



FIRST AMENDED ORDER NUMBER R 13-01

November 13, 2013

**ORDER EXEMPTING OUT-OF-STATE SINGLE EMPLOYER INSURANCE
POLICY DOCUMENTS FROM THE FILING REQUIREMENTS OF AS 21.42.120**

Under AS 21.42.120(d), the director may, by order, exempt a form or document from the filing requirements of AS 21.42.120 for a time determined by the director when, in the opinion of the director, the filing or approval of the form or document is not desirable or necessary for the protection of the public. This order exempts from the filing requirements of AS 21.42.120 a group insurance policy that is issued to a single out-of-state employer. For purposes of this order, "out-of-state employer" refers to an employer that is domiciled or has a principal place of business outside Alaska but that may have operations or employees within Alaska.

FINDINGS:

The director finds that:

1. The filing of an out-of-state single employer insurance policy form, including a certificate or other evidence of insurance, creates an unnecessary burden on insurers and division staff, given the large number of out-of-state single employer policies and the need to coordinate the division's filing requirements with the filing requirements of the employer's state of domicile. It is expected that insurers will realize a savings in administrative costs if these filing requirements are exempted.
2. The filing of an out-of-state employer insurance policy form, including a certificate or other evidence of insurance, could delay the coverage of an Alaska resident under an out-of-state single employer policy.
3. As an out-of-state single employer insurance policy is subject to the employer's state of domicile requirements, the division expects regulatory review of the insurance policy will be accomplished by the domiciliary state.
4. Under AS 21.42.220, an insurance policy, rider, or endorsement that contains a condition or provision not in compliance with the requirements of Alaska's insurance code is not rendered invalid but will be construed and applied in accordance with the conditions and provisions as would have applied had the policy, rider, or endorsement been in full compliance with Alaska's insurance code.

5. Insurance coverage provided to Alaska residents under an out-of state single employer insurance policy must comply with Alaska laws and regulations even if exempted from the requirement to file forms before use. Similarly, an exemption from the form filing requirements does not limit or in any way prevent the division from enforcing the insurance laws and regulations relative to insurance issued to Alaska residents under an out-of-state single employer insurance policy.

6. Under AS 21.42.130, the director has authority to disapprove a policy form, including a certificate or other evidence of insurance, delivered or issued for delivery in Alaska regardless whether the form is exempt from the AS 21.42.120 filing requirements.

7. Based on the above, filing of an out-of state single employer insurance policy under AS 21.42.120 is not desirable or necessary for the protection of the public.

IT IS HEREBY ORDERED:

As allowed by AS 21.42.120(d), an out-of-state single employer insurance policy form, including a certificate or other evidence of insurance, covering Alaska residents is exempt from the filing requirements of AS 21.42.120 until further notice. This exemption applies to life, annuity, and health insurance issued to an out-of-state single employer that covers or may cover an Alaska resident. This exemption does not apply to insurance issued to or through an out-of-state trust, association, or other group.

No later than June 30th of each year, an insurer must submit to the division via SERFF as with “compliance” as the filing type and “ML02-Multi-Line-Other” as the TOI:

1. A list of all out-of-state employer insurance policy forms under which an Alaska resident was covered and which were exempted from filing under this order. The list must include each form number and a brief explanation of the coverage under each form.
2. A certification, executed by an officer of the insurer that states:

“I have reviewed the list of exempt forms and certify that, to the best of my knowledge, the information is correct and complete and that, any certificate of coverage issued to an Alaska resident complies with all applicable Alaska laws and regulations, except if state of residency is unknown at the time of group policy issuance or renewal and prior to a claim submission by or on behalf of an insured Alaska resident, once the certificate holder’s Alaska residence becomes known: 1) the coverage will be administered in compliance with all applicable Alaska laws and regulations; and 2) the certificate or other evidence of coverage issued to an Alaska resident will be made to comply with all applicable Alaska laws and regulations.”

Printed name of officer

Signature of officer

Date

If an insurer is unable to sign the above certification for any reason, the insurer may submit the following certification along with a complete explanation of the reason/s the insurer cannot sign the above certification including an explanation of the coverage.

"I have reviewed the list of exempt forms and certify that, to the best of my knowledge, the information is correct and complete and that, any certificate of coverage under a policy delivered or issued for delivery in Alaska will comply with all applicable Alaska laws and regulations. If a certificate or other evidence of coverage is issued to a resident of Alaska under a group policy situated outside of Alaska, where the state of residency of the certificate holder is unknown at the time of issuance and prior to a claim submission by or on behalf of an insured Alaska resident, once the certificate holder's Alaska residence becomes known, the certificate or other evidence of coverage will be administered in compliance with all applicable Alaska laws and regulations."

Printed name of officer

Signature of officer

Date

If an insurer is unable to sign either of the above certifications, the insurer must file for approval each out-of-state single employer insurance policy form, including any certificate or other evidence of insurance that may be issued to an Alaska resident.

Nothing in this order may be construed to prevent the director from requiring a form that is otherwise exempt from filing under this order to be filed with the director.

This order is effective November 14, 2013.



Bret S. Kolb
Director