

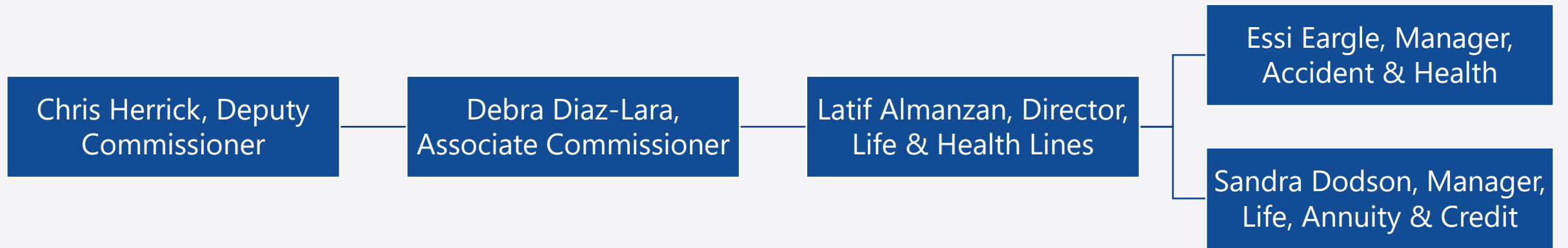
The logo features the text 'TDI' in large, bold, black letters above 'InsurED' in black letters, with 'ED' in blue. To the right is a vertical blue bar containing the year '2022' in white. Further right, the words 'Virtual', 'Compliance', and 'Conference' are stacked vertically in blue, black, and black respectively.

TDI
InsurED **2022** **Virtual**
Compliance
Conference

Life and health form filings: Checklists, tips, and new rules

April 14, 2022

TDI | Life and health division



- Cultivating key partnerships to provide innovation in protecting the consumers of Texas with quality benefits.
- Continuous improvement and creating and maintaining efficient processes.
- Plain language initiatives.
- Consumer education.

TDI | Billing

- Submit filing fees via EFT upon submission.
- Do not include the NAIC access fee (\$20.50)
- Filings fees are flat fees (\$50.00 or \$100.00).
- Avoid billing in arrears, pay timely.
- Update billing contacts including emails.
- Unpaid balances for 120 days or more result in automatic rejection of filings.

TDI | Required transmittal checklists

Checklists can be found at: www.tdi.texas.gov/forms/form8.html

- Life/health form filings
- HMO filings
- Advertising filings
- Life/health miscellaneous documents

Required if bracketing is in forms

- Avoid the statement “based on policyholder selection” unless truly optional.
- Avoid “based on plan design” if it is a required offer.
- Variability must fall entirely within legal requirements (e.g., for home health don't file range of 30-120 when statute requires at least 60).

TDI | Top reasons for filing rejection

- Incorrect or out-of-date checklist used.
- Use of incorrect type of insurance (TOI) or sub-TOI.
- Failure to provide rates separately in the rates/rule schedule.
- Rates selected on checklist do not match submitted rates.
- Submission of multiple policies under one filing.

TDI | Top reasons for filing rejection

- Failure to provide entire filing package for forms previously disapproved or that failed audit with resubmission or audit revision.
- Failure to classify form as exempt, file & use, resubmission, audit revisions, or substitution.
- Outstanding filing fee balance over 120 days.
- Failure to provide cover letter or appropriate information under SERFF General Information tab.

TDI | Filing tips

- Avoid including red-lined copies or previously approved forms under "forms" tab – should be in "supporting docs."
- New guaranty fund notice (11/21/19) – HMOs now covered.
- Avoid combining different types of products with complicated variability (e.g., indemnity, PPO, EPO).
- Do not set the entire filing as confidential.

TDI | Compliance review checklists

Checklists can be found at: www.tdi.texas.gov/forms/form10.html

- Accident and health
 - Annuity
 - Credit
 - HMO forms and HMO form filings
 - Life insurance checklists
 - Life settlements checklists
 - Other forms
- Prior authorization request forms
 - Small group certification forms
 - Listing by form number
 - Save time by accurately completing compliance review checklists and submit in SERFF as a supporting document.

TDI | Benefits of using compliance checklist

- Speed to market.
- Less “regulatory ping-pong.”
- Checklists provide up to date legislative and rule changes.

