations on natural disaster resiliency efforts from Roy Wright, President & CEO of the Insurance Institute for Business & Home Safety (IBHS) and Louisiana Insurance Commissioner Jim Donelon, and insurance issues related to catalytic converter theft from the National Insurance Crime Bureau (NICB). The Committee also adopted the NCOIL Insurance Underwriting Transparency Model Act sponsored by Indiana Representative Matt Lehman, NCOIL Immediate Past President.

"Transparency in underwriting has been and will remain one of the most discussed topics in the insurance marketplace," said Rep. Jordan. "While I preferred the prior version of the Model as I think it was more beneficial to consumers, it's important to not make the perfect the enemy of the good and I commend Rep. Lehman and NCOIL for stepping up and taking a leading role on the issue. I look forward to seeing how states use this Model to pass laws that will provide more transparency to consumers."

Michigan Representative Brenda Carter then moderated a general session titled "Liability Insurance for Gun Owners: Is it Time?" Rep. Carter said, "This is an issue I have worked on in Michigan and I was proud to facilitate this conversation so that legislators from other states can have a complete understanding of the topic."

At the Keynote Luncheon, San Diego Mayor Todd Gloria gave a tremendous speech about his extensive career in public service as Mayor and in the California State Assembly, as well as the unique insurance issues that impact San Diego residents.

The day concluded with the Financial Services and Multi-Lines Issues Committee chaired by Oklahoma Representative Forrest Bennett. The Committee heard presentations on insurance issues surrounding the Name, Image & Likeness (NIL) industry, developments in direct procurement of insurance, and held discussions on a potential NCOIL Consumer Data Protection Model Act and potential amendments to the NCOIL Insurance E-Commerce Model Act relating to the e-delivery of certain insurance documents.

## 2023 Spring National Meeting:



## NCOIL Concludes Successful Spring Meeting in San Diego (Cont'd)

"It was an honor to Chair my first NCOIL policy committee meeting in San Diego and I was glad to see the Committee really hit the ground running," said Rep. Bennett. "The models we discussed and issues we explored shows that NCOIL can lead in an efficient manner on the many issues emerging in the insurance and financial services industry."

The Health Insurance and Long Term Care Issues Committee, chaired by West Virginia Delegate Steve Westfall met on Sunday morning. The NCOIL Medical Loss Ratios (MLR) for Dental Health Care Services Plans Model Act, sponsored by Del. Westfall, and the NCOIL Hospital Price Transparency Model Act, sponsored by Rep. Oliverson and co-sponsored by Kentucky Representative Rachel Roberts, Vice Chair of the Committee, were introduced and discussed. The Committee also continued discussion on the NCOIL Biomarker Testing Insurance Coverage Model Act sponsored by Asw. Hunter and co-sponsored by Minnesota Senator Paul Utke, NCOIL Secretary. Lastly, the Committee re-adopted the NCOIL Pharmacy Benefits Manager (PBM) Licensure and Regulation Model Act.

"The Health Insurance and Long Term Care Issues Committee is off to one of its busiest years yet. We introduced and discussed Models on a variety of pressing issues and I look forward to the Committee continuing its productivity in Minneapolis in July," said Del. Westfall.

The Spring Meeting concluded on Sunday morning with a meeting of the Executive Committee during which Past President Former Assemblyman Ken Cooley (CA) was recognized as an Honorary Member of NCOIL.

"I was so glad that Ken was able to join us so we could properly honor his years of public service both in California and here at NCOIL. So much of the work we were able to accomplish in San Diego was due to Ken's leadership last year as NCOIL President and we all owe him a debt of gratitude," continued Ferguson.

"This meeting showed where NCOIL is heading both in terms of substantive advances on policy as well as continuing the growth of our membership. I look forward to our Summer Meeting in Minneapolis building on this momentum," concluded Ferguson.

## NCOIL Adopts Insurance Underwriting Transparency Model Act

At the 2023 National Council of Insurance Legislators (NCOIL) Spring National Meeting in San Diego, the organization adopted the NCOIL Insurance Underwriting Transparency Model Act sponsored by Indiana Representative Matt Lehman, NCOIL Immediate Past President. The Model was passed by both the NCOIL Property & Casualty Insurance Committee and the NCOIL Executive Committee.

