Oregon general filing tips - Applies to all product lines (November 2013)

SERFF users must review the Oregon General Filing Instructions in SERFF. Division of Financial Regulation Bulletin 2006-05 contains general filing instructions for filing policy forms, rules, and rates.

ACRONYMS, ABBREVIATIONS, INITIALS – Explain or define.

APPLICATION FORMS – Application forms that may be used to deny a claim must be filed for prior approval (ORS 742.003(1), ORS 742.013). Use appropriate product standard checklists: 440-2442H (health), 440-2442 (life, AD&D, and annuity), or 440-3615A (motor vehicle).

APPLICATION QUESTIONS – "Have you ever…?" questions on applications: Oregon does not allow use of open-ended questions for product areas with statutory maximum look-back provisions; where the question violates federal law; or creates unfair discrimination (OAR 836-081-0010).

ARBITRATION GUIDELINES (ORS 36.600 - ORS 36.740), if included:

- Only mutually agreed arbitration may be binding.
- If there is no mutual agreement, it may be binding only on the party that demanded arbitration.
- Arbitration proceedings take place under the laws of Oregon and are held in the insured's county or another county in the state if agreed upon.

CERTIFICATE OF COMPLIANCE – A current Certificate of Compliance (Form 440-3894) is required with every filing submission (OAR 836-010-0011). It must be signed and dated by both the filer and a company officer. We do not accept unsigned or modified Certificate of Compliance forms. *If making an insurer group form filing for multiple insurance companies, only one Certificate of Compliance is required for the group, naming each company/insurer included in the group submission.*

COMPANY CONTACTS – The contact name, telephone number (with extension, if applicable), email address, and fax number must be accurate and current.

DOMESTIC PARTNERS – Per ORS 106.305 and Bulletin 2008-2, same-sex domestic partner should be treated the same as a married spouse. See January 2009 e-notify for annuities. The form should not refer to Defense of Marriage Act, but to federal law as a result of the recent Supreme Court decision.

FILING DESCRIPTION OR COVER LETTER – Explain purpose of each filing, how the product is unique, and changes made from previous filings. If the new filing is not replacing prior approved forms, explain the need for the new forms. If filing is a new product, also include the marketing plan. For advertisement filings, see the advertising guidelines for health or life and annuities.

FORM NUMBERS – New and replaced form number references (including edition date) must EXACTLY match the form number shown on the actual documents submitted for approval; this includes dashes, parenthesis, slashes, spaces, dots, etc. The entire reference should appear in the Form Number field. For tracking purposes in Oregon, the version or edition is considered part of the form number. Any form references throughout the filing must be consistent.

FRAUD WARNINGS – Division of Financial Regulation Bulletin 2010-03 lists guidelines for acceptable fraud warnings.

INCOMPLETE OR INACCURATE SUBMISSIONS – Incomplete or inaccurate submissions (including clerical errors, typographical errors, missing forms, and illegible materials) require a response within 24 hours. If the necessary corrections or materials have not been received within 24 hours, the filing will be rejected without review and may not be reopened. When re-filing, reference the previously disapproved state tracking number.

MULTIPLE SUBMISSIONS OF THE SAME FORM NUMBER – The National Association of Insurance Commissioners property/casualty product coding matrix allows for interline form submissions. If the same policy form will be used for multiple product offerings, it should be filed only once as an interline submission noting all of the lines or programs it applies to. For example, a simple endorsement that could be attached to all personal lines or all commercial lines policies needs submitted only once avoiding duplicates of the same form being assigned to multiple analysts.

NOTE TO REVIEWER IN SERFF – DO NOT attach documents to a Note to Reviewer. All documents must be able to be PDF Pipelined. All documents should be added as a response to an objection or as an amendment to the filing.

OBJECTION RESPONSE TIMELINES
- Initial filings, before assigned to an analyst or actuary – 24 hours
- During analyst or actuary review – 10 calendar days for first response and five days for the second response
- Companies may request a five-calendar-day extension if they need more time than the calendar days given.

