

STATE OF OHIO
DEPARTMENT OF INSURANCE
50 West Town Street, 3rd Floor, Suite 300
Columbus, Ohio 43215

IN THE MATTER OF PUBLIC :
HEARING FOR THE AMENDMENT OF :
OHIO ADMINISTRATIVE CODE SECTIONS : NOTICE OF PUBLIC HEARING
3901-1-02, 3901-1-50, 3901-3-02, 3901-6-11, :
3901-9-02 AND 3901-9-03 :

Pursuant to section 119.03 of the Ohio Revised Code, the Superintendent of Insurance, State of Ohio, will hold a public hearing at 10:00 a.m., on Thursday, March 25, 2021, to consider the amendment of Ohio Administrative Code sections 3901-1-02 Access to confidential personal information; 3901-1-50 Annual financial reports; 3901-3-02 Regulation and registration of insurers under the insurance holding company regulatory act; 3901-6-11 Recognition of the 2001 CSO mortality table for use in determining minimum reserve liabilities and nonforfeiture benefits; 3901-9-02 Viatical settlement broker license and registration of insurance agents operating as a viatical settlement broker; and 3901-9-03 Viatical settlement broker continuing education. Due to the COVID-19 pandemic and social distancing concerns, the hearing will be conducted remotely by video conferencing coordinated by the Ohio Department of Insurance (“Department”). Instructions and a web link and/or telephone number for accessing the hearing will be provided on the Department’s web site, www.insurance.ohio.gov. Alternatively, a request for the web link and/or telephone number may be submitted to ecomment@insurance.ohio.gov.

The purpose of rule 3901-1-02 is to regulate employee access to the confidential personal information that the Department keeps. This rule applies to both electronic records and records kept on paper.

Rule 3901-1-02 is being reviewed as part of the agency five-year rule review. The purpose for amending the rule is to include an amendment made to section 149.43 of the Revised Code into the rule.

The purpose of rule 3901-1-50 is to facilitate the Department's surveillance of the financial condition of insurers by requiring (a) an annual audit of financial statements reporting the financial position and results of operation of insurers by independent certified public accountants, (b) communication of internal control related matters noted in an audit, and (c) management's report of internal control over financial reporting.

Rule 3901-1-50 is being reviewed as part of the agency five-year rule review. The purpose for amending the rule is to include aligning the rule with the NAIC's Annual Financial Reporting Model Regulation, by: (1) clarifying that entities exempt from paragraph (O) of this rule, and no longer qualify for the exemption, shall have one year after the threshold is exceeded to comply with the requirements of paragraph (O) of this rule; and (2) revising paragraph (L)(5) of this rule by changing "Accountancy Board of Ohio" to "an appropriate state licensing authority." Various technical amendments are also proposed.

The purpose of rule 3901-3-02 is to interpret certain terms, establish standards, and to promulgate forms to be adhered to in the regulation and registration of insurers authorized to do business in this state.

Rule 3901-3-02 is being reviewed as part of the agency five-year rule review. The purpose for amending the rule is to correct a citation in paragraph (C)(3) of this rule.

The purpose of rule 3901-9-02 is to provide standards for applicants applying for initial licensure as a viatical settlement broker in this state or a renewal of a previously issued license and to the registration of insurance agents operating as a viatical settlement broker. This rule also provides form filing requirements and fees for licenses, renewals, and form approvals.

Rule 3901-6-11 is being reviewed as part of the agency five-year rule review. The purpose for amending the rule is to correct an inaccurate citation to rule 3901-3-11, which was rescinded in 2019. The requirements of 3901-3-11 were established in section 3903.726 of the Revised Code.

The purpose of rule 3901-6-11 is to recognize, permit and prescribe the use of the 2001 commissioners standard ordinary (CSO) mortality table in accordance with sections 3903.723 and 3915.071 of the Revised Code and rule 3901-6-10 of the Administrative Code (valuation of life insurance policies).

Rule 3901-9-02 is being reviewed as part of the agency five-year rule review. The purpose for amending the rule is to correct a citation within the rule.

The purpose of rule 3901-9-03 is to establish viatical settlement education (VSE) requirements, criteria, standards and procedures and fees for VSE providers, VSE courses and licensed viatical settlement brokers pursuant to Chapter 3916. of the Revised Code.

Rule 3901-9-03 is being reviewed as part of the agency five-year rule review. The purpose for amending the rule is to correct citations within the rule.

Requests for copies of these rules should be addressed to Tina Chubb, Ohio Department of Insurance, 50 West Town Street, 3rd Floor, Suite 300 Columbus, Ohio 43215, or proposed rule can be viewed online at www.insurance.ohio.gov.

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3901-9-02, 3901-9-03

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3901-6-11