

SB0008/277270/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 8
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3, 6, 8, 9, and 10, in each instance, strike “insurers” and substitute “carriers”; in line 3, after “framework” insert “for certain purposes”; in line 4, strike “insurers” and substitute “carriers or certain insurance groups”; in line 5, strike “insurer’s” and substitute “carrier’s or insurance group’s”; in line 6, strike “provide” and substitute “submit to”; in the same line, strike “with”; in line 7, after “report” insert “or reports”; in the same line, after “request” insert “or if the Commissioner is the lead state commissioner of a certain insurance group; requiring a carrier to determine a certain date of a certain filing and notify the Commissioner of the anticipated date; requiring a certain executive to sign a certain report and attest to certain facts; requiring certain reports to be accompanied by a certain translation”; in lines 15, 16, and 17, in each instance, strike “an insurer” and substitute “a carrier”; in line 15, strike the first “a”; in line 16, strike “for” and substitute “of”; in lines 17 and 22, in each instance, strike “insurer” and substitute “carrier”; in line 19, after “of” insert “certain provisions of”; in the same line, after “period” insert “of time”; in line 21, after “documentation” insert “and supporting information”; strike beginning with “in” in line 22 down through “requirements” in line 23 and substitute “and made available on examination or request of the Commissioner; requiring the Commissioner to review the report and request additional information using certain procedures; requiring the report to include a certain summary”; in line 24, strike “documents and”; in line 25, strike “are” and substitute “is”; in the same line, after “privileged” insert “and may not be subject to certain provisions of law, subpoena, or discovery or admission in evidence in a certain action; prohibiting the Commissioner, except under certain circumstances, from making certain information public without the prior written consent of a certain carrier”; in line 26, after “entities” insert “and persons”; in the same line, after “circumstances,” insert “authorizing the Commissioner to receive certain information under certain circumstances; requiring the Commissioner to enter into a written agreement with certain persons governing the sharing and use of certain information;”; in line 27, strike

(Over)

“a written” and substitute “the”; strike beginning with “governing” in line 27 down through “entities” in line 28 and substitute “; providing that the sharing of certain information and documents by the Commissioner may not constitute a delegation of regulatory authority or rulemaking; providing that the Commissioner is solely responsible for the administration, execution, and enforcement of certain provisions of this Act; providing that a waiver of a certain privilege or claim of confidentiality in certain information may not occur as a result of the disclosure or sharing of the information under certain circumstances”; in line 28, strike “authorizing” and substitute “establishing”; in line 29, strike “violation of this Act” and substitute “failure to timely file a certain report; authorizing the Commissioner to reduce a certain penalty under certain circumstances; providing that a certain provision of this Act does not limit the authority of the Commissioner to take certain actions”; in the same line, strike “to carry” and substitute “consistent with”.

On page 2, in line 1, strike “out” and substitute “certain provisions of”; in the same line, after “of” insert “certain provisions of”; and in line 2, strike “insurer” and substitute “carrier”.

AMENDMENT NO. 2

On page 2, after line 16, insert:

“(B) “CARRIER” MEANS:

(1) AN INSURER;

(2) A NONPROFIT HEALTH SERVICE PLAN;

(3) A HEALTH MAINTENANCE ORGANIZATION; OR

(4) A DENTAL PLAN ORGANIZATION.”;

in line 17, strike “(B)” and substitute “(C)”; in line 18, strike “INSURERS” and substitute “CARRIERS”; strike in their entirety lines 20 through 24, inclusive; in line 29, strike “AN INSURER” and substitute “A CARRIER”; in the same line, strike “INSURER” and substitute “CARRIER”; and in line 31, strike “INSURER’S” and substitute “CARRIER’S”.

On page 3, in lines 6, 8, and 13, in each instance, strike “AN INSURER” and substitute “A CARRIER”; in line 19, strike “INSURERS” and substitute “CARRIERS”; in lines 22, 26, and 27, in each instance, strike “INSURER” and substitute “CARRIER”; and in line 25, strike “AN INSURER” and substitute “A CARRIER”.

On page 4, in lines 1 and 12, in each instance, strike “AN INSURER” and substitute “A CARRIER”; in lines 8, 15, 17, 21, and 30, in each instance, strike “INSURER” and substitute “CARRIER”; and in lines 23, 26, and 27, in each instance, strike “INSURER’S” and substitute “CARRIER’S”.

On page 5, in line 1, strike “INSURER’S” and substitute “CARRIER’S”; in lines 3 and 14, in each instance, strike “AN INSURER” and substitute “A CARRIER”; in lines 5, 15, 19, 25, 28, and 32, in each instance, strike “INSURER” and substitute “CARRIER”; in lines 24 and 33, in each instance, strike “AN INSURER” and substitute “A CARRIER”; in line 29, strike “IN” and substitute “REQUIREMENT UNDER”; and in line 31, strike “INSURERS” and substitute “CARRIERS”.

On page 6, in lines 3, 8, 18, and 28, in each instance, strike “INSURER” and substitute “CARRIER”; in line 4, strike “AN INSURER” and substitute “A CARRIER”; in line 9, strike “INSURERS” and substitute “CARRIERS”; in lines 12 and 13, in each instance, strike “INSURER’S” and substitute “CARRIER’S”; in line 13, after “FOR” insert “A”; and in line 21, strike “AN INSURER” and substitute “A CARRIER”.

On page 7, in lines 1 and 6, in each instance, strike “AN INSURER” and substitute “A CARRIER”; in lines 4, 10, and 11, in each instance, strike “INSURER” and substitute

(Over)

“CARRIER”; in lines 8, 28, and 32, in each instance, strike “INSURER’S” and substitute “CARRIER’S”; and in lines 10 and 23, in each instance, strike “INSURERS” and substitute “CARRIERS”.

