



- TO: NAIC Members, State Insurance Regulators, and Interested Parties
- FROM: NAIC Committee Support Staff
- DATE: Nov. 5, 2020
- SUBJECT: Preview of NAIC Committee and Task Force Activities for the Virtual Fall National Meeting

The NAIC appreciates your active involvement and input. Our open meetings policy ensures the broadest access possible, while reserving the right to close a meeting for specific purposes as outlined in the NAIC Policy Statement on Open Meetings. To make your meeting experience as valuable as possible, we present this information to help you plan your schedule and arrangements.

The *Preview* highlights key actions planned by the NAIC membership during its upcoming national meeting. The information should only be used as a general reference. These sessions are subject to change to reflect developments between the time this was written and the start of the national meeting.

Important Note: We strongly encourage you to check the detailed program agenda posted on the NAIC website at <u>www.naic.org/meetings_events.htm</u> for the most current dates and times of all meeting sessions, as well as any events prior to or after the national meeting. Once the Event App is open, On Demand recordings for Open Interim Meetings (Task Force and Working Groups) that were held in November, in lieu of taking place at the National Meeting, will be available.

SPECIAL MEETINGS AND/OR EVENTS

CIPR PROGRAM: *Pandemic Business Interruption Federal Insurance Mechanism – Learning from the Past, Thinking About the Future*

Please plan to join the NAIC Center for Insurance Policy and Research (CIPR) for its upcoming virtual Fall program, "Pandemic Business Interruption Federal Insurance Mechanism – Learning from the Past, Thinking About the Future." The program is scheduled for Tuesday, Dec. 8, 10:00 a.m. – 1:00 p.m. CST.

Given the systemic, correlated and non-diversifiable nature of the pandemic peril, many—including the NAIC, the insurance industry, and the small business community—believe a federal mechanism is likely necessary to ensure widespread availability of business interruption coverage for pandemics. However, the optimal design of such a mechanism has been the subject of ongoing debate. A number

of proposals have been put forward that will be detailed here during our session. Importantly, we will also explore lessons learned from other existing federal insurance programs, such as those for flood, crop and terrorism, as well as discuss other lines of business affected by the pandemic that may have not received as much attention.

REGULARLY SCHEDULED MEETINGS

The EXECUTIVE (EX) COMMITTEE will consider adoption of the report of the joint meeting of the Executive (EX) Committee and the Internal Administration (EX1) Subcommittee, as well as the reports of its task forces and the Special (EX) Committee on Race and Insurance. The Executive (EX) Committee will consider adoption of its 2021 proposed charges and may consider adoption of Requests for NAIC Model Law Development that are currently pending with sponsoring letter committees. The Committee will receive progress reports regarding work on NAIC models currently under development and hear updates from the Interstate Insurance Product Regulation Commission (Compact) and the National Insurance Producer Registry (NIPR). A draft agenda and materials for this meeting will be made available for review on the "Meetings and Events" page on the NAIC website at <u>www.naic.org/meetings_events.htm.</u>

During the joint meeting of the Executive (EX) Committee and Plenary, NAIC members will consider adoption of reports from its seven standing committees, as well as minutes from the virtual 2020 Summer National Meeting. Progress reports will be provided on the states' implementation efforts on NAIC-adopted model laws, regulations and/or amendments. Members will also consider adoption of: 1) the 2021 Proposed Budget; 2) the 2021 Proposed Committee Charges; 3) the *Workers' Compensation Policy and the Changing Workforce* whitepaper; and 4) and the *State Disaster Response Plan*.

Please Note: An NAIC model law, regulation, bulletin, white paper, or other pertinent item for review and discussion by the **Executive (EX) Committee and Plenary** may be added to its agenda for consideration at any time prior to the Fall National Meeting.

The CLIMATE AND RESILIENCY (EX) TASK FORCE will: 1) hear a presentation from the Sustainability Insurance Forum (SIF); 2) hear a presentation from the CIPR regarding its 2018 *NAIC Climate Risk Disclosure Survey*; and 3) hear a presentation from the CIPR regarding its State Resiliency Map.

