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Hearings Unit, DIC
Patricia D. Petersen
Chief Hearing Officer

BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of

ABILITY INSURANCE COMPANY,
An Authorized Insurer and Respondent

No. 11-0088 and 11-0089

RESPONDENT'S AMENDED WITNESS
AND EXHIBIT LIST

Respondent Ability Insurance Company ("Respondent") identifies the following witnesses and exhibits that they expect to offer at the adjudicative proceeding hearing in this matter.

WITNESSES

1. Sue Hendrick. Sue Hendrick is expected to testify regarding the interest of Mike Kriedler in this matter and the relationship between Mike Kreisler and Jack White, and other information related to the complaint investigation.
2. Carol Sureau. Carol Sureau is expected to testify regarding the OIC Legal Department's re-opening of a closed case in this matter, and other information related to this complaint investigation.
3. Bianca Stoner. Bianca Stoner is expected to testify regarding OIC's actions and complaint investigation in this matter.
4. Dan Halpin. Dan Halpin is expected to testify regarding OIC's actions and

RESPONDENT'S AMENDED WITNESS AND EXHIBIT
LIST - 1

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
U.S. Bank Centre
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone 206.622.1711 Fax 206.292.0460

1 complaint investigation in this matter.

2 5. Don Lawler. Don Lawler is expected to testify regarding Ability Insurance's
3 actions and communications in this matter.

4 6. Alan Singer. Alan Singer is expected to testify regarding the decision to issue press
5 releases in this matter.

6 7. John Hamje. John Hamje is expected to testify regarding the OIC's interpretation of
7 regulation and statutes in this matter.

8 8. Mike Bryant. Mike Bryant is expected to testify regarding the OIC's interpretation
9 of regulation and statutes in this matter.

10 9. Rich Roesler. Rich Roesler is expected to testify regarding the decision to issue
11 press releases in this matter.

12 10. Craig Bennion. Craig Bennion is expected to testify regarding interpretation of
13 regulations and statutes in this matter. In particular, Mr. Bennion is expected to
14 testify regarding the OIC's interpretation of the beginning date for the five-month
15 unintended lapse period contained in WAC 284-54-253.

16 Respondent reserves the right to call any individual identified in the Office of the
17 Insurance Commissioner's witness disclosures and hearing witness list and for rebuttal
18 purposes. Respondent reserves the right to call records custodians to authenticate exhibits.
19 Respondent reserves the right to amend this list based after its review of discovery
20 documents produced by OIC.

21 EXHIBITS

22 Respondent expects to offer the following documents and items as exhibits at the
23 hearing. Respondent reserves the right to withdraw or redact any of the following exhibits, as
24 is necessary. Respondent reserves the right to amend this list
25
26

RESPONDENT'S AMENDED WITNESS AND EXHIBIT
LIST - 2

PDX/122574/181300/VNI/7862051.1

SCHWABE, WILLIAMSON & WYATT, P.C.
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Ex.	Date	Description
1.	8/11/10	Email from Bianca Stoner to Jack White, RE: Ask Mike – Category: Long term care insurance
2.	Various	Correspondence from Bianca Stoner to Ability Insurance Company
3.	11/12/10	Letter from Bianca Stoner to Jack White, Re: Case Number 1041891
4.	4/28/11	Email from Cheryl Silvernail to Alan Singer, Re: Your mother's coverage matter, with attached news articles
5.	5/25/11	Print out of SIMBA database case profile for case no.: 1041891
6.	10/12/95	Washington Administrative Code No.: 284-54-253
7.	3/20/09	Letter from Timothy Hall to Cheryl Silvernail, RE Gladys E White, Policy No.: 0S34226, Due:02/08/2009
8.	Various	Ability Insurance Claims file for Gladys White, as produced to Alan Singer on July 19, 2011 (ABILITY_00001 – ABILITY 00341)
9.	3/21/11	Letter from Alexander Mihali, MD to Allen Singer
10.	7/1/11	Email from Carol Sureau to Alan Singer, FW: Update re: Jack White / Ability Insurance (1041891)
11.	3/11/11	Email from Carol Sureau to Alan Singer, RE: Gladys White's Insurance with Ability
12.	4/7/11	Email from Mike Bryant to Alan Singer, RE: Gladys White Policy
13.	3/10/11	Email from Cheryl Silvernail to Alan Singer, Re: Gladys White's Insurance with Ability
14.	4/27/11	Email from Rich Roesler to OIC DL All Staff, re News release: Insurer certificate suspended
15.	4/27/11	Email from Rich Roesler to Alan Singer et al., re news release re: Ability Insurance Co. suspension and c&d
16.	5/4/11	Email from Rich Roesler to Christine Tribe and Jodie Thompson, RE: Ability Insurance Company – Order Numbers 11-0088 and 11-0089
17.	4/27/11	Email from Rich Roesler to OIC DL All Staff, re News Release: Insurer certificate suspended
18.	4/26/11	Email from Alan Singer to Christine Tribe, re Ability Orders
19.	3/11/11	Email from Cheryl Silvernail to Mardee Crawford, Fwd: Gladys White's Insurance with Ability, with attachments