TDI | Completed checklist example - incorrect

Snipping Tool

File Edit Tools Help

New Mode Delay Save Copy Paste Eraser Pen Highlighter Lasso

- Mandates not required to be included in Consumer Choice Health Benefit Plans (CCHBP) are noted with symbol "#".
- Mandates not required by state law but required by federal law are noted as "##".

Page OK : Amino acid -based elemental formulas - TIC Chapter 1377 #

Page OK : Mental or emotional illness or disorder (inpatient hospital alternative treatment facility) - Mandated Offer - TIC Section 1355.101 -1355.106 # [Rider](#)

Page OK : Acquired brain injury (definitions must comply with 28 TAC Section 21.3102) – TICChapter 1352, and 28 TAC Section 21.3101 - 21.3107 #

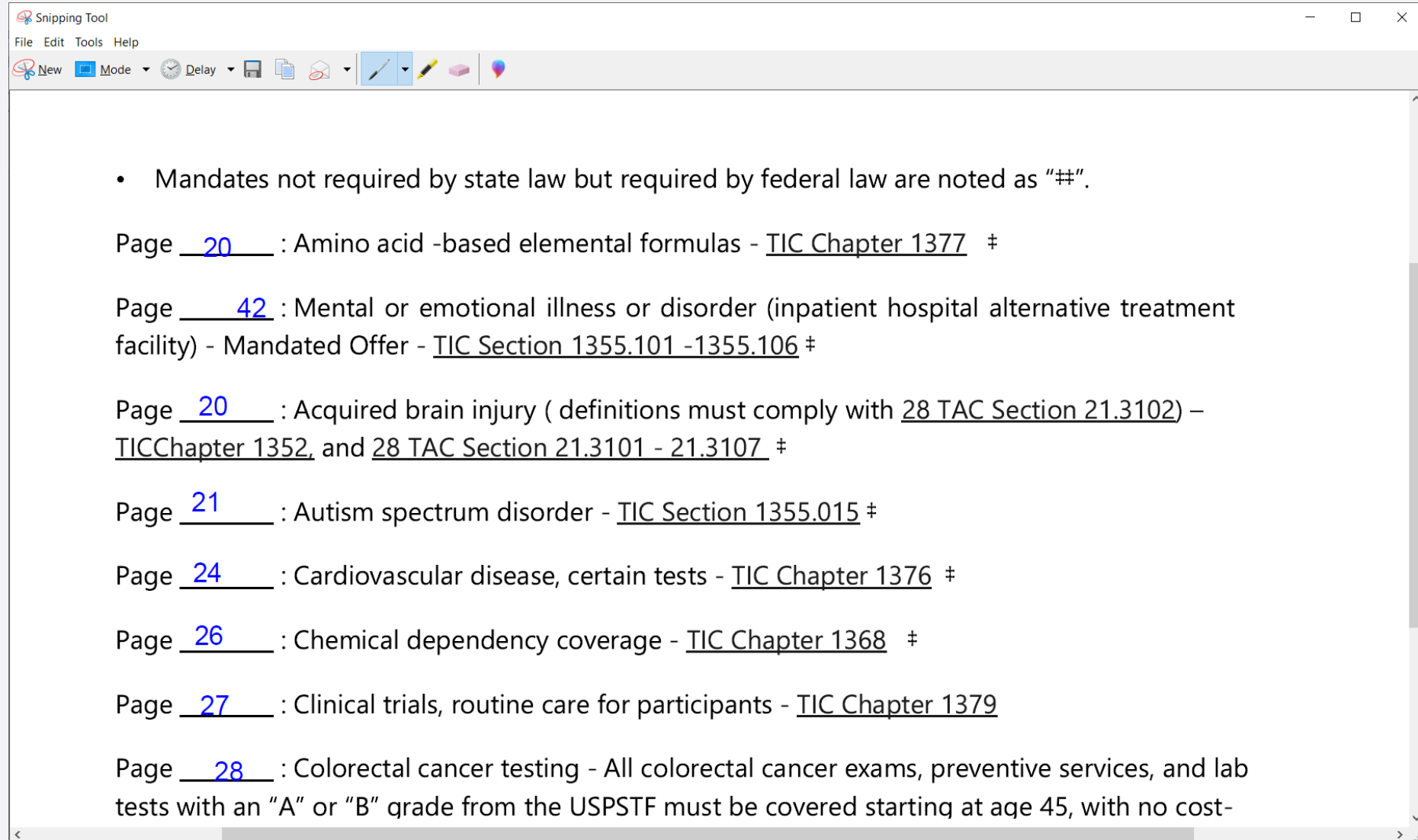
Page N/A : Autism spectrum disorder - TIC Section 1355.015 #

