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BULLETIN 14-21

To: Insurers, Nonprofit Health Service Plans, Health Maintenance Organizations, Dental Plan Organizations, Maryland Automobile Insurance Fund, Joint Insurance Association, Premium Finance Companies, Rating Organizations, and Motor Clubs

Re: SERFF Public Documents to Be Available via Maryland Insurance Administration Website

Date: September 18, 2014

The purpose of this Bulletin is to notify insurers, nonprofit health service plans, health maintenance organizations, dental plan organizations, the Maryland Automobile Insurance Fund, the Joint Insurance Association, premium finance companies, rating organizations, and motor clubs ("licensees") that effective November 1, 2014, the Maryland Insurance Administration ("Administration") will make certain public information available through the System for Electronic Rate and Form Filing ("SERFF") using a link on the Administration's website.

Public information will be handled differently for Life and Health filings than for Property and Casualty filings, as detailed below.

Once the filings are made available to the public, all material in the filings, with the exception of reviewer notes (i.e. internal Administration notes on the filings), will be automatically viewable through a link on the Administration's website to SERFF, unless the material has been designated as confidential. This includes forms, premium rates, correspondence (i.e. objection letters and company responses), actuarial memoranda, and other supporting documentation. Therefore, if a licensee believes that any material in the filing is proprietary or confidential, *it is the responsibility of the licensee* to designate the material as confidential using the appropriate confidentiality icon within SERFF. Stamping a document as "confidential" and uploading the document into SERFF without using the SERFF confidentiality icon to designate it as confidential will not prevent the document from being viewable through SERFF.

Please note that a filer's designation of a document as confidential in SERFF does not mean that the document will be determined to be confidential under applicable provisions of the Insurance Article and the Public Information Act. Therefore, documents that are designated as confidential in SERFF by licensees may be disclosed by the Administration as required by law.

Life and Health

The Maryland life, annuity and health filings made in SERFF will be made available to the public through SERFF at the time of final disposition of the filings.¹ This means that life, annuity and health filings that have a final disposition date of November 1, 2014 or later will be available to the public through SERFF. Therefore, each carrier should make sure that the documents that it believes are proprietary or confidential are marked as confidential using the confidentiality icon within SERFF before final disposition of the filing.

Approved forms, with the exception of health maintenance organization provider contracts,² are never considered to be proprietary or confidential. Also, premium rates for health benefit plans subject to the Affordable Care Act are considered to be public information from the time of the filing. Therefore, if a carrier marks a form, a health benefit plan premium rate, or a supporting document for a health benefit plan premium rate as proprietary or confidential, such designation may be reversed by Administration staff, if the document is determined to be a public document in accordance with § 11-603(c)(3)(ii) of the Insurance Article or the Public Information Act.

Property and Casualty

In accordance with the requirements of §§ 11-206(d) and 11-307(c)(1) of the Insurance Article, Maryland Property and Casualty filings made in SERFF will be made available to the public at the time of filing through the link on the Administration's website. Please refer to Bulletin 13-25 for a more detailed explanation of what must be included in the filing and is deemed to be public information. If a licensee designates information confidential in the SERFF filing that the Administration determines should be made public, the licensee will be notified and the confidential designation will be removed, or the filing can be withdrawn.

Questions about this Bulletin may be directed to:

- The Life and Health Section of the Administration at 410-468-2170 with regard to life, annuity or health filings; and
- The Property and Casualty Section of the Administration at 410-468-2310 regarding property or casualty filings.

Signature on original

Brenda A. Wilson
Associate Commissioner
Life and Health

Signature on original

Sandra Castagna
Associate Commissioner
Property and Casualty

¹ Health benefit plan rate filings and supporting documentation are open to public inspection as soon as filed under § 11-603(c)(3) of the Insurance Article.

² Health maintenance organization provider contracts are required to be treated as proprietary and confidential by the Commissioner by COMAR 31.12.02.13D.