The FINANCIAL STABILITY (EX) TASK FORCE will: 1) hear an update on Financial Stability Oversight Council (FSOC) development; 2) consider adoption of the report of the Liquidity Assessment (EX) Subgroup, including progress toward achieving its deliverables related to liquidity stress testing; 3) receive an update from the Receivership and Insolvency (E) Task Force on its work to address the Task Force's referral letter to undertake analysis relevant to the NAIC's Macroprudential Initiative (MPI); 4) hear an update on collateralized loan obligations (CLO) stress tests; 5) hear an update on the International Association of Insurance Supervisors (IAIS); 6) hear an update on the London Interbank Offered Rate (LIBOR); and 7) discuss exposure comments for the draft revisions to the *Insurance Holding Company System Regulatory Act* (#440).

The INNOVATION AND TECHNOLOGY (EX) TASK FORCE will: 1) consider adoption of the reports of the Big Data (EX) Working Group, Speed to Market (EX) Working Group, and Artificial

Intelligence (EX) Working Group and discuss 2021 working group charges; 2) continue discussion and possibly adopt model law language amendments to the *Unfair Trade Practices Act* (#880) pertaining to anti-rebating; 3) discuss the coordination of the data use and privacy workstreams and receive an update from the various groups leading those efforts, including the Accelerated Underwriting (A) Working Group and the Privacy Protections (D) Working Group; 4) receive an update from the Casualty Actuarial and Statistical (C) Task Force on its work related to predictive modeling; 5) hear an update on cybersecurity activities; 6) hear a presentation from NAIC staff on corporate and other data and model governance frameworks; 7) discuss Requests for Information (RFIs) related to continuing specific "regulatory relief" or "regulatory accommodations" offered by states as a result of the COVID-19 pandemic; and 8) hear an update on the National Council of Insurance Legislators' (NCOIL's) insurance modernization activities. The **Speed to Market (EX) Working Group** will continue discussions of the Product Requirements Locator (PRL) and phase one of the communications plans for the speed to market tools. The **Big Data (EX) Working Group** will not meet at the Fall National Meeting.

The INFORMATION SYSTEMS (EX1) TASK FORCE will: 1) consider adoption of its Summer National Meeting minutes; 2) receive an update on draft 2021 fiscals with a technology component; 3) receive an Information Technology (IT) Operational Summary Report on key NAIC-supported state-based technology initiatives, including: a) Product Highlights; b) Innovation and New Technology; c) Service and Support; d) Data Collection Metrics, d) Team and Technology Adoption and System Usage; and 4) receive a portfolio update and project status reports. The Task Force will then adjourn and reconvene into regulator-to-regulator session pursuant to paragraph 4 (internal or administrative matters of the NAIC or any NAIC member) of the NAIC Policy Statement on Open Meetings.

The LONG-TERM CARE INSURANCE (EX) TASK FORCE will: 1) consider adoption of its interim minutes; and 2) receive reports on the current activity and progress on the workstreams of the three subgroups of the Task Force.

The LIFE INSURANCE AND ANNUITIES (A) COMMITTEE will consider adoption of its task force and working group reports. The Accelerated Underwriting (A) Working Group will not meet at the Fall National Meeting. However, it plans to report its progress to the Committee. The Annuity Disclosure (A) Working Group will not meet at the Fall National Meeting. However, it plans to report its progress regarding its charge to review and revise, as necessary, Section 6-Standards for Illustrations of the Annuity Disclosure Model Regulation (#245) to take into account disclosures necessary to inform consumers about the innovation of products currently in the marketplace. The Annuity Suitability (A) Working Group will not meet at the Fall National Meeting. The Working Group might meet prior to the Fall National Meeting to discuss the comments received on its draft frequently asked questions (FAQ) document and possibly review a revised draft document based on the comments received as part of its charge to "consider how to promote greater uniformity across NAICmember jurisdictions." The Life Insurance Online Guide (A) Working Group will not meet at the Fall National Meeting. However, it plans to continue to meet to work on an online resource on life insurance. The Life Insurance Illustration Issues (A) Working Group will not meet at the Fall National Meeting. However, it plans to report on its progress revising the Life Insurance Disclosure Model Regulation (#580) to include a one- to two-page policy overview document to fulfill its charge to enhance the consumer readability and understandability of the narrative summary required by

Section 7B of the *Life Insurance Illustrations Model Regulation* (#582) and the policy summary required by Section 5A(2) of Model #580.