RESPONDENT'S AMENDED WITNESS AND EXHIBIT LIST - 3

SCHWABE, WILLIAMSON & WYATT, P.C.
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Telephone 206.822.1711 Fax 206.292.0460

Ex.	Date	Description
20.	11/24/10	Email from MB Kreidler to Carol Sureau, RE: Gladys White/Ability Ins
21.	4/28/11	Email from Cathy Carlson to Steven Julian, OIC DL Executive Staff, et al., FW: NAIC Newswire - April 28, 2011

Dated this 1st day of August, 2011.

SCHWABE, WILLIAMSON & WYATT, P.C.

By: 
 Christopher H. Howard, WSBA #11074
 Virginia R. Nicholson, WSBA #39601
 Attorneys for Respondent
 Ability Insurance Company

RESPONDENT'S AMENDED WITNESS AND EXHIBIT
 LIST - 4

PDX/122574/181300/VNI/7862051.1

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of August, 2011, I caused to be served the foregoing Respondent's AMENDED WITNESS AND EXHIBIT LIST on the following party at the following address:

Alan Michael Singer
Staff Attorney, Legal Affairs Division
Office of the Insurance Commissioner
State of Washington
PO Box 40255
Olympia WA 98504-0255

by:

- U.S. Postal Service, ordinary first class mail
- U.S. Postal Service, certified or registered mail, return receipt requested
- hand delivery
- facsimile
- electronic service
- other (specify) _____

Chante Tayler
Chante Tayler

Exhibit No. 19

Mardee Crawford

From: cssilvermail@comcast.net
Sent: Friday, March 11, 2011 5:17 PM
To: Mardee Crawford
Subject: Fwd: Gladys White's Insurance with Ability

I sent this to your home email also. Would you see if you can handle this with your Medical Power of Attorney? Thanks, Cheri

----- Forwarded Message -----

From: "Alan Singer (OIC)" <AlanS@OIC.WA.GOV>
To: cssilvermail@comcast.net
Cc: "Jack White" <JWHITEBALL@aol.com>, "Carol Sureau (OIC)" <CarolS@OIC.WA.GOV>
Sent: Friday, March 11, 2011 3:42:22 PM
Subject: RE: Gladys White's Insurance with Ability

Hi Cheri,

I just received the fax you sent, thank you. I specifically noted the records indicting dementia. It appears as though the Good Samaritan Hospital doctor who dictated the record of 7/26/09 had the benefit of other records, and he detailed that "she does have dementia," a "history of dementia," and exhibited "very significant memory finding pauses" during an interview with the doctor. The next thing we need to determine is the onset of this cognitive impairment, and I would like to try learn this from her doctor, Dr. Mihali. However, I do not have authorization to obtain this from him.

Will you please let me know if it is possible for you to get permission for me to speak to Dr. Mihali? All I need is a letter from him indicating what cognitive impairments she has, some explanation of the "history of dementia" and other evidence of cognitive impairment she has demonstrated in her history, when that history began, and how long she has had a cognitive impairment.

By the way, by "cognitive impairment," I mean a deficiency in short-term or long-term memory; orientation as to person, place, and time; deductive or abstract reasoning; or judgment as it relates to safety awareness. From what you have told me and from what the records you faxed indicate, your mother would appear to have had demonstrated symptoms of cognitive impairment for some time prior to early 2009.

I am anxious to obtain clarity as to this from a doctor as soon as possible - will you please talk to your mother and Dr. Mihali about this as soon as possible?

