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FILING INFORMATION NOTICE 2009-4
(SUPERSEDES FILING INFORMATION NOTICES: 2008-1; 2008-2; 2008-3; 2008-4)

DATE: December 9, 2009

FROM: Karen Z. Schutter
IIPRC Executive Director

RE: **“Mix and Match” Filings**

Statutory References: Articles II. (11), IV. (6), VII. (1), and X. (2) of the *Interstate Insurance Product Regulation Compact* as adopted by Member States.

Operating Procedure References: Sections 103 and 110 of the *Operating Procedure for the Filing and Approval of Product Filings*.

EFFECTIVE DATE: Please note this Filing Information Notice 2009-4 is effective as of December 9, 2009. For product filings submitted to the Interstate Insurance Product Regulation Commission on and after December 9, 2009, Filing Information Notice 2009-4 (Mix and Match Filings) applies and supersedes the following Filing Information Notices (FIN): 1) 2008-01 (Reverse Mix and Match); 2) 2008-02 (Combination Product Filings); 3) 2008-03 (Application “Mix and Match”); 4) 2008-4 (Statement of Intent Filing Formats). For filings submitted prior to December 9, 2009, including approved filings which must be updated or amended after December 9, 2009, the filer will continue to follow Filing Information Notices 2008-01; 2008-02; 2008-03; and 2008-04.

BACKGROUND: The Interstate Insurance Product Regulation Commission (“Commission” or “IIPRC”) *Operating Procedure for the Filing and Approval of Product Filings*, or “Product Filing Rule” Section 110 provides procedures that allows Commission Product Components to be filed for use, upon approval, with State Product Components. These filings are referred to as “mix and match filings”. When State Product Components are filed with a Compacting State for use with an approved Commission Product Component, these state filings are referred to as “reverse mix and match filings.”

Insurers may file Commission Product Components for mix and match in combination with a State Product Component that involves a different product line, provided such combination is allowed by the Compacting State and the IIPRC has applicable Uniform Standard(s) for the Commission Product Components. For instance, IIPRC will accept a

mix and match filing containing an individual life policy and application for use with a state-approved long-term care rider or disability income rider.

Pursuant to Section 110(b)(2) of the Product Filing Rule, a mix and match filing, including one being used with a reverse mix and match filing, must include a Statement of Intent identifying the State Product Components to be used with Commission Product Components, specifically providing the following information for each State Product Component: the name of the Compacting State, its approval date, its form number, its SERFF Tracking Number or State Product Filing Number, and a product filing description. The mix and match filing must also contain a certification that the combination of a Commission Product Component and a State Product Component does not contain inconsistent, ambiguous, unfair, inequitable or misleading clauses, or exceptions or conditions that unreasonably affect the risk purported to be assumed.

A filer has a continuing obligation to update or supplement its Statement of Intent information to ensure it contains up-to-date and complete information with regards to State Product Components being used with the Commission Product Component.

In July 2009, the Commission amended the Product Filing Rule to eliminate the two-year timeline, found in the original Product Filing Rule, associated with the ability to mix and match Commission Product Components with State Product Components. As part of the consideration process for eliminating this timeline, the Commission agreed Compacting States needed enhanced functionality within the System for Electronic Rate and Form Filing (SERFF) to track mix and match filings and reverse mix and match filings and more efficiently and effectively associate Commission Product Components with State Product Components.

SERFF v5.8, released on December 9, 2009, implemented a separate “Statement of Intent” filing tab for field-based input of the Statement of Intent information requirements. Upon completion of the submission requirements in the Statement of Intent filing tab, a Mix and Match identifier (denoted as “MM”) will appear in the “Filing at a Glance” header also allowing for easier tracking by the IPRC Office and Compacting States. This Filing Information Notice outlines the filing procedure associated with the enhanced mix and match functionality.

FILING PROCEDURE:

If an insurer wishes to make a mix and match filing with the IPRC, the following procedures must be followed.

1. Filers creating or updating mix and match filings, submitted after December 9, 2009, will utilize the Statement of Intent (SOI) Schedule and complete all required fields for each State Product Component.
2. Filers will no longer be able to submit a PDF or Excel version of the SOI but rather must provide the information under the Statement of Intent tab which consists of items contained in the Appendix 1 – SOI Spreadsheet.
3. Filers must still attach a completed Statement of Intent and Certification Form, signed and dated by a company officer. An electronic signature may be used. The new SOI Schedule includes an attachment section for this form. The Statement of Intent and Certification Form can be found at:

http://www.insurancecompact.org/documents/industry_resources_soi_pt1.pdf

Please Note:

Once a filing has been submitted, you will not be able to add or modify the attachment section within the SOI Schedule. So please keep in mind, that once your filing has been submitted, while the SOI Schedule can be added or modified later on, you will not have the ability to upload the attachment within the SOI Schedule. The attachment will need to be added by using the Submission requirements tab.

4. Complete each field contained in the Schedule **for each State Product Component** as follows:
 - In the column titled “State”, select the applicable State from the drop down box.
 - In the column titled “Form Number”, enter the form number.
 - In the column titled “Tracking Number”, enter either the SERFF Tracking Number or the State Tracking Number in the appropriate boxes provided. If the filing number is unavailable, or if a filing number was not assigned by the State, select “Not Available”. If the form was exempt from filing, select “Exempt”.
 - In the column titled “Regulatory Method”, select the applicable filing option from the drop down box provided.
 - In the column titled “Date Legally Implemented” enter the date the form was placed into use. If unknown, select “prior to 1970”, “Exempt” or “Unavailable” as appropriate.
 - In the column titled “Document Name/Description”, enter the name or description of the form.
 - The column titled “Comments” can be used, if needed to provide additional information about the State Product Component.
5. Updates may be made to the Statement of Intent Schedule in the same manner as with all other filing elements.
6. For reverse mix and match filings, the filer must create or supplement the SOI Schedule after the State Product Component is approved to enter the relevant information regarding said State Product Component.
7. Recognizing that mix and match filing for an approval of application forms may involve voluminous number of State Product Components, the IIPRC developed a Statement of Intent Form for Modified Mix and Match Application Filings Only. For Application Filings, the following procedures may be utilized when completing the SOI Schedule:
 - Use the “Document Name/Description” column to list the “General Type(s) of Product Component(s)”.
 - Use the “Regulatory Method” column and the “Date Legally Implemented” column to provide the information previously provided in “All Type(s) of Product Component(s) Listed Duly Approved in Member State?”. Select the applicable options from the drop down boxes in completing each of these columns.
 - Enter “allindicatedforms” in the column titled “Form Number”.
8. For mix and match filings submitted to and/or approved by the IIPRC before December 9, 2009, filers wishing to update or amend the SOI must submit an updated PDF and Excel documents under the Supporting Documentation Schedule.
9. The submission requirement applicable to mix and match filings submitted before December 9, 2009 will remain available. For mix and match filings submitted on or after December 9, 2009, filers should bypass this submission requirement by including the following language “Satisfied via the Statement of Intent Schedule”.

10. Filers, who have extenuating circumstances that would make it difficult to convert a filing in process to the field-based Statement of Intent, may contact the IIPRC Office to request permission to submit the PDF and Excel versions of the Statement of Intent. Such requests will be considered on a case-by-case basis and will only be granted for a limited time period.

CONTACT INFORMATION:

Questions regarding this Notice should be directed to:

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