

Legislative Regulation Review Committee

2009-045

Insurance Department

STATEMENT OF ACTUARIAL OPINION

STATE OF CONNECTICUT
REGULATION
OF

IMPORTANT: Read Instructions on bottom of Certification Page before completing this Form. Failure to comply with instructions may cause disapproval of proposed Regulations.

NAME OF AGENCY

INSURANCE DEPARTMENT

Concerning

SUBJECT MATTER OF REGULATION

Statement of Actuarial Opinion

SECTION 1

Sections 38a-53-1 to 38a-53-3, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 38a-53-1. Definitions

As used in Sections 38a-53-1 to 38a-53-4, inclusive:

(a) "Qualified Actuary" [and "Qualified Loss Reserve Specialist"] means a person who is either:

(1) A member in good standing of the Casualty Actuarial Society;

(2) A member in good standing of the American Academy of Actuaries who has been approved as qualified for signing casualty loss reserve opinions by the Casualty Practice Council of the American Academy of Actuaries;

(3) A person who otherwise has competency in loss reserve evaluation as demonstrated to the satisfaction of the insurance regulatory official of the domiciliary state. In such case, at least ninety days prior to the filing of its annual statement, the insurer shall request approval that the person be deemed qualified and that request shall be approved or denied by the Commissioner. The following must be submitted with the request:

(A) The National Association of Insurance Commissioners biographical form or similar form;

(B) A list of all loss reserve opinions and/or certifications issued in the immediate past three years. Copies of qualified opinions shall be attached;

(C) If the individual has not certified the reserves in the past but was responsible for establishing the reserves as filed in the Annual Statements during the last five years, a list of all such insurers and the years for which such reserves were established;

(D) A list of the lines of business for which such person shall be opining if approved;

(E) If a person has successfully completed any parts of the examinations of the Casualty Actuarial Society, evidence thereof; and

(F) A statement certifying the accuracy of this information attested to by an officer of the entity requesting this approval; or

(4) In the case of a health care center of life and health insurance company, an actuary who is qualified to submit an actuarial opinion regarding a life insurance company's accident and health reserves in accordance with Section 38a-78 of the General Statutes.]

(b) "Annual Statement" means the annual financial statement required to be filed by insurers with the Commissioner pursuant to Section 38a-53 of the General Statutes.

(c) ["Commissioner" means the Insurance Commissioner of the State of Connecticut.] "Appointed Actuary" means a Qualified Actuary who is appointed by the Board of Directors, or its equivalent, or by a committee of the Board, by December 31.

(d) ["Insurer", "Insurance Company", or "Company" means a health care center or an insurance company (other than a life insurance company) licensed by the Commissioner to do business in this state.] "Commissioner" means the Insurance Commissioner of the State of Connecticut

(e) ["Workpapers" means the records which support the conclusions reached by the Qualified Actuary or Qualified Reserve Specialist as to the adequacy of the company's reserves.] "Insurer", "Insurance Company", or "Company" means a property and casualty insurance company licensed by the Commissioner to do business in this state.

(f) "Workpapers" means the records which support the conclusions reached by the Qualified Actuary as to the adequacy of the company's reserves.

38a-53-2. Statement of actuarial opinion

(a) [Each insurer shall include as an attachment to page one of its annual statement an opinion of a qualified actuary or qualified reserve specialist, entitled "Statement of Actuarial Opinion," which shall set forth his or her certification as to the adequacy of all reserve liabilities of the company. The qualified actuary or reserve specialist shall be appointed by the Board of Directors, or its equivalent, or by a committee of the Board, by December 31 of the calendar year for which the opinion is rendered. Whenever the appointed actuary or reserve specialist is replaced by the Board of Directors, the company must notify its domiciliary commissioner within 30 days of the date of the Board action and give the reasons for the replacement. The appointed actuary shall present a report to the Board of Directors each year on the items within the scope of the opinion. For good cause shown, the Commissioner may in his discretion, require the Statement of Actuarial Opinion to be prepared by an independent qualified actuary or qualified reserve specialist who is not an employee of the company.

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(1) For property and casualty insurance companies, the Statement of Actuarial Opinion for the property and casualty lines of business, including accident and health, shall be in the format of and contain the information required by the "Annual Statement Instructions: Property and Casualty" which is published by the National Association of Insurance Commissioners.

(2) For health care centers, the Statement of Actuarial Opinion shall be in the format of and contain the information required by the "Annual Statement Instructions: Health Maintenance Organization" which is published by the National Association of Insurance Commissioners.

(b) Life insurance companies reporting life and/or accident and health premiums shall include as a attachment to page one of it annual statement, the statement of actuarial opinion setting forth an opinion relating to reserves and related actuarial items held in support of policies and contracts in accordance with the Standard Valuation Law, Sections 38a-77 and 38a-78 of the General Statutes and regulations promulgated thereunder, and to the extent not inconsistent with the foregoing, shall be in the format of and contain the information required by the "Annual Statement Instructions: Life, Accident and Health" which is published by the National Association of Insurance Commissioners. Every property and casualty insurance company doing business in this state, unless otherwise exempted by the domiciliary commissioner, shall annually submit the opinion of an Appointed Actuary entitled "Statement of Actuarial Opinion." This opinion shall be filed in accordance with the appropriate NAIC Property and Casualty Annual Statement Instructions.

(b) Actuarial Opinion Summary: (1) Every property and casualty insurance company domiciled in this state that is required to submit a Statement of actuarial Opinion shall annually submit as Actuarial Opinion Summary, written by the company's Appointed Actuary. This Actuarial Opinion Summary shall be filed in accordance with the appropriate NAIC Property and Casualty Annual Statement instructions and shall be considered as a document supporting the Actuarial Opinion required in section (a) of this section. (2) A company licensed but not domiciled in this state shall provide the Actuarial Opinion Summary upon request.

