

**TITLE 365. INSURANCE DEPARTMENT  
CHAPTER 10. LIFE, ACCIDENT AND HEALTH**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1.	General Provisions
Part 1.	General Provisions
365:10-1-13.	Notification required upon rejection [REVOKED]
365:10-1-15.	Eliminating unfair discrimination on basis of children as single applicants [REVOKED]
Subchapter 3.	Advertising
Part 1.	Accident and Health Insurance
365:10-3-3.	Definitions [AMENDED]
Part 3.	Life Insurance Advertising
365:10-3-31.	Definitions [AMENDED]
Subchapter 9.	Annuities
Part 1.	New Annuity Mortality Table For Use in Determining Reserve Liabilities For Annuities
365:10-9-1.	Purpose [AMENDED]
365:10-9-2.	Definitions [AMENDED]
365:10-9-3.	Individual annuity or pure endowment contracts [AMENDED]
365:10-9-3.1.	Application of the 2012 IAR Mortality Table [NEW]
Subchapter 31.	Navigators and Navigator Entities [NEW]
365:10-31-1.	Purpose [NEW]
365:10-31-2.	Scope [NEW]
365:10-31-3.	Authority [NEW]
365:10-31-4.	Individual navigator registration application, registration renewals, fees, and civil penalties [NEW]
365:10-31-5.	Navigator entity registration application, registration renewals, fees, and civil penalties [NEW]
365:10-31-6.	Individual navigator requirements [NEW]
365:10-31-7.	Navigator entity requirements [NEW]
Appendix WW.	2012 IAM Period Table, Female, Age Nearest Birthday [NEW]
Appendix XX.	2012 IAM Period Table, Male, Age Nearest Birthday [NEW]
Appendix YY.	Projection Scale G2, Female, Age Nearest Birthday [NEW]
Appendix ZZ.	Projection Scale G2, Male, Age Nearest Birthday [NEW]

**SUMMARY:**

365:10-1-13 is revoked because the rule no longer has a statutory basis. 36 O.S. § 4509.2(C) was amended in 2014 to delete this requirement set out in the rule. Furthermore, 36 O.S. § 6533 was amended in 2014 to prohibit the issuance of health insurance through the Oklahoma Health Insurance High Risk Pool effective June, 2014, and all coverage terminated December 31, 2014. 365:10-1-15 is revoked because it is no longer necessary. Federal law no longer permits a health insurance carrier to deny coverage to an applicant of any age on the basis of pre-existing conditions. 365:10-3-3 and 365:10-3-31 are amended to include social media in

the definition of advertisement. These two rules are also amended to correct formatting and numbering errors. An amendment to 365:10-3-31 also corrects a spelling error.

The amendments in Subchapter 9 address the National Association of Insurance Commissioners' December 2012 adoption of the revised Model Rule for Recognizing a New Annuity Mortality Table for Use in Determining Reserve Liabilities for Annuities. The revised model adds the 2012 Individual Annuity Reserving Mortality Table (2012 IAR Mortality Table). The amendments include (1) adding the 2012 IAR Mortality Table to the list of recognized mortality tables; (2) adding definitions for Period Table, Generational Mortality Table, 2012 IAR Mortality Table, 2012 IAM Period Table, and Projection Scale G2; and (3) establishing when and how the 2012 IAR Mortality Table may be used. Four new appendices (WW, XX, YY, and ZZ) are added to reflect these changes.

In 2014, the regulation of navigators and navigator entities was placed under the authority of the Insurance Commissioner with the passage of HB 3286. Subchapter 31 sets out the rules to implement the provisions of that law, now codified in 36 O.S. §§ 1415.2-1415.5. Sections 1-3 set out the purpose, scope, and authority for the new rules. 365:10-31-4 sets out the process for individual navigators to register with the Oklahoma Insurance Department, required background checks, required fees, and the procedure in the event of a denial of a registration application. 365:10-31-5 sets out the process for navigator entities to register with the Oklahoma Insurance Department, required fees, and the procedure in the event of a denial of a registration application. 365:10-31-6 sets out the record keeping requirements for individual navigators and guidelines for dealing with private consumer information. 365:10-31-7 sets out the record keeping requirements for navigator entities and required reporting to the Commissioner.

**AUTHORITY:**

Insurance Commissioner, 36 O.S. §§ 307.1 and 1415.5

**COMMENT PERIOD:**

Written or oral comments regarding the proposed rule amendments shall be received on or before 5:00 p.m. on March 4, 2015. Comments shall be directed to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

A public hearing regarding the proposed rule amendments will be held March 5, 2015, at 1:30 p.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56<sup>th</sup> St., Suite 100, Oklahoma City, Oklahoma 73112.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Director of Public Policy and Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before 5:00 p.m. on March 4, 2015.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Copies of the rules may also be inspected and obtained on the Insurance Department's website at [www.ok.gov/oid](http://www.ok.gov/oid).

**RULE IMPACT STATEMENT:**

A rule impact statement will be available on and after February 2, 2015, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

**CONTACT PERSON:**

Buddy Combs, Director of Public Policy and Assistant General Counsel, (405) 522-4609.