Thanks,

Alan

Alan Michael Singer
Staff Attorney
Legal Affairs
Office of the Insurance Commissioner
PO Box 40255
Olympia, WA 98504-0255
360-725-7046
360-586-0152 Fax

with a letter
to her

FAX COVER SHEET

INTENDED RECIPIENT: DONITA @DR. MIHALI'S OFFICE

INTENDED RECIPIENT FAX NUMBER: (253) 459-6518

SENDER: ALAN SINGER

SENDER TELEPHONE: (360) 725-7046

SENDER FAX: (360) 586-0152

NUMBER OF PAGES INCLUDING THIS PAGE: 3

MESSAGE:

As discussed, attached is a copy of the entire rule, of which I read to you part. I drew a box and arrow at the part I read to you, WAC 284-54-040(5)(a).

As we discussed, I request written verification (to a reasonable degree of medical certainty) of whether Gladys White has a cognitive impairment, and if she does, when that probably began. I am particularly concerned in learning of this for the time period up to and including February of 2009, when Ms. White neglected to pay her insurance premium.

After you have reviewed this with Dr. Mihali, I would welcome any questions.



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[WACs](#) > [Title 284](#) > [Chapter 284-54](#) > [Section 284-54-040](#)

[284-54-030](#) << [284-54-040](#) >> [284-54-050](#)

WAC 284-54-040

No agency filings affecting this section since 2003

Minimum standards for benefit triggers — Physician certification, activities of daily living, and cognitive impairments.

(1)(a) Except as provided in (b) of this subsection, every long-term care insurance contract or certificate issued on or after January 1, 1996, which provides coverage to a resident of this state, shall require certification by the insured's attending physician that the services are appropriate due to illness or infirmity, or include provisions which condition the payment of benefits on an assessment of the insured's ability to perform specific activities of daily living or the insured's cognitive impairment.

(b) Certificates issued on or after January 1, 1996, under a group long-term care insurance contract that was in force on December 31, 1995, need not meet the standards of this section.

(2) Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and shall be described in the contract or certificate in a separate paragraph labeled "Eligibility for the Payment of Benefits." Any additional benefit triggers shall be explained in that section. If a trigger differs for different benefits, an explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, the policy shall so specify.

(3) Eligibility for the payment of benefits based on the inability of the insured to perform certain activities shall not be more restrictive than requiring a deficiency in the ability to perform not more than three of the following activities of daily living.

(a) "Activities of daily living" on which an insurer intends to rely as a measure of functional incapacity shall be defined in the policy, and shall include at least all of the following:

(i) Bathing: The ability of the insured to wash himself or herself either in the tub or shower or by sponge bath, including the task of getting into or out of a tub or shower.

(ii) Continence: The ability of the insured to control bowel and bladder functions; or, in the event of incontinence, the ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

(iii) Dressing: The ability of the insured to put on and take off all items of clothing, and necessary braces, fasteners, or artificial limbs.

(iv) Eating: The ability of the insured to feed himself or herself by getting food and drink from a receptacle (such as a plate, cup, or table) into the body including intravenously or by feeding tube.

(v) Toileting: The ability of the insured to get to and from the toilet, get on and off the toilet, and perform associated personal hygiene.

(vi) Transferring: The ability of the insured to move in and out of a chair, bed, or wheelchair.

(b) For purposes of this section, the determination of a deficiency shall not be more restrictive than:

(i) Requiring the hands-on assistance of another person to perform the prescribed

activities of daily living; or

(ii) If the deficiency is due to the presence of a cognitive impairment, supervision or verbal cueing by another person is needed in order to protect the insured or others.

(a) Upon prior approval of the commissioner in writing, an insurer may use standards or definitions for activities of daily living in addition to the standards set forth in (a) of this subsection; however, in no case may an insurer require a deficiency in more than three activities of daily living as a barrier to benefits. Any additional activities of daily living approved by the commissioner, shall be used in addition to those set forth in (a) of this subsection, and not in lieu thereof. Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses, or social workers. No contract or certificate may combine more than one activity of daily living to create a compound impairment requirement.

(d) Each long-term care insurance contract or certificate shall include a clear description of the process for appealing and resolving benefit determinations.

(4) If an insurer proposes standards other than those described in this section, the insurer shall describe to the satisfaction of the commissioner how the proposed assessment will reasonably be expected to produce reliable, valid, and clinically appropriate results and shall demonstrate that the alternate assessment method is not less beneficial to the insured than the standards described in this section.

(5) For purposes of this section the following definitions apply:

(a) "Cognitive impairment" means a deficiency in a person's short-term or long-term memory; orientation as to person, place, and time; deductive or abstract reasoning; or judgment as it relates to safety awareness.

