



# LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON  
COMMISSIONER

## DIRECTIVE 174

**REVISED AND REISSUED  
DECEMBER 15, 2008**

**TO: ALL LIFE, PROPERTY AND CASUALTY, AND HEALTH INSURERS, INCLUDING HEALTH MAINTENANCE ORGANIZATIONS, AND FRATERNAL BENEFIT SOCIETIES SUBMITTING POLICY FORM FILINGS IN THE STATE OF LOUISIANA**

**RE: INSURANCE COVERAGES AND CONTRACTS FOR WHICH THE CERTIFIED APPROVAL PROCEDURE IS REQUIRED, OR WHICH MAY, AT THE FILER'S OPTION, BE FILED UTILIZING THE CERTIFIED APPROVAL PROCEDURE**

### DIRECTIVE 174 REVISED

Directive 174, issued on March 1, 2003, is hereby revised and reissued to change the certified approval process on certain mandatory and optional filings as it pertains to life insurance products, health insurance products and property and casualty insurance products. Particularly, limited benefit health insurance plan products have been removed from the certified approval procedure. Additionally, property and casualty insurance plan products have had both removals from and additions to the certified approval procedure. Insurers are directed to refer to the Louisiana Department of Insurance's ("Department") Product Filing Matrix to review the listing of insurance products that are subject to the certified approval process before submitting a policy form filing for review and approval by the Department.

### PURPOSE

The Department hereby notifies all insurers submitting policy form filings of the specific types of coverage and particular types of contracts for which the certified approval procedure is required, or which may, at the filer's option, be filed utilizing the certified approval procedure.

## **AUTHORITY**

In furtherance of the authority granted to the Commissioner of Insurance in LSA-R.S. 22:674, 22:861, 22:862, and 22:972 (redesignated respectively from LSA-R.S. 22:1324, 22:620, 22:621, and 22:211 by Acts 2008, No. 415, §1, effective January 1, 2009) in accordance with Policy Form Filing Requirements - Regulation 78 §§ 10107.C, 10109.C and 10113.C, the Department shall by directive designate those specific types of coverages and particular types of contracts for which the certified approval procedure is required, or which may, at the filer's option, be filed utilizing the certified approval procedure.

"Insurer" is defined in Regulation 78 as: "Every person engaged in the business of making contracts of insurance, as further defined in LSA-R.S. 22:46 (redesignated from LSA-R.S. 22:5 by Acts 2008, No. 415, §1, effective January 1, 2009). As used in this Section, insurer shall also include fraternal benefit societies and health maintenance organizations."

"Certified Approval" is defined in Regulation 78 as: "Approval on the basis of an expedited approval by the Department of a complete filing based upon the inclusion of a Statement of Compliance and a Certification of Compliance, executed by an officer or authorized representative of the filing insurer on a form prescribed by the Department. The Department shall by directive determine those specific types of coverages and particular types of contracts for which the certified approval procedure is either required or available at the option of the insurer."

"Compliance Review" is defined in Regulation 78 as: "Department review of a filing made pursuant to this Section to determine either that the filing is in compliance with all applicable statutes, rules and regulations, or that the filing should be disapproved for noncompliance."

## **DIRECTIVE REQUIREMENTS**

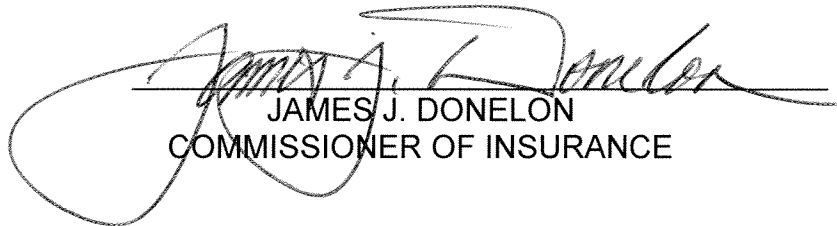
The Department hereby notifies insurers that effective January 1, 2009, the specific types of coverages and particular types of contracts identified in the Department's Product Filing Matrix are designated as those for which the certified approval procedure is either required or available at the option of the insurer. Such products are subject to change at the Department's discretion. Insurers are directed to refer to the Product Filing Matrix for updates prior to the submission of policy form filings for review and approval by the Department.

Policy form filings subject to or utilizing the certified approval procedure must follow the requirements set forth in Regulation 78 and must include a signed and dated Certification of Compliance form. Failure to properly comply will result in such filings being determined incomplete and subject to disapproval pursuant to Regulation 78 §§ 10107.F.3, 10109.F.3, 10113.F.3 and/or LSA-R.S. 22:862.

Exception for applicants filing for a Certificate of Authority: All policy forms filed in connection with an application for a Certificate of Authority to do business in this state shall be subject to full compliance review, and no Certification of Compliance is required.

Please be governed accordingly.

Baton Rouge, Louisiana, this 15th day of December, 2008.



JAMES J. DONELON  
COMMISSIONER OF INSURANCE