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EMERGENCY RULE NOTICE OF INTENT RULE POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) AUGUST, 2021 *Louisiana Register* the document indicated above.

OFFICE OF THE COMMISSIONER
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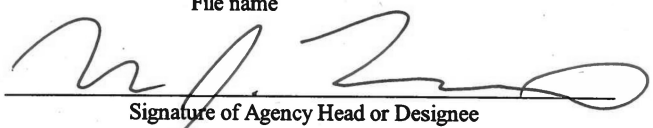
JAMES J. DONELON COMMISSIONER
 (name) (title)
 Name and title of person whose signature will appear in the
 publication (at the end of the document)

DEPARTMENT OF INSURANCE
 Department under which office/board/commission is classified

JENNIFER LAND 225-342-6621 225-342-1632
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 Name, phone number, and FAX number of person to contact
 regarding this document

JENNIFER.LAND@LDI.LA.GOV
 E-mail address of contact person

REGULATION 117 - SUBMISSION OF CONTACT INFORMATION FOR RISK-BEARING ENTITIES
 Short descriptive listing for this document to be used in
 the *Louisiana Register's* TABLE OF CONTENTS/INDEX

NOI TO PROMULGATE REGULATION 117
 File name

 Signature of Agency Head or Designee
Nicholas Lorusso, Chief Deputy Commissioner
 Print Name and Title of Agency Head or Designee

Important: If submitting both an Emergency Rule (ER) and a Notice
 of Intent (NOI) to be published this month, AND if the rule text in the
 ER is identical to the rule text in the NOI, check here:

CERTIFICATION OF AVAILABLE FUNDS DOCUMENT # _____

ISIS AGENCY: I certify the availability of fiscal year _____ appropriated funds for the payment of the above referenced publication
 and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental
 sheet for additional lines of coding.

AGENCY ORGANIZATION # OBJECT SUB-OBJECT REPORTING CATEGORY

NON-ISIS AGENCY: I certify the availability of fiscal year 21-22 appropriated funds for the payment of the above referenced
 publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:
LA Department of Insurance
 Agency Name
P.O. Box 94214
 Street Address or Post Office Box
Baton Rouge, LA 70804-9214
 City State Zip Code

Stephanie C. Kendrick 342-3918
 Signature of Agency Head or Designee - Phone #

Lines/Other Charges _____ Typesetting \$ _____ TOTAL \$ _____

NOTICE OF INTENT

Department of Insurance Office of the Commissioner

Regulation 117— Submission of Contact Information for Risk-Bearing Entities (LAC 37:XIII.Chapter 175)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 and 22:11 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to promulgate Regulation 117—Submission of Contact Information for Risk-Bearing Entities. Regulation 117 (1) establishes a procedure for the submission of required contact information for risk-bearing entities; (2) sets a specific date and method for the submission of the annual filing to inform the commissioner of the contact information required pursuant to R.S. 22:41.2; (3) establishes the procedure and time limitation to notify the commissioner of a change in the contact information that was provided with the annual filing; and (4) provides for penalties for the failure to timely make the annual filing or to submit a notice of change in the contact information to the commissioner.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 175. Regulation Number 117— Submission of Contact Information for Risk Bearing Entities

§17501. Purpose

The purpose of this regulation is to establish a procedure for the submission of required contact information for risk-bearing entities, to set a specific date and method for submission of the annual filing of the contact information, to establish the procedure and time limitation to notify the commissioner of a change in the contact information that was provided with the annual filing, and to provide for penalties for the failure to timely make the annual filing or to submit a notice of change in the contact information to the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§17503. Definitions

A. The following terms when used in this Chapter shall have the following meanings:

Commissioner—the Louisiana Commissioner of Insurance.

Department—the Louisiana Department of Insurance.