Page 31 : Cardiovascular disease, certain tests - TIC Chapter 1376 #

Page See note : Chemical dependency coverage - TIC Chapter 1368 #
[Refer to previously approved filing.](#)

Page 33 : Clinical trials, routine care for participants - TIC Chapter 1379

TDI | Completed checklist example - correct



Snipping Tool

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New Mode Delay [Icons]

- Mandates not required by state law but required by federal law are noted as “##”.

Page 20 : Amino acid -based elemental formulas - TIC Chapter 1377 ‡

Page 42 : Mental or emotional illness or disorder (inpatient hospital alternative treatment facility) - Mandated Offer - TIC Section 1355.101 -1355.106 ‡

Page 20 : Acquired brain injury (definitions must comply with 28 TAC Section 21.3102) – TICChapter 1352, and 28 TAC Section 21.3101 - 21.3107 ‡

Page 21 : Autism spectrum disorder - TIC Section 1355.015 ‡

Page 24 : Cardiovascular disease, certain tests - TIC Chapter 1376 ‡

Page 26 : Chemical dependency coverage - TIC Chapter 1368 ‡

Page 27 : Clinical trials, routine care for participants - TIC Chapter 1379

Page 28 : Colorectal cancer testing - All colorectal cancer exams, preventive services, and lab tests with an “A” or “B” grade from the USPSTF must be covered starting at age 45, with no cost-

Excepted benefits

- Accident policy/expense incurred basis benefits/prosthetic and orthotic devices benefits.
- Adopted child definition/party in suit.
- Proof of loss/time deadline.

HMO

- Non-network diagnostic imaging services and lab services providers, balance billing.
- Behavioral health parity requirements.
- Initial adverse determination timeframes.

Major Medical

- EPO/PPO written plan description.
- Electronic application – consent and withdrawal.
- Teledentistry definition.

TDI | Top objections

Group life

- Transmittal checklist-One group type per filing.
- Name of policyholder on policy/certificate, discretionary group.
- Individual policy upon termination of employment or membership.
- Premium based on attained age and class.

Individual life

- A signed premium receipt-payment of the premium.
- Time deadline for payment of death benefit.
- Accrued interest payment.

Group annuity

- One group only on transmittal checklist.
- Discretionary clauses prohibited.
- Restrictions for separate accounts.

Individual annuity

- One surrender charge per unique form number.
- Eligibility/Waiver of surrender charge/Terminal Illness.
- Recission period required, fixed and variable annuity.

TDI | Common compliance issues

- Putting language in a form that was removed from previous filings due to an objection.
- Inaccurate redlining.
- Responses to objections that:
 - Do not respond to the objection at all.
 - Only provide a vague response.
 - Provide only amended language with no explanation of how the objection was addressed.
- Abusing a form's exempt status under 28 TAC §3.4004 by filing large rate increases as exempt.

TDI | Disapproval process

- Insurance Specialist makes recommendation to leadership.
- Director approval of recommendation recorded in SERFF with new state status – NPD, Notice of Proposed Disapproval.
- Followed by objections and proposed disapproval date (5 business days).

TDI | Exempt filings

- Exempt from review and approval, but not exempt from filing or compliance with statute and rule.
- Permitted but subject to audit.
- High percentage of filings fail audit.
- Filings with PPO or EPO structure – cannot be exempt.
- New or unusual products – cannot be exempt.

TDI | ACA filing season

- Notice of payment and benefit parameters.
- File with TDI ASAP in advance of CMS' early bird deadline.
- Include legislative updates.
- Marketing cannot be misleading.

TDI | New rules under consideration

- Filings must be submitted through SERFF.
- The Life & Health Lines Office will no longer accept paper filings.
- Filings fees must be paid via EFT.
- Receive notice of TDI rule updates.

www.tdi.texas.gov/rules/index.html

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