The LIFE ACTUARIAL (A) TASK FORCE will: 1) consider amendments to the *Valuation Manual* for implementation in 2022; 2) continue the development of requirements for principle-based reserving (PBR); 3) discuss the development of PBR for non-variable annuities in VM-22, Statutory Maximum Valuation Interest Rates for Income Annuities; 4) hear an update on the status the economic scenario generator (ESG); 5) hear an update on experience reporting; and 6) consider adoption of its subgroup reports.

The HEALTH INSURANCE AND MANAGED CARE (B) COMMITTEE will: 1) hear updates from a few of its key subgroups on their activities of interest to the Committee; 2) hear an update on current federal regulatory, legislative and legal action surrounding the federal Affordable Care Act (ACA), particularly *California v. Texas* (known as *Texas v. U.S.* in the lower courts), which is scheduled for oral argument before the U.S. Supreme Court on Nov. 10; 3) hear a federal administrative and legislative update and outlook for 2021; 4) consider adoption of its interim and Summer National Meeting minutes; and 5) consider adoption of its task force, working group and subgroup reports. The **Consumer Information (B) Subgroup** will not meet at the Fall National Meeting. It will continue its discussions concerning the development of consumer-based pieces to help with health insurance literacy. The **Health Innovations (B) Working Group** will meet Nov. 9 in lieu of the Fall National Meeting to continue its discussion of telehealth issues and other issues of interest to the Working Group.

The HEALTH ACTUARIAL (B) TASK FORCE will meet Nov. 19 in lieu of the Fall National Meeting to adopt its minutes and receive reports from the Health Care Reform Actuarial (B) Working Group and the Long-Term Care Actuarial (B) Working Group. The Long-Term Care Actuarial (B) Working Group will meet Nov. 2 in lieu of the Fall National Meeting to adopt its minutes and receive reports from the Long-Term Care Pricing (B) Subgroup and the Long-Term Care Valuation (B) Subgroup.

The REGULATORY FRAMEWORK (B) TASK FORCE will meet Nov. 19 in lieu of the Fall National Meeting to hear presentations on policy issues affecting state health insurance regulation, including a presentation from the U.S. Government Accountability Office (GAO) on the methodology used in its study examining the marketing practices of ACA-Exempt Health Plans. The Task Force will also consider adoption of its working group and subgroup reports, including the report of the Pharmacy Benefit Manager Regulatory Issues (B) Subgroup and its draft pharmacy benefit manager (PBM) draft model. The Accident and Sickness Insurance Minimum Standards (B) Subgroup will not meet at the Fall National Meeting. It plans to continue to meet to consider revisions to the Model Regulation to Implement the Accident and Sickness Insurance Minimum Standards Model Act (#171). The Health Maintenance Organization (HMO) Issues (B) Subgroup will not meet at the Fall National Meeting. Having completed its work to revise the Health Maintenance Organization Model Act (#430) to address the conflicts with the recent revisions to the Life and Health Insurance Guaranty Association Model Act (#520), the Subgroup has been disbanded. The Pharmacy Benefit Manager Regulatory Issues (B) Subgroup will not meet at the Fall National Meeting, having completed its work to develop a new NAIC model to establish a licensing or registration process for PBMs. The Subgroup will provide an update on its work to the Health Insurance and Managed Care (B) Committee during the Committee's meeting at the Fall National Meeting. The Mental Health Parity and Addiction Equity Act (MHPAEA)

(B) Working Group will not meet at the Fall National Meeting. The Working Group might meet prior to the Fall National Meeting to continue discussion of its work to provide additional compliance tools for the states in determining MHPAEA plan compliance. The Employee Retirement Income Security Act (ERISA) (B) Working Group will not meet at the Fall National Meeting.

The **SENIOR ISSUES (B) TASK FORCE** will not meet at the Fall National Meeting. It has already conducted its interim meetings on Sept. 2 and Oct. 8, as well as an e-vote on Oct. 20. The Task Force will continue to: 1) consider policy issues; 2) develop appropriate regulatory standards; and 3) revise, as necessary, the NAIC models, consumer guides and training material on Medicare supplement insurance, long-term care insurance (LTCI), senior counseling programs, and other insurance issues that affect older Americans.