The Model will give states a framework to provide personal auto and homeowners insurance consumers informative and valuable information explaining the basis for a "material change" made to their policies. A "material change" is defined as: a nonrenewal or cancellation; an increase of more than ten percent (10%) over the expiring premium; a reduction in coverage; or another adverse or unfavorable change in the terms of coverage of amount.

Insurers must provide a notice that either explains the principal factors for the material change or states that the insured has the right to request and obtain an explanation of the principal factors for the material change. The notice explaining the material change must: be sufficiently clear and use language specific to enable the insured to identify the basis for the insurer's decision to make the material change; include a description of the principal factors most heavily weighed by an insurer in making a material change, listed in no particular order; and provide a point of contact through which the insured may discuss the reasons for the material change. The notice must also be sent to the insurance producer, if any, who represented the insured in obtaining coverage from the insurer, or who represented the insurer in regard to the providing of coverage to the insured.

The Model also suggests in Drafting Notes that States may wish to consider expanding the scope of the Model to make it applicable to declinations, and requiring a specific number of principal factors to be included in the notice provided to the insured (or applicant if a State has expanded the Model to include declinations).

"I am proud to sponsor this Model as it will allow consumers and agents to understand why certain changes are made to policies and enable them to make the better informed coverage related decisions," said Rep. Lehman. "As a legislator and insurance agent, I know that having more transparency in this area is a necessity that is only becoming more important as companies continue to integrate more technology in their business models. When a consumer

## NCOIL ESG Special Series:



## NCOIL Adopts Insurance Underwriting Transparency Model Act (Cont'd)

wants to know why their premium increased, the answer from the insurer or agent is too often “I don’t know.” This Model is an important development in helping consumers get better answers to that question.”

“I’m glad that Representative Lehman and NCOIL recognized the need for this type of Model legislation,” said Rep. Jordan. “This was a very deliberate and thoughtful process and while I would have liked to see the Model go a bit further in terms of explicitly applying to declinations and requiring the insurer to provide more information in the notice to the insured, the Model is a good starting point that States can use to develop their own transparency-focused laws.”

During the drafting and deliberation process, NCOIL legislators and staff heard from a wide array of interested parties including: the American Council of Life Insurers (ACLI); the American Property & Casualty Insurance Association (APCIA); the Consumer Federation of California (CFC); the Independent Insurance Agents & Brokers of America (IIABA); and the National Association of Mutual Insurance Companies (NAMIC).

NCOIL CEO Commissioner Tom Considine said, “Thank you to Rep. Lehman for taking the lead and sponsoring this Model as well as Chair Jordan and the Committee for the work they did to get this Model over the finish line. Ensuring more transparency for consumers is a top priority for insurance legislators across the country and this Model is a good first step in making that possible.”

## NCOIL Announces General Session Series on Environmental, Social, and Governance (ESG) Factors

Belmar, NJ – The National Council of Insurance Legislators (NCOIL) announced a special series of general sessions to be held throughout NCOIL’s 2023 National Meetings focused on Environmental, Social, and Governance (ESG) policy. The series will be co-facilitated by NCOIL Treasurer Assemblywoman Pamela Hunter (NY) and NCOIL Vice President Representative Tom Oliverson, M.D. (TX).

The first session will take place at the 2023 NCOIL Spring Meeting in March in San Diego, CA and will serve as an introduction to ESG with a substantive focus on environmental policy. The second session at the NCOIL Summer Meeting in July in Minneapolis, MN will focus on social elements, and the third and final session at the NCOIL Annual Meeting in November in Columbus, OH will explore governance issues. The series will bring together a wide range of experts to address the challenges and opportunities presented by all different types of ESG public policy.

“I am proud that NCOIL is taking a leading role in the discussions surrounding ESG policy and I’d like to thank Assemblywoman Hunter and Representative Oliverson for their leadership in co-facilitating this series,” said AR Representative Deborah Ferguson, DDS, NCOIL President. “This year-long series highlights NCOIL’s commitment to serving as a bipartisan, educational forum on emerging issues and I look forward to the policy focused conversations these sessions will produce.”

