

STATE OF NEW JERSEY  
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF THE PUBLIC HEARING )  
HELD PURSUANT TO P.L. 1995, C. 73 )  
ON MODIFICATIONS TO THE TYPES OF ) HEARING OFFICER'S  
LIFE, HEALTH AND ANNUITY FORMS ) REPORT  
ELIGIBLE FOR FILING PURSUANT TO )  
A CERTIFICATION PROCESS )

Background

This hearing was held on October 29, 2002 at the Department of Banking and Insurance ("Department") pursuant to the Life and Health Insurance and Health Maintenance Organization Form Approval Reform Act, P.L. 1995, c. 73 (the "Act") enacted on April 10, 1995. The Act requires that all life, health and annuity forms either be approved by the Commissioner of the Department ("Commissioner") prior to use or that the forms be certified to be of a type eligible to be filed and used without prior approval ("file and use"). The Act further provides that the Department determine by regulation the types of life, health and annuity forms that may be filed without the Commissioner's prior approval pursuant to a certification process, and that the Department hold a public hearing annually regarding the types of forms eligible for file and use. N.J.A.C. 11:4-40.9 is the Department's regulation that sets forth the types of life, health and annuity forms eligible for this file and use procedure.

The purpose of the hearing held on October 29, 2002 was to comply with N.J.A.C. 11:4-40.9 by hearing testimony as to whether the current file and use eligibility list should be modified in any way. The hearing was conducted following notice of the hearing being published in the New Jersey Register on October 7, 2002 (see 34 N.J.R. 3544(b)) and on the Department's website. Two individuals testified at the hearing. They were Lynda Klebold, Chief of the Department's Life Bureau, and Michael Malloy, Chief of the Department's Health Bureau. Both Ms. Klebold and Mr. Malloy stated that they did not intend to propose any modifications to the current file and use list.

There was no other oral testimony at the hearing, nor did the Department receive any written comments.

#### Conclusion

Based upon my review of the testimony, I recommend that no modifications be made at this time to the current file and use eligibility list appearing at N.J.A.C. 11:4-40.9.

11/19/02  
Date

/s/ Bonnie E. Bajor  
Bonnie E. Bajor  
Hearing Officer

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