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Rep. Deborah Ferguson DDS AR
President



Thomas B. Considine
NCOIL CEO



Rep. Tom Oliverson MD, TX
Vice President

NCOIL Concludes Successful Spring Meeting in San Diego

Belmar, NJ – 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 Key-note 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.

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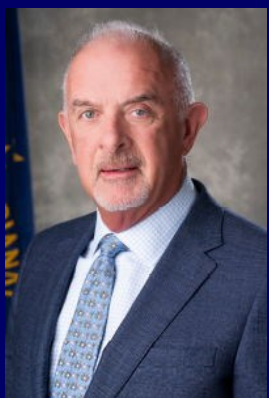
Asw. Pamela Hunter, NY
Treasurer



Sen. Paul Utke, MN
Secretary



Rep. Matt Lehman, IN
Immediate Past President



Sen. Travis Holdman, IN
Immediate Past President

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

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 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).

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Future NCOIL Meetings:

Summer 2023
July 19 –22

Minneapolis, MN
Marriot Minneapolis
City Center

Annual 2023
November 15 –18
Columbus, OH
Renaissance Columbus
Downtown Hotel

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

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

“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.

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Future NCOIL Meetings:

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

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

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

Spring 2026
TBD

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

Annual 2026
TBD

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.

Committee minutes will be posted soon at www.ncoil.org

The 2023 NCOIL Summer Meeting will take place in Minneapolis at the Marriott Minneapolis City Center from July 19th – 22nd. Registration will open in April.



SPRING MEETING MINUTES
CLICK HERE FOR MORE INFO

NCOIL March Twitter Activity:

March 8, 2023

On International Women's Day, we celebrate the great strides women have made around the globe including here at NCOIL, where our female officers and legislative membership continue to make many strong contributions to the organization and insurance public policy.

March 15, 2023

W/ his decision not to seek reelection, NCOIL congratulates LA Ins Cmsr. Jim Donelon for his almost 50 years of public service. As both a legislator & regulator, Jim is a tireless advocate for consumers and we thank him for his leadership both in Louisiana and nationally.

NCOIL Adopts Insurance Underwriting Transparency Model Act

Belmar, NJ – 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 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 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.”

A full copy of the Model can be found [here](#).

March 20, 2023

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!



March 25, 2023

NCOIL extends its deepest sympathies to all those who suffered loss from the monstrous tornado in MS yesterday. We are confident that their insurance needs couldn't be in better hands @ this time under Cmsnr Mike Chaney + Chairmen Walter Michel & Hank Zuber in the legislature.

Insurance Businesses Need Non-Competes IEC Perspective*

By Lauren G. Pachman, Esq., Counsel & Director of Regulatory Affairs, National Association of Professional Insurance Agents (PIA National)

Earlier this year, the Federal Trade Commission (FTC) issued a notice of proposed rulemaking (NPRM) that would ban the use of non-compete provisions and non-compete agreements between employers and workers. The NPRM included a 60-day comment period that ended on March 20.

Now that the comment period has ended, the FTC will review the extensive feedback it has received, make changes if the agency feels it necessary, and probably issue either a revised NPRM or a final rule. If finalized as written, the ban would apply to both employees and independent contractors and would require employers to stop using non-compete provisions and agreements. The proposal would also require employers to withdraw existing non-compete provisions and agreements and inform workers subject to any such provisions or agreements that they are no longer in force.

Independent agency owners are among the millions of insurance-related businesses that rely on non-compete provisions and agreements to protect their livelihoods. The FTC should withdraw its proposed ban in favor of a more appropriately tailored proposal that would address corporate overuse of such documents, to the extent such overuse exists. Significantly for affected insurance businesses, such a non-compete ban would improperly preempt state law. In general, employment, trade secret, and antitrust law are all the purview of state governments and courts, not the federal government. Indeed, forty-seven states have passed laws permitting the use of non-competes, and this ban would invalidate every last one of them. If finalized as written, the NPRM would improperly preempt all state laws and regulations in this area.

The proposed ban is also overly broad. Its definition of “workers” includes employees, volunteers, interns, and independent contractors, whether paid or unpaid. It would ban future non-competes, but it would also rescind existing agreements by regulatory fiat—whether they involve existing workers or former workers. The NPRM would require employers to notify current workers of the rescission, of course, but it would also require employers to notify former workers. Moreover, employers would not be permitted to inform former workers using a public-facing method like publication of an announcement in a newspaper or on a website. Rather, the FTC proposal would require employers to notify former workers of the rescission via “individualized communication,” an endeavor that will be costly and burdensome for small businesses; the more former workers they have, the more burdened a small business will be.

The proposal would also effectively limit the use of even legal agreements by indicating that some (non-disclosure or non-solicitation) agreements could be deemed *de facto* non-competes if they have a similar effect as a non-compete on workers. The NPRM's distinction between legal and illegal workplace agreements is vague; as such, it will be difficult for small agencies, carriers, and others to ascertain whether they are sufficiently compliant. It would also invite expensive, lengthy litigation by affected businesses to try to extract greater specificity from the FTC using the only tactic that will remain available to them.

Finally, a non-compete ban would improperly invalidate existing contracts between consenting parties; its promulgation would constitute an improper restraint on trade as well as an illegal preemption of state law. The FTC should promptly withdraw its proposed ban on non-competes.

*This column is a submission of the Industry Education Council (IEC) and reflects the IEC's perspective on the issue(s) discussed. The views, thoughts, and opinions expressed in the column do not necessarily reflect those of NCOIL.

NCOIL President Deborah Ferguson Speaks at AHIP Forum

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



Second Annual NCOIL Open Golf Outing to Benefit the ILF Scholarship Fund



NCOIL is pleased to announce the second annual NCOIL Open Golf Outing to Benefit the Insurance Legislators Foundation (ILF) Scholarship Fund. The event will take place on July 19th at the Majestic Oaks Golf Club in Ham Lake, MN immediately preceding the 2023 NCOIL Summer Meeting in Minneapolis. The format will be a shotgun scramble with tee off at 12:30 PM and lunch will be provided. Registration will open in April. For any questions on sponsorship opportunities please contact Pat Gilbert at pgibert@ncoil.org.

NCOIL One on One

NCOIL One on One Interview with Utah Representative Jim Dunnigan is out now, click on the link [here](#) to check it out!

If you haven't had a chance to watch interviews with 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 please visit our YouTube channel [here](#).



Thank you to everyone who has participated so far!

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/UCe09Z77z4q6HG1kv3fDG7Bg>

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

Please reach out to Pat Gilbert at pgilbert@ncoil.org with any questions

LEGISLATOR STIPENDS NOW AVAILABLE FOR CONTRIBUTING STATES

CLICK HERE FOR MORE INFORMATION