Risk-bearing entity—any entity included in R.S. 22:48.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§17505. Required Contacts

- A. The following shall be required contacts for each risk-bearing entity:
 - 1. An individual responsible for the receipt of and response to consumer complaints filed with the department.
 - 2. An individual responsible for the receipt of rules, regulations or other directives from the commissioner.
 - 3. An individual responsible for the receipt of and response to inquiries from the department regarding the financial condition of the entity.
 - 4. An individual responsible for the receipt of and response to inquiries from the department regarding tax payments.
 - 5. An individual responsible for the receipt of and response to inquiries from the department regarding data security and data breaches.
 - 6. An individual responsible for the receipt of and response to inquiries from the department in the event of a catastrophe or disaster.
 - 7. An individual responsible for the receipt of and response to inquiries from the department regarding market conduct issues.
- B. The risk-bearing entity may designate more than one individual to meet any one of the requirements of this section.
- C. The risk-bearing entity may designate one individual as its primary contact to satisfy any one or more of the required contact requirements.
- D. If the phone number provided is a general phone number of the risk-bearing entity, the contact information submitted shall include the extension of the individual.
- E. The commissioner may provide additional contact types for which a risk-bearing entity may submit contact information to facilitate communication with the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§17507. Annual Notification of Contact Information

- A. No later than March 1st annually, every risk-bearing entity conducting business in Louisiana shall provide notice to the commissioner that sets forth the name, mailing address, phone number, and electronic mail address for each required contact as set forth above in §17505.
- B. This notice shall be made electronically using the department's Industry Access System or any subsequent program provided by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§17509. Notice of Change of Contact Information

A. Every risk-bearing entity shall notify the commissioner within 30 days of any change in the contact information that was provided with the annual filing.

B. The notification of change may be made by using the department's Industry Access System or through an electronic filing of a uniform notification created by the National Association of Insurance Commissioners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

§17511. Violations

A. Failure to provide notice to the commissioner of the required contact information on or before March 1st or to provide a notification of change to the commissioner within 30 days of any change in the contact information may be determined by the commissioner to be a violation of R.S. 22:41.2 and may result in or subject a risk-bearing entity to penalties pursuant to R.S. 22:18 or 22:337(A)(5).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR

Family Impact Statement

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of parents regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

Poverty Impact Statement

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

Small Business Analysis

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

Provider Impact Statement

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

Public Comments

Interested persons who wish to make comments may do so by writing to Jennifer Land, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632. Comments will be accepted through the close of business, 4:30 p.m., September 10, 2021.

James J. Donelon
Commissioner

Fiscal and Economic Impact Statement

1. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)

The proposed rule will have no cost to state agencies and local governmental units. The proposed rule is promulgated to establish a procedure for the submission of required contact information for risk-bearing entities, and to set a specific date and method for the submission of the annual filing to inform the commissioner of the contact information required pursuant to R.S. 22:41.2

2. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)

The proposed rule will have no impact on state or local governmental revenues.

3. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS. (Summary)

The proposed rule establishes a procedure for the submission of required contact information for risk-bearing entities. Failure to provide notice to the commissioner of the required contact information on or before March 1st, or failure to provide a notification of change to the commissioner within 30 days of any change, may be determined a violation and may result in penalties pursuant to R.S. 22:18 or 22:337(A)(5).

4. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT. (Summary)

The proposed rule will have no impact upon competition and employment in the state.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

| | |
|---|--|
| Person Preparing Statement: <u>Anita R. Robert</u> | Department: <u>Louisiana Department of Insurance</u> |
| Phone: <u>(225) 219-0609</u> | Office: <u>Management & Finance</u> |
| Return Address: <u>P. O. Box 94214</u> <u>Baton Rouge, LA</u> <u>70804-9214</u> | Rule Title: <u>Submission of Contact Information for Risk-Bearing Entities</u> |
| | Effective Date: <u>Upon Publication</u> |

SUMMARY

(Use Complete Sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. **THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)

The proposed rule will have no cost to state agencies and local governmental units. The proposed rule is promulgated to establish a procedure for the submission of required contact information for risk-bearing entities, and to set a specific date and method for the submission of the annual filing to inform the commissioner of the contact information required pursuant to R.S. 22:41.2