The **PROPERTY AND CASUALTY INSURANCE (C) COMMITTEE** will: 1) consider adoption of its task force and working group reports; 2) consider adoption of its 2021 proposed charges; 3) consider adoption of the Real Property Lender-Placed Insurance Model Act; and 4) consider adoption of the *Regulatory Review of Predictive Models* white paper. The **Catastrophe Insurance (C) Working Group** will not meet at the Fall National Meeting. However, it will meet in mid-November to: 1) hear federal updates; 2) discuss hurricane response during this year's hurricane season; and 3) summarize Federal Emergency Management Agency (FEMA) meetings held with state insurance regulators in various regions and plans for more of these meetings. The **Terrorism Insurance Implementation (C) Working Group** will not meet at the Fall National Meeting. The **Transparency and Readability of Consumer Information (C) Working Group** will not meet at the Fall National Meeting. However, it will meet in mid-November to: 1) consider adoption of its minutes; and 2) continue discussions regarding the need for consumer disclosures regarding significant premium increases on property/casualty (P/C) insurance products

The CASUALTY ACTUARIAL AND STATISTICAL (C) TASK FORCE will hear status updates on its current projects and a presentation from the American Academy of Actuaries (Academy) on P/C actuarial projects.

The SURPLUS LINES (C) TASK FORCE will meet Nov. 18 to: 1) consider adoption of the report of the Surplus Lines (C) Working Group; 2) discuss a memorandum on proposed revisions to the *Nonadmitted Insurance Model Act* (870); and 3) discuss a memorandum on proposed changes to the Trust Agreement for Alien Excess or Surplus Lines Insurers.

The **WORKERS' COMPENSATION (C) TASK FORCE** will not meet at the Fall National Meeting. IT will meet prior to the Fall National Meeting to continue discussions regarding formularies.

The MARKET REGULATION AND CONSUMER AFFAIRS (D) COMMITTEE will: 1) consider adoption of its Aug. 11 minutes; 2) consider adoption of its 2021 proposed charges; 3) consider adoption of its task force and working group reports; and 4) discuss the *Best Practices and Guidelines for Consumer Information Disclosure*. The Market Analysis Procedures (D) Working Group will: 1) discuss updates to the MCAS Best Practices Guide; 2) discuss revisions to the market analysis chapters of the NAIC's *Market Regulation Handbook;* 3) consider the next line of business for the Market Conduct Annual Statement (MCAS); and 4) discuss the MCAS attestation process. The Privacy Protections (D) Working Group will discuss a draft gap analysis of the *Privacy of Consumer Financial and Health Information Model Regulation* (#672). The Market Conduct Annual Statement Blanks (D)

Working Group will: 1) discuss revisions to the MCAS blanks; and 2) consider a transactional data pilot for the MCAS. The **Market Regulation Certification (D) Working Group** will: 1) discuss revisions to the Voluntary Market Regulation Certification Program; and 2) discuss a scoring matrix for the program. The **Market Conduct Examination Standards (D) Working Group** will not meet at the Fall National Meeting. However, it will meet Nov. 19 to draft revisions to the *Market Regulation Handbook* regarding the *Supplementary and Short-Term Health Insurance Minimum Standards Model Act* (#170) and new long-term care (LTC) in force policy and LTC claims standardized data requests for inclusion in the reference documents of the *Market Regulation Handbook*.

The ANTIFRAUD (D) TASK FORCE will: 1) consider adoption of the NAIC Antifraud Plan Guideline (#1690); 2) consider adoption of the report of the Antifraud Technology (D) Working Group and Antifraud Education Enhancement (D) Working Group; 3) discuss insurance fraud related to COVID-19; and 4) hear updates from interested parties about their recent activities to address insurance fraud.

The MARKET INFORMATION SYSTEMS (D) TASK FORCE will: 1) consider adoption of its Aug. 4 minutes; 2) consider adoption of the report of the Market Information Systems Research and Development (D) Working Group; 3) consider adoption of the Market Information System (MIS) Data Analytic Metrics and Recommendations; 4) review new Uniform System Enhancement Request (USER) forms and review the status of existing USER forms; and 5) continue discussions on the use of artificial intelligence (AI) in market regulation.

