

# Guide to Public Participation in the Rule-Making Process

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This guide is intended to assist members of the public, who participate, or may wish to participate, in the rule-making process of the Ohio Department of Insurance (Department.)

## How the Department is Organized to Achieve its Regulatory Mission

The mission of the Ohio Department of Insurance is consumer protection through financial solvency regulation, market conduct regulation, and consumer education. The Department is committed to providing the highest level of service to the citizens of Ohio.

The Department is comprised of nine offices and is committed to employ the most skilled staff, utilize the most efficient technologies, and develop the most effective means to regulate the insurance industry in Ohio, in such a way as to encourage a vital and competitive insurance market.

## The Importance of Rule-Making

The Department develops rules—based on insurance laws—primarily to regulate the conduct of insurance companies, agents, and agencies. Some rule making is the simple application of requirements mandated by state or federal law.

Many Department rules are also based on models developed by the National Association of Insurance Commissioners (NAIC). The NAIC provides valuable technical assistance in drafting comprehensive and understandable rules, which seek to promote consistency in insurance regulation throughout the United States.

Rule-making can be a lengthy process, depending on the complexity of the issues. The Department wants to fulfill its mission with helpful input from the citizens of Ohio, placing a high priority on public interest and encouraging citizens to become involved in its rule-making process.

## How Public Participation Works in Rule-Making

The Department generally uses the following factors to evaluate what the timetable may be for the rule-making process for a proposed rule:

- The number of impacted parties
- The level of public interest
- Statutory requirements for the review of the rule (5-year rule review)

The Department must accurately judge the level of public interest and ask for appropriate input from consumers to make the rule development process successful and effective. All rules require some level of public review and comment. The Department's main steps in its rule-making process are to:

- Circulate information for interested party review
- Review and consider interested party comments
- Submit rule for Common Sense Initiative (CSI) review
- Provide public notice of rule proposal and hold public hearing
- Give fair consideration to comments received at public hearing
- Submit rule proposal to the Joint Committee on Agency Rule Review (JCARR)
- Finalize rule
- Receive approval by JCARR

Public participation opportunities may include some or all of the following: (*\*required for all rule packages*)

- Discussion with Department advisory groups
- Discussion with trade and consumer groups
- Discussion with the NAIC
- Interested party review and comments\*
- CSI review
- Public notice of rule proposal and public hearing\*

Interested party review/comment and the public notice/hearing procedures are formal processes required by law. Members of the public and the insurance industry may comment for the record through these formal processes or at [ecomment@insurance.ohio.gov](mailto:ecomment@insurance.ohio.gov). Comments can be in the form of written or oral testimony given during a public hearing. Either way, they will become part of the administrative record.

Less formal (but no less important) are comments and input received during the Department's information sessions and meetings with interested parties. If you want your name placed on a list of interested parties, please register at [www.business.ohio.gov/reform](http://www.business.ohio.gov/reform).

## How Can I Find Out When A Public Hearing Has Been Scheduled?

Notice of a public hearing on a proposed rule by the Department must appear on the Register of Ohio web site at [www.registerofohio.state.oh.us](http://www.registerofohio.state.oh.us). To find the notice, click on "Upcoming Hearings on Proposed Rules."

## More About Public Information Sessions and Public Hearings

The Department encourages involvement by the public in all areas of insurance regulation.

The public information sessions and public hearings described here allow citizens to become participants in the Department's rule-making process.

A public hearing is your opportunity to comment for the administrative record. The record is included in the information the Department uses when deciding whether to change or adopt a rule.

At the hearing, a court reporter records oral comments. Citizens who do not wish to offer oral testimony are encouraged to submit their comments in writing at [ecomment@insurance.ohio.gov](mailto:ecomment@insurance.ohio.gov). Written and oral comments received during the public comment period receive equal consideration.

The Department attempts to respond to every citizen's concern within its authority and seeks to refer other concerns to government agencies which may have jurisdiction over such concerns.

However, the Department does not have unlimited authority to address every public concern relating to a rule. Some issues may be under the jurisdiction of federal, local, or other state agencies.

## **Improving the Rule-Making Process**

The Common Sense Initiative (CSI) was created in 2011. CSI is designed to improve the rule-making process while at the same time help state agencies review and assess rules already in place. In order to improve the rule-making process, CSI provides the public with more opportunities to provide feedback.

To learn more about the CSI, please visit:

[www.governor.ohio.gov/wps/portal/gov/governor/priorities/common-sense-initiative](http://www.governor.ohio.gov/wps/portal/gov/governor/priorities/common-sense-initiative)