

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
3901-1-07, 3901-1-13, 3901-1-24, 3901-1-48, :
3901-1-54, 3901-3-19, AND 3901-7-04 :

IN THE MATTER OF PUBLIC HEARING :
FOR THE RESCISSION OF OHIO :
ADMINISTRATIVE CODE SECTION 3901-3-13 : NOTICE OF PUBLIC HEARING
AND THE PROMULGATION OF OHIO :
ADMINISTRATIVE CODE SECTION 3901-3-13 :

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, January 6, 2022, to consider the amendment of Ohio Administrative Code sections 3901-1-07 Unfair trade practices, 3901-1-13 Mortgage guaranty insurance, 3901-1-24 Public insurance adjusters, 3901-1-48 "Ohio mine subsidence insurance underwriting association" and "mine subsidence insurance fund" plan of operation, 3901-1-54 Unfair property/casualty claims settlement practices, 3901-3-19 Corporate governance annual disclosure, and 3901-7-04 Permitting the recognition of preferred mortality tables for use in determining minimum reserve liabilities. In addition, to consider the rescission and promulgation of Ohio Administrative Code section 3901-3-13 Health insurance reserves. 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 3901-1-07 is to define certain additional unfair trade practices and to set forth required procedures in connection therewith. Sections 3901.20 and 3901.21 of the Revised Code respectively prohibit unfair or deceptive practices in the business of insurance and define certain acts or practices as unfair or deceptive. Section 3901.21 of the Revised Code also provides that the enumeration of specific unfair or deceptive acts or practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the superintendent of insurance to adopt rules to implement that section.

Rule 3901-1-07 is being reviewed as part of the agency five-year rule review. Recommended amendments include amendments to formatting and correct spelling errors.

The purpose of rule 3901-1-13 is to implement division (A)(24) of section 3929.01 of the Revised Code, as it pertains to the writing and servicing of mortgage guaranty insurance as defined in (C)(1) of the rule.

Rule 3901-1-13 is being reviewed as part of the agency five-year rule review. The recommended amendments are technical - updates references to federal programs and offices.

The purpose of rule 3901-1-24 is to regulate the conduct of public insurance adjusters; the rule also provides authority for the removal of licensure due to violation.

Rule 3901-1-24 is being reviewed as part of the agency five-year rule review. Recommended amendments remove gender specific language.

The purpose of rule 3901-1-48 is to implement requirements established in ORC to establish the "Ohio Mine Subsidence Underwriting Association," provide for the transfer of risk from member insurers to the association, and create the "Mine Subsidence Insurance Fund."

Rule 3901-1-48 is being reviewed as part of the agency five-year rule review. Recommended amendments remove the superintendent from the board of governors, this reflects changes to the Ohio Revised Code in 2017, and grammatical amendments.

The purpose of rule 3901-1-54 is to set forth uniform minimum standards for the investigation and disposition of property and casualty claims arising under insurance contracts or certificates issued to residents of Ohio. It is not intended to cover claims involving workers' compensation, or fidelity, suretyship, and boiler and machinery insurance. The provisions of this rule are intended to define procedures and practices which constitute unfair claims practices.

Rule 3901-1-54 is being reviewed as part of the agency five-year rule review. The recommended amendment will correct a citation in (C)(9) of the rule.

The purpose of rule 3901-3-13 is to establish the minimum reserve standards for all individual and group health insurance coverages, including single premium credit disability insurance, as required by division (Q) of section 3903.723 of the Revised Code.

Rule 3901-3-13 is being reviewed as part of the agency five-year rule review. Recommended amendments to this rule will incorporate the latest version of the NAIC model. Updates to the model do not implement new requirements, but rather provide the updated standards for recent plan years, and those moving forward. Due to the amount of proposed amendments, the rule will be filed as rescind and ultimately filed as a new rule.

The purpose of rule 3901-3-19 is to establish the procedures for filing, and the required content of, the corporate governance annual disclosure, deemed necessary by the superintendent pursuant to sections 3901.072 to 3901.078 of the Revised Code.

Rule 3901-3-19 is being reviewed as part of the agency five-year rule review. The proposed amendment will correct a citation in paragraph (B).

The purpose of rule 3901-7-04 is to establish ownership and licensing standards for title insurance agents and agencies in accordance with division (B) of section 3953.21 of the Revised Code, which prohibits certain persons from acting as agents for a title insurance company.

Rule 3901-7-04 is being reviewed as part of the agency five-year rule review. The proposed amendment will correct a citation in the definition of “person.”

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 rules can be viewed online at www.insurance.ohio.gov.

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