(b) "Hands-on assistance" means any amount of physical assistance (whether minimal, moderate, or maximal) without which the insured would not be able to perform the activity.

[Statutory Authority: RCW 48.02.080, 48.04.030 and 48.04.050, 95-19-02B (Order R 95-5), § 284-54-040, filed 9/11/95, effective 10/12/95.]

3/15/11
See Encounter

RE: [REDACTED]
[REDACTED]

Exhibit No. 20

Singer, Alan (OIC)

From: Kreidler, MB (OIC)
Sent: Wednesday, November 24, 2010 2:30 PM
To: Sureau, Carol (OIC)
Cc: Watson, Mike (OIC); Singer, Alan (OIC)
Subject: RE: Gladys White/Ability Ins

Thank you. Always wonder how many people don't contact us when they have problems like this? Glad we can do what can be done.

From: Sureau, Carol (OIC)
Sent: Wednesday, November 24, 2010 2:18 PM
To: Kreidler, MB (OIC)
Cc: Watson, Mike (OIC); Singer, Alan (OIC)
Subject: Gladys White/Ability Ins

Wanted to provide an update on this case. As I told you earlier, my review of this case initially convinced me that the company is obligated to reinstate the policy upon payment of the unpaid premium. I worked with Consumer Advocacy's Bianca Stoner to draft a letter to the company informing them of the way the law works in conjunction with this set of facts and of our conclusion that it was obligated to reinstate.

Unfortunately, the company has responded that it does not agree and will not reinstate. I asked Bianca to refer the case to Legal – she did and I assigned it to Alan Singer last week. Alan has communicated with Ms. White's daughter, her designated representative, and with the company's attorney. Alan agrees with my conclusion that the company is in violation of Washington law and will send the company a letter to that effect next week. The letter will clearly lay out the facts and notify the company that we have concluded that it is in violation of Washington law and, unless it immediately reinstates Ms. White's policy (upon payment of due premium), we will proceed to take this matter to our Compliance Committee with an enforcement recommendation.

Please let me know if you have questions.

Carol

Exhibit No. 21

Singer, Alan (OIC)

From: Carlson, Cathy (OIC) on behalf of OIC NAIC Receipts
Sent: Thursday, April 28, 2011 11:12 AM
To: Julian, Steven (OIC); OIC DL Executive Staff; OIC DL Legal; OIC DL Policy and Legislative Affairs; OIC DL Rates & Forms; Rakevich, Candi (OIC)
Subject: FW: NAIC Newswire - April 28, 2011

From: Kreidler, MB (OIC)
Sent: Thursday, April 28, 2011 10:04 AM
To: OIC NAIC Receipts
Subject: FW: NAIC Newswire - April 28, 2011

From: NAIC Newswire[SMTP:NEWSWIRE@NAIC.ORG]
Sent: Thursday, April 28, 2011 9:34:04 AM
To: NAIC Newswire
Subject: NAIC Newswire - April 28, 2011
Auto forwarded by a Rule

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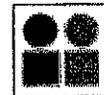


Top Story

Life Insurers Skimp on Payouts: States

Wall Street Journal (04/28/11) Scism, Leslie; Vara, Vauhini

With the help of little-known auditing firm Verus Financial LLC, states are investigating whether some of America's largest life insurers are failing to ensure they pay out on policies of deceased customers. The insurers maintain they are not required to take steps to determine if a policyholder is still alive, but some appear to have ignored data indicating policyholders have died -- even though they used the same database to justify ending annuity payments for customers who died. A 10-state group of regulators at the National Association of Insurance Commissioners is focusing on the matter. "We want to have a clear understanding of what is an appropriate claims-settlement practice," says Florida Insurance Commissioner Kevin McCarty. "It is hard for me to get my arms around the concept that a company would use a database to terminate an annuity, but fail to use that same database to investigate whether a claim exists on a



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NAIC in the News

Blog: It's-Almost-May Giveaway Day!

Life After College (04/28/11)

The National Association of Insurance Commissioners recently launched a new iPhone application called MyHOME Scr.APP.book that lets consumers quickly capture images, descriptions, bar codes, and serial numbers for a home property inventory, and then stores them electronically for safekeeping. The app organizes information room by room and creates a back-up file for e-mail sharing.