The **PRODUCER LICENSING (D) TASK FORCE** will: 1) consider adoption of its Aug. 3 minutes; 2) discuss state issuance of temporary licenses and implementation of remote, proctored examinations; 3) discuss licensing uniformity and reciprocity for independent adjusters; 4) discuss the status of licensing reciprocity for producers; 5) discuss producer licensing standards for pet insurance; 6) hear reports from the **Producer Licensing Uniformity (D) Working Group** and **Uniform Education (D) Working Group**; 7) discuss draft procedures for amending the NAIC Uniform Applications; and 8) hear a report from the NIPR Board of Directors.

The FINANCIAL CONDITION (E) COMMITTEE will consider adoption of its task force and working group reports. The Group Capital Calculation (E) Working Group will meet Nov. 4 to consider adoption of changes to Model #440 and the *Insurance Holding Company System Model Regulation with Reporting Forms and Instructions* (#450) that will enable the calculation once adopted in state law. The Group Solvency Issues (E) Working Group will discuss issues related to U.S. implementation of the Common Framework for the Supervision of Internationally Active Insurance Groups (ComFrame). The Restructuring Mechanisms (E) Working Group will discuss preliminary drafting for a white paper.

The ACCOUNTING PRACTICES AND PROCEDURES (E) TASK FORCE will meet Nov. 19 to consider adoption of its working group reports. The Statutory Accounting Principles (E) Working Group will meet Nov. 12 to: 1) hear comments on exposed items; and 2) consider new agenda items affecting statutory accounting principles. Potential discussion topics include participating mortgage loans, cash equivalent disclosures, perpetual bonds, affiliates/related party transactions; commission funding agreement reporting, and the accounting and reporting of credit tenant loans (CTLs). The Working Group will also discuss the various accounting interpretations related to COVID-19, which are currently set to expire prior to year-end. Additionally, the Working Group

may discuss generally accepted accounting principles (GAAP) issuances. The Blanks (E) Working Group report from Aug. 27 will also be considered for adoption.

The CAPITAL ADEQUACY (E) TASK FORCE will meet Nov. 19 to: 1) consider adoption of its working group and subgroup reports; and 2) adopt its current working agenda. The Health Risk-Based Capital (E) Working Group met Oct. 29 to: 1) consider adoption of its minutes; 2) refer Health Care Receivable Guidance to the Blanks (E) Working Group; 3) adopt proposal 2020-07-H to split bonds and miscellaneous assets onto separate pages; 4) receive an update from the Academy on Investment Income in the Underwriting Risk component; and 5) heard an update on the Excessive Growth Charge Ad Hoc Group and Health Test Ad Hoc Group. The Life Risk-Based Capital (E) Working Group will: 1) consider adoption of its minutes; 2) consider adoption of the report of the Variable Annuities Capital and Reserve (E/A) Subgroup; 3) consider adoption of the report of the Longevity Risk (A/E) Subgroup; and 4) discuss items to be addressed for the remainder of 2020 and in 2021. The Property and Casualty Risk-Based Capital (E) Working Group met Oct. 27 to: 1) adopt its Summer National Meeting minutes; 2) adopt the Catastrophe Risk (E) Subgroup's Oct. 19 and Summer National Meeting minutes; 3) expose proposal 2020-11-CR (Remove Op Risk Factor from Rcat) for a 35-day public comment period ending Dec. 1; 4) discuss Ref# 2019-49: Retroactive Reinsurance Exception from the Statutory Accounting Principles (E) Working Group; 5) discuss the referral from the Restructuring Mechanisms (E) Subgroup; 6) discuss its 2020 Working Agenda; and 7) discuss Line 1 underwriting risk reserves and premiums methodology. The Catastrophe Risk (E) Subgroup met Oct. 19 to: 1) adopt its Summer National Meeting minutes; 2) expose proposal 2020-08-CR (Clarification to PR027 Interrogatories) for a 30-day public comment period ending Nov. 18; 3) discuss the possibility of adding wildfire peril to the Rcat component; 4) discuss the internal catastrophe model evaluation process; and 5) discuss the additional internal and commercial model evaluation process.

