

Drafted: 1/15/08

Statistical Information (C) Task Force
Conference Call Minutes
December 18, 2007

The Statistical Information (C) Task Force met via conference call Dec. 18, 2007. A quorum participated and Lee Barclay (WA) chaired the meeting. The following Task Force members participated: Clark Simcock (DC); Dick Cook (KS); Brent Kabler (MO); Sam Sackey (NJ); Maureen Motter (OH); Kathie Stepp (OK); and Rae Taylor (OR).

1. Authorization to Continue

Mr. Barclay indicated the Task Force was authorized at the Winter National Meeting by the Property and Casualty Insurance (C) Committee to continue working on assignments during the period between the election of new NAIC officers and the appointment of members to the Property and Casualty Insurance Committee and its task forces and working groups.

2. Update on Insurance Match Initiative by the U.S. Department of Health and Human Services, Administration for Children and Families/Office of Child Support Enforcement (OCSE)

Sherri Grigsby (OCSE) provided an overview to the Task Force. OCSE was authorized by the implementation of the Deficit Reduction Act in 2006. OCSE will assist in comparisons of claim settlements and awards to delinquent child support obligors. There are two insurer match options: 1. Insurer compares federal OCSE provided insurance match eligible obligors with claims; or 2. OCSE compares insurer provided claims with insurance match eligible obligors. OCSE is seeking assistance in identifying data sources and making contacts within insurance companies. OCSE is reaching out to other agencies (e.g., workers' compensation bureaus and labor offices, individual insurance companies and trade associations) to set up a data match and has been making progress in establishing matching partners. There is no cost for companies in OCSE's program. OCSE has obtained most of their success with communicating with companies directly and they would like a good source of contacts at the insurance companies. Task Force members were encouraged by Mr. Barclay to think about ways the Task Force might be of assistance to OCSE.

3. Update and Discussion on Medical Malpractice Closed Claim Reporting Model Law

Mr. Barclay provided an overview to the Task Force on the status of the *Medical Malpractice Closed Claim Reporting Model Law*. September 26, 2007, the Task Force submitted a letter to the Property and Casualty Insurance (C) Committee asking for direction regarding confidentiality provisions. The direction provided by the Property and Casualty Insurance (C) Committee was for the Task Force to continue to draft the model and refer the model when they have concluded the work absent the confidentiality portion. The Property and Casualty Insurance (C) Committee will make a decision on the confidentiality issue when the model is presented. Mr. Barclay indicated the Task Force has made most of the decisions regarding sections other than the confidentiality section but another review should be conducted.

Within Section 4, paragraph A. (4), Mr. Kabler indicated that some states may have a problem enforcing provider reporting and the provider may not have all relevant information to report if a risk retention group refused to report. Leaving the ability of a risk retention group to refuse to report on their own initiative would not provide the best alternative as there is no legal recourse for the states to pursue. He suggested wording be included requiring a court of competent jurisdiction to determine that a risk retention group does not need to report be added. Lisa Smego (WA) summarized the manner in which they faced this issue in Washington. The Task Force discussed how the costs might be high for a state to pursue legal remedy. Mr. Kabler indicated Missouri law requires risk retention groups to report. Mr. Barclay indicated Section 2 of the Model contains risk retention groups in the definition of an insuring entity thereby including risk retention groups to be required to report and it would not be voluntary. It was agreed that provider or clinic reporting may be difficult as some will lack sufficient knowledge to complete all data elements and Mr. Barclay encouraged suggestions on this topic.

A question was raised regarding the confidentiality aspects the Property and Casualty Insurance Committee will be addressing and whether or not the various concerns raised on confidentiality were provided to the Committee. The Sept. 26, 2007, letter did refer the members to the location of all the documents on the Website. NAIC staff was asked to arrange for the materials to be passed on to the Property and Casualty Insurance Committee when it is deemed appropriate.

Comments should be submitted to Joe Bieniek (NAIC) by Jan. 11, 2008, and a revised draft of the model law will be available by Jan. 15, 2008.

4. Update on the Activities of the Disaster Reporting (E) Working Group

Mr. Barclay said it was important for the Task Force to monitor the activities of the Disaster Reporting (E) Working Group as the data elements established by the Working Group may require changes to the *Statistical Handbook*. David Vacca (NAIC) provided an update of the Disaster Reporting (E) Working Group. The Working Group and Financial Condition (E) Committee has adopted the *Disaster Reporting Framework*. The implementation plan simply describes in a high-level manner how NAIC could assist state insurance departments in collecting disaster information through a Disaster Reporting System, should a state (or collective states) desire assistance. The framework is a guideline. It can coordinate multi-state disaster event activities so resources and information can be shared in a uniform and consistent manner and be less burdensome on the companies and be easier for the states as a whole. It is important to note that NAIC assistance (i.e. level of assistance that could include providing software to a state to collect data and/or assisting a state with disseminating the information to other regulators) is purely optional as outlined in the framework. Mr. Vacca was not aware of a review of the *Statistical Handbook* being conducted by members of the Working Group. The framework is a tool developed from various requests of governors and state legislature that has been asking insurance departments when various catastrophes have taken place in a state. The framework is similar to what was developed and implemented for obtaining data related to Hurricane Katrina and Hurricane Rita.

Mr. Barclay asked the Task Force to review the framework in detail as the Task Force will discuss during the next conference call to determine if any comment is required by the Task Force.

5. Any Other Matters

The next conference call was scheduled for Jan. 22, 2008. Having no further business, the Statistical Information (C) Task Force adjourned.