



State of New Jersey

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BULLETIN NO. 10-23

TO: ALL LIFE AND HEALTH INSURANCE COMPANIES, FRATERNAL BENEFIT SOCIETIES, HEALTH MAINTENANCE ORGANIZATIONS, HEALTH SERVICE CORPORATIONS, MEDICAL SERVICE CORPORATIONS, HOSPITAL SERVICE CORPORATIONS, DENTAL SERVICE CORPORATIONS, DENTAL PLAN ORGANIZATIONS AND VIATICAL SETTLEMENT PROVIDERS AUTHORIZED TO CONDUCT INSURANCE BUSINESS IN NEW JERSEY

FROM: THOMAS B. CONSIDINE, COMMISSIONER

RE: IMPLEMENTATION OF PUBLIC ACCESS FOR USE WITH THE NAIC SYSTEM FOR ELECTRONIC RATE AND FORM FILINGS (SERFF) – LIFE AND HEALTH BUREAUS

Consistent with the Department's commitment to provide greater transparency in government, the purpose of this Bulletin is to inform all of the entities identified above that the Department of Banking and Insurance (Department) is enhancing the functionality of public access within the NAIC System for Electronic Rate and Form Filings (SERFF). This Bulletin applies to all life insurance, health insurance, annuity, credit insurance, synthetic guaranteed investment contracts (GICs), health maintenance organization, service corporation, legal insurance and viatical settlement filings.

Effective immediately, all rate, rate and form, and form filings already on file with SERFF or to be submitted in the future via SERFF, including those submitted pursuant to N.J.S.A. 17B:25-18.4 (40 States Certification Filing), N.J.S.A. 17B:30B-1 et seq. (Viatical Settlements), and N.J.A.C. 11:4-40.9 and .10 (File and Use Certification Filing), will be available for public access. The Public Access settings are as follows:

Life Filings –Mass Update from 2003 to Present

The following filings will be made Public:

- All Closed Filings with a Disposition Status of “Acknowledged”, “Approved”, “Acknowledged 40 States”, or “Withdrawn”
- All Open Filings with an Objection Letter that is more than 60 days old and no matching Response Letter
- If Response Letters are submitted on filings that are more than 60 days old, analysts will verify whether Public Access is appropriate.

For all of the above filings on the **New JerseyL** instance, the following pieces will be made **Public**:

- Everything on the Form Schedule, except previous versions of the forms
- Everything on the Rate Schedule, including all revisions
- Objection Letters
- Response Letters
- Amendment Letters
- All General Filing Information including State Specific Fields
- All Dispositions
- All Supporting documents generated by State Requirements, including all revisions, EXCEPT those generated by a requirement called “Draft Prospectus.”

For all of the above filings on the **New JerseyL** instance, the following pieces will **NOT** be made Public:

- Any “Draft Prospectus” requirement shown under the Supporting Documentation tab
- Any Notes (Reviewer Notes, Note to Filer, or Note to Reviewer).

Please note that the cover letter will be Public.

Health Filings - Mass Update from 2003 to Present

The following filings will be made Public:

- All Closed Filings with a Disposition Status of “Acknowledged”, “Approved”, or “Withdrawn” EXCEPT those with a filing type of “Rate” or “Form/Rate”.
- All Open Filings with an Objection Letter that is more than 60 days old and no matching Response Letter EXCEPT those with a filing type of “Rate” or “Form/Rate”

- If Response Letters are submitted on filings that are more than 60 days old, analysts will verify whether Public Access is appropriate.

For all of the above filings on the **New JerseyH** instance, the following pieces will be made **Public**:

- Everything on the Form Schedule, except previous versions of the forms
- All General Filing Information including State Specific Fields
- All Dispositions
- All Supporting documents generated by State Requirements, including all revisions, EXCEPT those generated by a requirement called "Actuarial Memorandum."