The EXAMINATION OVERSIGHT (E) TASK FORCE will meet Nov. 17 to: 1) consider adoption of its minutes; and 2) consider adoption of reports of the Electronic Workpaper (E) Working Group, Financial Analysis Solvency Tools (E) Working Group, Financial Examiners Coordination (E) Working Group, Financial Examiners Handbook (E) Technical Group, and Information Technology (IT) Examination (E) Working Group. At the close of the meeting, the Task Force will reconvene in a regulator-to-regulator session, pursuant to paragraph 3 (specific companies, entities or individuals) of the NAIC Policy Statement on Open Meetings, to receive reports on examinations open past 22 months of the as-of date.

The **RECEIVERSHIP AND INSOLVENCY (E) TASK FORCE** will meet Nov. 19 to: 1) consider adoption of its minutes; 2) hear international updates; 3) consider adoption of its working group reports; 4) consider adoption of revisions to the *Receiver's Handbook for Insurance Company Insolvencies* related to qualified financial contracts and large deductible policies; 5) consider adoption of a report on the MPI to the Financial Stability (EX) Task Force; 6) consider adoption of a draft Guideline for Administration of Large Deductible Policies in Receivership; 7) consider exposure of a draft Guideline for the Definition of Reciprocal State; and 8) hear a report of the ad hoc group on Part A: Accreditation Standards for receivership and guaranty fund laws.

The REINSURANCE (E) TASK FORCE will: 1) consider adoption of its minutes; 2) consider adoption of reports from the Qualified Jurisdiction (E) Working Group and Reinsurance

Financial Analysis (E) Working Group; and 3) discuss the progress of any other ongoing projects.

The VALUATION OF SECURITIES (E) TASK FORCE will meet Nov. 18 to: 1) consider adoption of its minutes; 2) consider adoption of an amendment to the *Purposes and Procedures Manual of the NAIC Investment Analysis Office* (P&P Manual) to update guidance on initial and subsequent annual filings and methodologies and documentation; 3) consider exposure of P&P Manual amendments to: a) update guidance for working capital finance investments (WCFIs) to reflect adopted changes by the Statutory Accounting Principles (E) Working Group to *Statement of Statutory Accounting Principles (SSAP) No. 105R—Working Capital Finance Investments*; and b) require the filing of private rating analysis; and 4) discuss and consider other ongoing projects.

The FINANCIAL REGULATION STANDARDS AND ACCREDITATION (F) COMMITTEE will consider adoption of its 2021 proposed charges. The Committee will also consider adoption of two referrals: one from the Risk-Focused Surveillance (E) Working Group regarding revisions to Part C: Organizational and Personnel Practices to include references to updated salary ranges in the *Financial Condition Examiners Handbook* and *Financial Analysis Handbook*; and one from the Risk Retention Group (E) Task Force regarding risk retention group (RRG)-specific updates to analysis guidelines.

The INTERNATIONAL INSURANCE RELATIONS (G) COMMITTEE will: 1) discuss progress on initiatives of the IAIS—including the implementation and assessment of the updated Insurance Core Principles (ICPs), the ComFrame, and the holistic framework for systemic risk assessment—ongoing work on the global insurance capital standard (ICS), aggregation method (AM) and comparability—including the public consultation on the definition and high level principles related to the comparability assessment—and plans for addressing emerging risks and trends; 2) hear an update on work in progress at other international organizations; and 3) receive updates on ongoing activities to enhance cooperation with international insurance regulators.

The NAIC/CONSUMER LIAISON COMMITTEE will discuss: 1) the insurability of natural disasters; 2) developments in health care reform; 3) consumer protection from unethical health insurance marketing and sales practices; 4) leveraging health plan capital for affordable housing and community development; and 5) insurers use of criminal history information.

The NAIC/AMERICAN INDIAN AND ALASKA NATIVE LIAISON COMMITTEE will discuss the work of the Special (EX) Committee on Race and Insurance.

The INSURANCE COMPACT MANAGEMENT and the COMMISSION will convene for its annual meeting in a joint, interactive format to: 1) receive and discuss the independent Business Assessment; and 2) receive and discuss the independent Governance Review; 3) adopt the 2021 Annual Budget and Schedule of Fees; 4) approve and adopt three Uniform Standards; 5) adopt the reformation of the Management Committee and Other Committee Assignments, including appointments to the Consumer and Industry Advisory Committees; and 6) elect Officers.