Asw. Hunter said, “NCOIL has a proven track record of being able to address complex issues in a fair and efficient manner and I am glad that the organization is giving this critical topic the attention it deserves over the course of a full year. These issues cannot be ignored as legislators are already dealing with ESG considerations on a range of legislative proposals spanning multiple industries.”

Rep. Oliverson stated, “Discussions surrounding ESG policy are becoming increasingly prominent in legislatures throughout the nation so this is a great time for NCOIL to bring together a wide range of perspectives on these issues. I believe it’s important for each and every state to respect what each and every other state is doing to address ESG concerns and having an open dialogue is an important part of that.”

“This is a timely and important topic that NCOIL is uniquely positioned to address. Having this series throughout 2023 will provide legislators with a deeper understanding of ESG policy from both legislative and regulatory perspectives,” said NCOIL CEO Commissioner Tom Considine. “It’s vital for legislators to appreciate how mutually exclusive, extra-territorial laws passed in states could invite federal intervention in insurance regulation potentially undermining the authority of the states that has been in place for over seventy years.”



## NCOIL One on One

Part 2 of our Special Edition of One on One with Louisiana Insurance Commissioner Jim Donelon is out now. Click the link [here](#) to check it out! Interested in learning more about other NCOIL members? Visit the link [here](#) to see past NCOIL One on One Interviews.



Thanks to everyone who has participated so far:

- IN Rep. Matt Lehman
- NY Asw. Pam Hunter
- OH Sen. Bob Hackett
- AR Rep. Deborah Ferguson DDS
- ND Sen. Jerry Klein
- LA Rep. Edmond Jordan
- CA Asm. Ken Cooley
- TX Rep. Tom Oliverson MD
- NV Asw. Maggie Carlton
- MN Sen. Paul Utke
- MI Rep. Brenda Carter
- WV Del. Steve Westfall
- SC Rep. Carl Anderson
- NC Sen. Vickie Sawyer
- IN Sen. Travis Holdman
- OK Rep. Forrest Bennett
- CT Rep. Tammy Nuccio
- MS Sen. Walter Michel
- KY Rep. Rachel Roberts
- UT Rep. Jim Dunnigan
- NJ Sen. Nellie Pou
- ND Sen. Shawn Veda
- RI Sen. Roger Picard
- WI Sen. Mary Felzkowski
- NY Sen. Neil Breslin

### Model Laws & Resolutions Adopted in 2023:

#### [NCOIL Insurance Underwriting Transparency Model Act](#)

#### [NCOIL Biomarker Testing Insurance Coverage Model Act](#)

#### [NCOIL Hospital Price Transparency Model Act](#)

**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 reach out to Pat Gilbert at [pgilbert@ncoil.org](mailto:pgilbert@ncoil.org) with any questions**

**LEGISLATOR STIPENDS NOW AVAILABLE FOR CONTRIBUTING STATES**

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### Don't Miss the NCOIL YouTube Channel: Subscribe Today

Weren't able to attend our past meetings? Good news— you can visit our YouTube channel for recordings of past meetings. Prior national meeting sessions and interim committee meetings are posted on our YouTube channel now.

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

<https://www.youtube.com/channel/UCe09Z77z4q6HG1kv3fDG7Bq>

# This Year in Pictures

## Model Laws & Resolutions Adopted in 2023:

NCOIL Federal Home Loan Bank Insurer-Member Model Act



Resolution Recognizing Past President Assemblyman Kenneth W. Cooley (CA) as an Honorary Member of NCOIL



Resolution in Opposition to Potential Rulemaking by the U.S. Department of Labor Fiduciary Rule



# This Year in Pictures

## Model Laws & Resolutions Adopted in 2023:

Resolution in Support of Establishing National Standards and Procedures for the Reporting and Payment of Premium Taxes Due as a Result of Direct Procurement



Resolution in Honor of Past President Senator Carroll Leavell (NM)



Resolution in Support of Embedded Provisions in State Insurance Code to Protect Health Savings Accounts-Qualified Health Insurance Policies from Certain State Benefit Mandates