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)

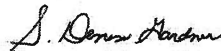
The proposed rule will have no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS. (Summary)

The proposed rule establishes a procedure for the submission of required contact information for risk-bearing entities. Failure to provide notice to the commissioner of the required contact information on or before March 1st, or failure to provide a notification of change to the commissioner within 30 days of any change, may be determined a violation and may result in penalties pursuant to R.S. 22:18 or 22:337(A)(5).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT. (Summary)

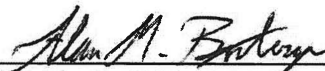
The proposed rule will have no impact upon competition and employment in the state.



Denise Gardner, Chief of Staff
La. Department of Insurance

8/6/21

Date of Signature



Legislative Fiscal Officer or Designee

8/9/21

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriated legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of the current and proposed rules with amended portions indicated).

The proposed rule will have no cost to state agencies and local governmental units. The proposed rule is promulgated to establish a procedure for the submission of required contact information for risk-bearing entities, and to set a specific date and method for the submission of the annual filing to inform the commissioner of the contact information required pursuant to R.S. 22:41.2.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

The Louisiana Department of Insurance (LDI) is tasked with administering the Insurance Code, which regulates the business of insurance in all of its phases. The proposed rule is promulgated to establish a procedure for the submission of required contact information for risk-bearing entities.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session:

- (1) Will the proposed rule change result in any increase in expenditure of funds? If so, specify the amount and source of funding.

No increase in expenditure of funds is anticipated as a result of the proposed rule.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

____ Yes. If yes, provide documentation.

____ No. If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM ACTION PROPOSED.

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

LDI does not anticipate any implementation costs (savings) as a result the proposed rule.

| COSTS | FY 22 | FY 23 | FY 24 |
|-------------------------|----------|----------|----------|
| Personal Services | 0 | 0 | 0 |
| Operating Expenses | 0 | 0 | 0 |
| Professional Services | 0 | 0 | 0 |
| Other Charges | 0 | 0 | 0 |
| Equipment | 0 | 0 | 0 |
| Major Repairs & Constr. | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 |
| POSITIONS (#) | | | |

2. Provide a narrative explanation of the costs or savings shown in "A.1" above, including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

| SOURCE | FY 22 | FY 23 | FY 24 |
|-----------------------|----------|----------|----------|
| STATE GENERAL FUND | 0 | 0 | 0 |
| AGENCY SELF-GENERATED | 0 | 0 | 0 |
| DEDICATED | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 |
| OTHER (SPECIFY) | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 |

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

No additional funding is necessary to implement the proposed rule.

B. COSTS OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is no impact on local governmental units as a result of the proposed rule.

2. Indicate the sources of funding of local governmental unit(s) which will be affected by these cost or savings.

Not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET
(Continued)

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

The proposed rule will have no impact on state or local governmental revenues.

| REVENUE INCREASE/DECREASE | FY 22 | FY 23 | FY 24 |
|---------------------------|----------|----------|----------|
| STATE GENERAL FUND | 0 | 0 | 0 |
| AGENCY SELF-GENERATED | 0 | 0 | 0 |
| DEDICATED FUNDS* | 0 | 0 | 0 |
| FEDERAL FUNDS | 0 | 0 | 0 |
| LOCAL FUNDS | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 |

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A". Describe all data, assumptions and methods used in calculating these increases or decreases.

Not Applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS

A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.) they may have to incur as a result of the proposed action.

The proposed rule establishes a procedure for the submission of required contact information for risk-bearing entities. Failure to provide notice to the commissioner of the required contact information on or before March 1st, or failure to provide a notification of change to the commissioner within 30 days of any change, may be determined a violation and may result in penalties pursuant to R.S. 22:18 or 22:337(A)(5).

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The proposed rule is not anticipated to impact receipts or income of directly affected persons, small businesses, or non-governmental groups.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule will have no impact upon competition and employment in the state.