Read Story

State Insurance Department Gathers Response to Storm Damage

Birmingham Business Journal (04/28/11)

The Alabama Department of Insurance is contacting the state's leading property insurers to ascertain how they will respond to mass calls expected after the strong storms that raged through the state April 27. "We want to hit the ground running to deliver an effective response to all Alabamians affected by these tragic storms," Insurance Commissioner Jim Riddling said in a prepared statement. "We will work with the insurance companies, Gov. (Robert) Bentley and his office, emergency responders, and all other agencies to make sure our friends and neighbors are taken care of in a prompt and fair fashion."

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Read the release from the Alabama Department of Insurance here.

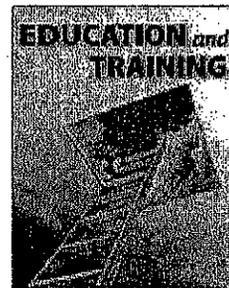
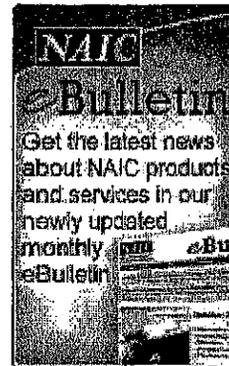
Individual Health Plan Enrollment for Kids Ends April 30

Nisqually Valley News (WA) (04/27/11)

Parents in Washington state who want to purchase an individual health plan for their child must enroll by April 30 or wait for the next enrollment period, Sept. 15 to Oct. 31. "I urge people who want insurance for their kids to apply by April 30," said Washington State Insurance Commissioner Mike Kreidler. In some cases, parents can apply for individual coverage for their child anytime, including the birth or adoption of a child or if a child or parent is no longer eligible for a state program, loses coverage due to a divorce, loses employer-sponsored coverage (including COBRA), or moves and their plan is not available where they now live.

Read Story

Committee OKs Bill Giving State Say in Insurance Rate Hikes



About NAIC

With offices in Washington, D.C., Kansas City, Missouri, and New York, the NAIC is a

California Watch (04/27/11) Jewett, Christina

California's Assembly Health Committee has passed a bill authored by Assemblyman Mike Feuer (D-West Hollywood). The bill would let regulators approve, deny, or modify health insurance rate increases. Under a law passed last year, Insurance Commissioner Dave Jones is allowed to call for an independent actuary to review proposed rate hikes, but he has testified that that power is not sufficient. Related Story: The Hill (blog)

Read Story

Read the release from the California Department of Insurance here.

State Program Helps Uncover Lost Life Policies

Columbus Dispatch (OH) (04/28/11) Johnson, Alan

During the past 18 months, an Ohio Department of Insurance program has been assisting Ohio residents and families of deceased residents with locating missing life insurance policies purchased in the state. The program has located 442 policies out of 682 requests received since September 2009. Lt. Gov. Mary Taylor, who is also Ohio's insurance director, said the agency has been able to work together with life insurance companies. "These numbers are amazing and we encourage Ohioans to continue to submit their search requests to the department," Taylor said in a statement.

Read Story

Read the release from the Ohio Department of Insurance here.

WA State Suspends Insurer for Refusing Coverage to Woman With Dementia

Seattle Post-Intelligencer (WA) (04/27/11) Ho, Vanessa

Officials in Washington state have issued a suspension order against a disability insurance company after it allegedly refused to reinstate coverage for an elderly woman with dementia. Under state law, consumers with cognitive disabilities have a five-month window in which to resume coverage if their long-term care policy lapses. In February 2009, when an elderly woman did not pay her bill, the Ability Insurance Co. refused to reinstate her policy on the basis that she had missed her five-month window, said Insurance Commissioner Mike Kreidler. "Situations like this are exactly why we have this law, Kreidler said. "It protects people who, through no fault of their own, have lost the ability to keep up with their financial records."

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Read the release from the Washington State Office of the Insurance Commissioner here.

Pennsylvania's Insurance Commissioner Confirmed

Insurance regulators from the 50 states, District of Columbia and five U.S. territories. The NAIC's overriding objective is to assist insurance regulators as they protect consumers and maintain the financial stability of the insurance industry. Since its formation in 1871, the NAIC has continued to help improve, enhance and modernize state-based insurance regulation for the benefit of consumers and industry alike.

Contact NAIC

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New York, NY 10005-2906

NEWS Zone

The Pennsylvania Senate has confirmed Michael Consedine as insurance commissioner. His confirmation was unanimous.