OBJECTION RESPONSES THAT INCLUDE CHANGES FROM THE ORIGINAL SUBMISSION – When sending an objection response, indicate if the subject form number is being revised, replaced, or if any new forms are added that were not in the original submission material. You may also need to amend or revise your filed rules/rates manual if form references are contained therein that may be affected by changes to the forms submission.

PAPER FILING GUIDELINES –
- Provide two complete sets of paper filing submissions and objection responses. If an email response is sent, send two hard copies via postal mail.
- Include one large postage-paid return envelope with the initial filing materials so we can mail the perforated documents back after review is complete.
- The company must retain this approved hard copy material for a minimum of five years or as long as the contents of the filing are active, whichever is longer. See Bulletin 2006-5 for filing retention requirements.
- Signed NAIC transmittal documents are required on all non-SERFF filing submissions of forms, rules, and rates. Do not use NAIC transmittal documents on SERFF filing

submissions except for workers' compensation (WC) filings, which must be accompanied by transmittal documents per OAR 836-042-0015(2).

- If making substantial changes to a paper filing after an objection response, you may need to send a revised Forms Filing Schedule (PC FFS-1) or Forms Filing Attachment (LH FFA-1).

PRODUCT STANDARDS – The current product standard checklists may be a required filing component in some submissions. A filing submission may require more than one product standards checklist depending on the lines of coverage represented and type of filing (e.g., policy, endorsement, application). Include all applicable checklists. Refer to our Forms List to determine if a product standard must be attached to a filing.

REFILING PREVIOUSLY DISAPPROVED SUBMISSIONS – If a filing was previously disapproved or rejected and the company is now resubmitting, explain this in the Filing Description or Cover Letter. Include copies of all correspondence from the previous submission along with an explanation of how the prior objections have been addressed in the new filing.

REQUESTED EFFECTIVE DATE CHANGE – Send a Note to Reviewer on the closed SERFF filing to request your change of effective date. Include the reason for the change and the new dates being requested.

REVISION OF PREVIOUSLY APPROVED FORMS – When filing revised forms, we require the previously approved forms be highlighted with the specific changes made, or a side-by-side comparison of the old and new versions noting the changes, or a redline version (redlines required for health filings). If the form was approved in paper, include a copy of all pages of the perforated form. All revised policy forms must either have a new form number assigned or a new revision (edition) date (OAR 836-010-0011(4)).

SERFF ATTACHMENT GUIDELINES – They need to be PDF-Pipeline ready, meet Adobe readability requirements, and be less than three megabytes (3 MB) per PDF. Additional information is in the SERFF Oregon General Filing Instructions.

STATE OBJECTION RESPONSES

- See the SERFF Oregon General Filing Instructions regarding responses to state objections and the required placement of items filed. The SERFF Industry User Manual provides instructions for responding to state objection letters.
- Amendments should be used only if you have forgotten to attach something or need to correct an attachment before the state review process and should not be used for objection letter responses.
- When providing a revised form in response to a state reviewer's objection, send a "revised schedule item." Do not send the previous version with the new version.

STATE TRACKING NUMBER OR SERFF NUMBER – Reference either the State Tracking Number or SERFF number when sending correspondence regarding a particular filing. Failure to include this in your correspondence may cause a delay in processing.

STATEMENT OF VARIABILITY – For life and health filings, a Statement of Variability (SOV) form must be submitted under the Form Schedule tab in SERFF and with its own unique form number in the bottom left-hand corner. For stop loss, provider excess, or travel form filings, the SOV should be attached under on the Supporting Documentation tab in SERFF.

STATUS REQUESTS – Filing status requests should not be sent in SERFF. Instead, email dcbs.ratesforms@oregon.gov or call 503-947-7983 when checking review status. Filing status requests should only be made after 30 days from submission.