(c) Actuarial Report and Workpapers: (1) An Actuarial Report and underlying workpapers as required by the appropriate NAIC Property and Casualty Annual Statement Instructions shall be prepared to support each Actuarial Opinion. (2) If the insurance company fails to provide a supporting Actuarial Report or workpapers at the request of the commissioner or the commissioner determines that the supporting Actuarial Report or workpapers provided by the insurance company is otherwise unacceptable to the commissioner, the commissioner may engage a qualified actuary at the expense of the company to review the opinion and the basis for the opinion and prepare the supporting Actuarial Report or workpapers.

(d) The appointed actuary shall not be liable for damages to any person, other than the insurance company and the commissioner, for any act, error, omission, decision or conduct with respect to the actuary's opinion, except in cases of fraud or willful misconduct on the part of the Appointed actuary.

Sec. 38a-53-3. [Availability of workpapers]Confidentiality

[Every insurer required to file a Statement of Actuarial Opinion with its annual statement]pursuant to this regulation, shall make available all workpapers for review by the Commissioner or his designated representative. Such workpapers shall be maintained at the company and available for examination for seven years.] (a) The Statement of Actuarial Opinion shall be provided with the Annual Statement in accordance with the appropriate NAIC Property and Casualty Annual Statement Instructions and shall be treated as a public document.

(b) (1) Documents, materials or other information in the possession or control of the Insurance Department, that are furnished to the commissioner pursuant to this section or obtained by the commissioner in an investigation pursuant to this section, that are considered an Actuarial Report, workpapers or Actuarial Opinion Summary provided in support of the opinion, and any other material provided by the company to the commissioner in connection with the Actuarial Report, workpapers or Actuarial Opinion Summary, shall be kept confidential by the commissioner and shall be confidential by law and privileged. Such information shall not be made public, shall not be subject to subpoena, shall not be subject to the Freedom of Information Act, and shall not be subject to discovery or admissible in evidence in any private civil action.

(2) This section shall not be construed to limit the commissioner's authority to release the documents to the Actuarial Board for Counseling and Discipline (ABCD) so long as the material is required for the purpose of professional disciplinary proceedings and that the ABCD establishes procedures satisfactory to the commissioner for preserving the confidentiality of the documents, nor shall this section be construed to limit the commissioner's authority to use the documents, materials or other information in furtherance of any regulatory or legal action brought as part of the commissioner's official duties.

(c) Neither the commissioner nor any person who received documents, materials or other information while acting under the authority of the commissioner shall be permitted or required to testify in any private civil action concerning any confidential documents, materials or information subject to subsection (b) of this section.

(d) In order to assist in the performance of the commissioner's duties, the commissioner:

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(1) May share documents, materials or other information, including the confidential and privileged documents, materials or information subject to subsection (b) of this section with other state, federal and international regulatory agencies, and subsidiaries, and with state, federal and international law enforcement authorities, provided the recipient agrees to maintain the confidentiality and privileged status of the document, material or other information and has the legal authority to maintain confidentiality;

(2) May receive documents, materials or information, including otherwise confidential and privileged documents, materials or information, from the National association of Insurance Commissioners and its affiliates and subsidiaries, and from regulatory and law enforcement officials of of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material or information.

(e) Such workpapers shall be maintained at the company and available for examination for seven years.

SECTION 2.

Section 38a-53-4 of the Regulations of Connecticut State Agencies is repealed.

Statement of purpose:

The purpose of this regulation is to amend the current regulations regarding the property and casualty actuarial opinion and fully adopt the NAIC Model Law as the Connecticut regulation.

A. The problems, issues or circumstances that the regulation proposes to address.

The proposed regulation makes the Connecticut regulation substantially similar to the NAIC Model Law on the Statement of Actuarial Opinion on Reserves and Supporting Documentation for Property Casualty Companies. Substantial similar law or regulation is a requirement of accreditation standards for the Connecticut Insurance Department.

B. A summary of the main provisions of the regulation.

The actuary providing a Statement of actuarial Opinion must meet professional qualifications specific to property casualty insurance operations. The regulation requires a company to submit an additional confidential document (the Actuarial Opinion Summary) to the Department with the actuary's point or range estimate of the company loss and loss adjustment expense reserves.

Supporting reports and workpapers in the possession of the Department are provided confidentiality protection.

C. The legal effects of the regulation, including all ways that the regulation would change existing regulations or other laws.

No other laws or regulations will be affected.

CERTIFICATION

R-39 REV. 1/77

Be it known that the foregoing:

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Regulations Emergency Regulations

Are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Sections ~~38a-8 and 38a-53~~ _____ of the General Statutes.

Section _____ of the General Statutes, as amended by Public Act No. _____ of the _____ Public Acts.

Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on May 19, 2009 _____ and _____ of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on _____ day of _____ 20 _____

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

The _____ day of _____.

In Witness Whereof:	DATE <u>6/23/09</u>	SIGNED (Head of Board, Agency or Commission) <i>[Signature]</i>	OFFICIAL TITLE, DULY AUTHORIZED INSURANCE COMMISSIONER
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Approved by the Attorney General as to legal sufficiency In accordance with Sec. 4-169, as amended, C. G. S. :	SIGNED <i>[Signature]</i>	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
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- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance With Sec. 4-170, as amended, of the General Statutes.	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications
In accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State.)	BY
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INSTRUCTION

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capitol letters and deleted language in brackets. Section 4-170 of the General Statutes.