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State News Releases

American Cancer Society Official Named to Missouri High-risk Pool Board

Missouri Department of Insurance, Financial Institutions & Professional Registration (04/26/11)

Missouri Insurance Director John M. Huff has appointed Misty Snodgrass of the American Cancer Society to the Board of Directors of the Missouri Health Insurance Pool. "Cancer is blind to gender, race, wealth, age and any other factor you can name," said Huff. "Ms. Snodgrass will be an invaluable asset to help guide the future of the Missouri Health Insurance Pool as it seeks to provide needed health coverage to consumers representing all walks of life in the Show-Me State."

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Insurance Commissioner Announces Sentencing of Insurance Agent in Ponzi Scheme

California Department of Insurance (04/27/2011)

Insurance Commissioner Dave Jones announced that Victor L. Weber, 55, has been sentenced to three years and eight months in state prison for multiple felonies in a "Ponzi scheme" that he utilized to bilk unsuspecting victims out of approximately \$800,000. Weber has also been ordered to make restitution to the victims for the full amount. "This former agent used his license and position of trust to steal large sums of money from his victims apparently for his own personal gain," said Commissioner Jones. "This sentence should stand as a warning to those who think that they can steal from consumers."

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Regulatory & Legislation

Calif. Bill Proposes Consolidating Insurance Disclosure Notices

Insurance Journal (04/28/11)

State lawmakers in California are mulling whether to allow certain insurance policies and disclosures to be merged into a single document and printed in smaller (10-point) type under a proposed bill, SB 596. Existing state law now requires insurers, whenever they receive notice of a claim, to immediately provide the insured with a

least 12-point type and to explain in print unfair trade practices. SB 596 would allow the California Residential Property Insurance Disclosure and the California Residential Property Insurance Bill of Rights to be placed in the same document. In addition, the bill would consolidate the notice of the California Earthquake Authority Coverage with the notice of available discounts for earthquake coverage into a single mailing.

[Read Story](#)

CFTC, SEC Propose Exempting Insurance From Swaps Regulation

Bloomberg (04/27/11) Brush, Silla

Securities and Exchange Commission (SEC) and Commodity Futures Trading Commission regulators have decided to release for public comment a proposed "swap" definition that excludes insurance products. "The definitions we propose today balance several policy and legal issues in a way I believe is practical, takes into account the specific nature of derivatives contracts, and is consistent with existing securities regulations," SEC Chairman Mary Schapiro said in a statement prior to the vote.

[Read Story](#)

Life & Health Marketplace

Few Seniors Support GOP Plan to Restructure Medicare

Kaiser Health News (04/27/11) Galewitz, Phil

According to a Kaiser Family Foundation poll, 30 percent of seniors support the idea of restructuring Medicare using government subsidies to help them purchase private coverage. However, 62 percent of seniors say they want Medicare to remain unchanged. Overall, 50 percent of consumers say they want Medicare to remain unchanged, while 46 percent say it should be revamped. About 55 percent of Republicans and 34 percent of Democrats like the Medicare proposal by Rep. Paul Ryan (R-Wis.). [Related Story: Kaiser Health News \(video\)](#)

[Read Story](#)

Factbox: Lawsuits Challenging U.S. Healthcare Reform

Reuters (04/27/11)

Lawsuits challenging the constitutionality of the federal healthcare reform law have been filed by more than 25 states, and experts predict that one suit will be heard by the U.S. Supreme Court during its 2011-12 term. The Supreme Court will not speed up the case brought by Virginia; the Virginia case will be heard by an appeals court in Richmond beginning May 10, and another suit led by Florida will be heard by an appeals court in Atlanta in early June. States

handful have introduced legislation that would impose penalties on agents who attempt to enforce the law. These states oppose the individual mandate that will require Americans without health coverage to pay a penalty.

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A Closer Look: Utah's Health Insurance Exchange

Governing (04/11) Buntin, John

Utah's health insurance exchange has been in place since 2007, is run by the governor's Office of Economic Development, and is viewed as a model for other states. Patty Conner, director of the exchange, says it initially was created for small business employers to allow them to compare plans to help make coverage more affordable. So far, 100 employer groups have enrolled and 2,880 people are covered by the exchange, which also created a defined-contribution market. Connor notes that her agency provides education and outreach to insurance agents and brokers, training more than 250 brokers to sell within the exchange in the last quarter. Related Story: Albany Times Union

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