

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF THE PUBLIC HEARING)	
PURSUANT TO <u>N.J.S.A.</u> 17B:25-18.3)	
ON MODIFICATIONS TO THE TYPES OF)	HEARING OFFICER'S
LIFE, HEALTH AND ANNUITY FORMS)	REPORT
ELIGIBLE FOR FILING PURSUANT TO)	
A CERTIFICATION PROCESS)	

Background

The Life and Health Insurance and Health Maintenance Organization Form Approval Reform Act, N.J.S.A. 17B:25-18 ("Act") requires that all life, health and annuity forms either be approved by the Commissioner of the Department of Banking and Insurance ("the 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 of Banking and Insurance ("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 Department scheduled a hearing for October 31, 2012 to determine whether the current file and use eligibility list should be modified in any way. Notice of the hearing was published in the New Jersey Register on October 1, 2012 (see 44 N.J.R. 2313(b)) and on the Department's website. The notice requested that interested parties intending to speak at the hearing so notify the Department, in writing, no later than noon, October 30, 2012. The notice further provided that interested parties could submit written comments to the Department no

later than October 30, 2012. The Department received no notifications from any persons intending to speak at the hearing and no written comments prior to the scheduled October 31, 2012 hearing date. In addition, neither the Chief of the Department's Life Insurance Bureau nor the Chief of the Health Insurance Bureau intended to recommend any modifications to the current file and use list. On October 27, 2012, Governor Chris Christie signed Executive Order No. 104 declaring a state of emergency in anticipation of Storm Sandy moving across the New Jersey coast beginning October 28, 2012. As a result of Storm Sandy, all State of New Jersey offices were closed October 29 through 31, 2012. Accordingly, the Department was unable to hold the file and use in-person hearing scheduled for October 31, 2012. Since that date the Department has received no notifications that a party intended to testify at the public hearing, or to submit a notice of their intent to do so, or to submit a written comment prior to October 31, 2012 but were prevented from doing so by the effects of Storm Sandy, nor has the Department received any written comments on the file and use eligibility list.

Conclusion

For the following reasons, I recommend that no modifications be made at this time to the current file and use eligibility list appearing at N.J.A.C. 11:4-40.9: (1) the Department did not intend to modify the current file and use list; (2) the Department received no notices that any interested party intended to testify at the hearing scheduled for October 31, 2012; (3) the Department received no written comments prior or subsequent to the hearing scheduled for October 31, 2012; and (4) the Department has not received any notifications from any parties that they intended to testify at, or to submit a notice of intent to testify at the public hearing, or to submit a written comment on the current file and use eligibility list prior to the October 31,

2012 hearing date but were prevented from doing so due to the effects of the storm.

April 4, 2013
Date

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

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