For all of the above filings on the **New JerseyH** instance, the following pieces will **NOT** be made Public:

- Any Rate only filing as indicated by filing type –"Rate" will not be made public in its entirety.
- All information in the Actuarial Memorandum requirement shown under the Supporting Documentation tab
- Rate Schedule
- Objection Letter
- Response Letter
- Amendment Letter
- Any Notes (Reviewer Notes, or Note to Filer, or Note to Reviewer).

Please note that the cover letter will be Public.

Life Filings –New Submissions

Life Analysts will manually mark Public Access at the time of Disposition or at anytime. The default option is that the filings are **NOT** public.

The following filings will be made Public:

- All Closed Filings with a Disposition Status of "Acknowledged", "Approved", "Acknowledged 40 States", or "Withdrawn".

For all of the above filings on the **New JerseyL** instance, the following pieces will be made **Public**:

- Everything on the Form Schedule, except previous versions of the forms.
- Everything on the Rate Schedule, including all revisions

- All General Filing Information including State Specific Fields
- All Dispositions
- All Supporting documents generated by State Requirements, including all revisions, EXCEPT those generated by a requirement called "Draft Prospectus." A Draft Prospectus requirement has been added to Variable Annuity and Variable Life product Submission Requirements.

For all of the above filings on the **New JerseyL** instance, the following pieces will **NOT** be made **Public**:

- Any "Draft Prospectus" requirement shown under the Supporting Documentation tab.
- Any Notes (Reviewer Notes, or Note to Filer, or Note to Reviewer).
- Objection Letter
- Response Letter
- Amendment Letter.

Please note that the cover letter will be Public.

Health Filings – New Submissions

Health Analysts will manually mark Public Access at the time of Disposition or at anytime. If the filing, as a whole, should not be marked for Public Access, no action will be necessary because it will default to NOT public.

The following filings will be made Public:

- All Closed Filings with a Disposition Status of "Acknowledged", "Approved", or "Withdrawn" EXCEPT those with a filing type of "Rate" or "Form/Rate."

For all of the above filings on the **New JerseyH** instance, the following pieces will be made **Public**:

- Everything on the Form Schedule, except previous versions of the forms
- All General Filing Information including State Specific Fields
- All Dispositions
- All Supporting documents generated by State Requirements, including all revisions, EXCEPT those generated by a requirement called "Actuarial Memorandum."

For all of the above filings on the **New JerseyH** instance, the following pieces will **NOT** be made Public:

- Any Rate only filing as indicated by Filing Type –“Rate” will not be made public in its entirety.
- All information in the Actuarial Memorandum requirement shown under the Supporting Documentation tab
- Objection Letter
- Response Letter
- Amendment Letter
- Any Notes (Reviewer Notes, or Note to Filer, or Note to Reviewer).

Please note that the cover letter will be Public.

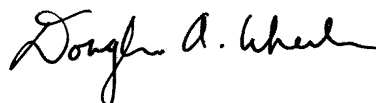
Companies should be cautioned that the cover letter will be available for public access; accordingly, it should not contain confidential items such as rates and supplemental actuarial information.

Further, information not made available pursuant to this Bulletin may still be subject to public access pursuant to New Jersey’s Open Public Records Act (OPRA) (N.J.S.A. 47:1A-1 et seq.).

Public access is only allowed on-line on a secured designated computer in the Department’s library located on the first floor of 20 West State Street, Trenton, NJ, 08625. Interested parties should contact the librarian at (609)–777-0558 x 50274 to make an appointment. Printing will be available at a nominal fee, and files may be downloaded to a CD provided by the Department at a cost of \$1.00 per CD. All fees must be paid by check.

Questions regarding this Bulletin may be directed to Reginald Young, Chief, Life Bureau, at 609-292-5427 x50342 or by e-mail at reginald.young@dobi.state.nj.us.

September 1, 2010
Date



Douglas A. Wheeler, Director
Division of Insurance

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