On page 8, in line 15, strike “INSURER” and substitute “CARRIER”; in the same line, strike “THEY PERTAIN” and substitute “IT PERTAINS”; and in line 16, strike “NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE” and substitute “THE”.

On page 10, in line 2, strike “INSURERS” and substitute “CARRIERS”; in lines 14 and 19, in each instance, strike “AN INSURER” and substitute “A CARRIER”; and in lines 21 and 24, in each instance, strike “INSURER” and substitute “CARRIER”.

On page 11, in lines 16 and 18, in each instance, strike “INSURER” and substitute “CARRIER”.

AMENDMENT NO. 3

On page 6, in line 10, strike “MAY COORDINATE WITH” and substitute “SHALL CONTACT”; and in line 11, strike “WITH”.

AMENDMENT NO. 4

On page 8, in line 2, strike “DOCUMENTS, MATERIAL, OR OTHER” and substitute “ORSA-RELATED”; in lines 4, 6, 7, 9, and 10, in each instance, strike “ARE” and substitute “IS”; strike beginning with “THE DOCUMENTS” in line 13 down through “OTHER” in line 14 and substitute “ORSA-RELATED”; in lines 17 and 23, in each instance, strike “THE DOCUMENTS, MATERIAL, OR OTHER” and substitute “ORSA-RELATED”; strike beginning with “DOCUMENTS” in line 20 down through “OTHER” in line 21; in line 23, strike “ARE” and substitute “IS”; in line 25, strike “DOCUMENT, MATERIAL, OR” and substitute “ORSA-RELATED”; in line 29, strike “DOCUMENTS,

MATERIAL, OR OTHER”; in line 31, strike “DOCUMENTS, MATERIAL, OR” and substitute “ORSA-RELATED”; and in the same line, strike “ARE” and substitute “IS”.

On page 9, in lines 6, 9, 11, and 20, in each instance, strike “DOCUMENTS, MATERIAL, OR” and substitute “ORSA-RELATED”; strike beginning with “DOCUMENTS” in line 13 down through “OTHER” in line 14; strike beginning with “DOCUMENT” in line 23 down through “OR” in line 24 and substitute “ORSA-RELATED”; and in line 30, after “OF” insert “ORSA-RELATED”.

On page 10, in line 5, strike “DOCUMENTS, MATERIAL, OR OTHER”; in line 9, after the second “THE” insert “ORSA-RELATED”; in line 12, after “THE” insert “ORSA-RELATED”; in lines 15 and 21, in each instance, after “CONFIDENTIAL” insert “ORSA-RELATED”; in line 25, after “OF” insert “ORSA-RELATED”; in line 32, strike “OR DOCUMENTS”; and in line 33, after “SHARING” insert “THE ORSA-RELATED INFORMATION”.

On page 11, in line 1, strike “DOCUMENTS, MATERIAL, OR OTHER” and substitute “ORSA-RELATED”; in line 3, strike “ARE” and substitute “IS”; in lines 4, 6, and 7, in each instance, strike “MAY” and substitute “IS”; in the same lines, in each instance, strike “BE”; and in line 8, strike “PRIVATE”.

AMENDMENT NO. 5

On page 9, in line 25, after “(F)” insert “(1)”; in line 27, strike the second comma and substitute “.

(2) THE AGREEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION”;

in line 28, strike “THAT”; and in line 29, strike “(1)” and substitute “(1)”.

On page 10, in lines 3, 7, 11, 14, 18, and 23, strike “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively; and in line 24, after “PROVIDE” insert “:

1. THAT THE THIRD-PARTY CONSULTANT SHALL BE UNDER THE DIRECTION AND CONTROL OF THE COMMISSIONER AND ACT IN A PURELY ADVISORY CAPACITY;

2. THAT THE THIRD-PARTY CONSULTANT IS SUBJECT TO THE SAME CONFIDENTIALITY STANDARDS AND REQUIREMENTS AS THE COMMISSIONER;

3. THAT THE THIRD-PARTY CONSULTANT SHALL VERIFY TO THE COMMISSIONER, WITH NOTICE TO THE CARRIER, THAT THE THIRD-PARTY CONSULTANT:

A. IS FREE OF ANY CONFLICT OF INTEREST;

B. HAS INTERNAL PROCEDURES IN PLACE TO ENSURE THAT IT REMAINS FREE OF ANY CONFLICT OF INTEREST; AND

C. WILL COMPLY WITH THE CONFIDENTIALITY STANDARDS AND REQUIREMENTS OF THIS ARTICLE;

4. THAT, BEFORE USING A CARRIER’S ORSA-RELATED INFORMATION IN A MANNER INCONSISTENT WITH THE AGREEMENT WITH THE COMMISSIONER OR SHARING THE CARRIER’S ORSA-RELATED INFORMATION WITH A PERSON OTHER THAN THE COMMISSIONER, THE THIRD-PARTY CONSULTANT SHALL OBTAIN WRITTEN CONSENT OF THE CARRIER; AND

5.

AMENDMENT NO. 6

On page 11, in line 10, strike “(1) AN INSURER” and substitute “SUBJECT TO § 2-210 OF THIS ARTICLE, A CARRIER”; strike in their entirety lines 14 and 15; in line 16, after “PENALTY” insert “UNDER SUBSECTION (A) OF THIS SECTION”; and strike beginning with “TO” in line 23 down through “TITLE” in line 27.