

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 November 16, 1999 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 November 16, 1999 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 November 1, 1999 (see 31 N.J.R. 3195(a)) 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.

Ms. Klebold stated that the Life Bureau does not intend to propose any modifications to the current file and use list.

Mr. Malloy stated that the Health Bureau, which is responsible for the review and approval of all health and group life forms, proposes that the Department remove the group life forms set forth at N.J.A.C. 11:4-40.9(e) from the file and use process. Mr. Malloy stated that there has not been sufficient interest by insurers to submit nonvariable group life insurance forms pursuant to the file and use process, and therefore recommends their removal from the 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 the non-variable group life insurance forms appearing at N.J.A.C. 11:4-40.9(e) be removed from the file and use eligibility list.

11/15/02
Date

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