



FILING INFORMATION NOTICE 2017-1

This Filing Information Notice Replaces 2008-05

DATE: March 9, 2017

FROM: Karen Schutter
IIPRC Executive Director

RE: **PROCESS FOR REVISIONS TO FORMS AND SUPPORTING DOCUMENTATION IN COMPACT FILINGS**

Statutory References: Articles 2.11, 4.6, 7.1, and 10.2 of the *Interstate Compact Statute* as adopted by Member States.

Operating Procedure References: Sections 103, 105, 106, and 110 of the *Operating Procedure for the Filing and Approval of Product Filings*, *Operating Procedure for the Filing of Certifications for Foreign Language Translations for Product Filings*, and *IIPRC Terms and Procedures for IIPRC Filing Fees*, including the *IIPRC Filing Fee Schedule*.

Uniform Standards References: Section 1A(1) and Variability of Information provisions of all individual policy and certain benefit feature Uniform Standards, and Section 1.B of all group policy and certain benefit feature Uniform Standards. When a specific Uniform Standard does not contain a Variability of Information provision, the applicable policy Uniform Standard's Variability of Information provision applies.

BACKGROUND: The purpose of this notice is to update filing guidelines to establish a consistent process for the submission of revisions to previously-approved filings that have been closed after review and approval, and unanticipated revisions to pending filings under review. With this updated process, revisions that have previously been allowed via reopen of a Compact-approved filing will generally require a new filing. Filing situations not addressed herein should be brought to the attention of the Office of the Interstate Insurance Product Regulation Commission (Compact).

Business, operational, or compliance issues necessitate the revision of information in product filings submitted to or approved by the Compact. This most commonly occurs when insurers are correcting, modifying or updating a "product," as defined in Article 2 of the *Interstate Compact Statute* as adopted by Member States; or correcting, modifying and/or updating information required to support approval of a product submitted for approval. These revisions may affect filings that are or were recently under review or that were approved several months or years

previously. These revisions may require a comprehensive form or actuarial review, depending upon the type or extent of the changes.

Filers are urged to ensure their product filing is in as final form as possible at the time of filing. Revisions initiated by the filer and not at the request of the reviewer(s) can increase the effort on the part of the reviewer to re-review or undertake a wholly new review after significant reviewer resources have been devoted to the filing. Further, revisions to the product or supporting documentation made several months after a filing has been issued a disposition may require significant time on the part of the reviewer(s) to become familiar with the original filing, or in essence creates a new version of the product, requiring a more in-depth review.

New submissions for revisions to previously-approved filings that require form or actuarial review can more easily be tracked using recently-implemented SERFF functionality. The **Associated Filings** feature allows a filer to associate one or more Compact filings through a link facilitating better tracking of related filings. The Compact has also implemented a new Filing Type in SERFF called **Supporting Documentation Update**, which filers shall utilize when they are making new filings for revisions to Supporting Documentation of a previously-approved filing such as updating the Statement of Variability and corresponding certification, Actuarial Memorandum, or other Supporting Documentation submission requirements. The **Supporting Documentation Update** Filing Type shall only be used when the company is not submitting a form on the **Form Schedule**.

APPLICABILITY: The procedures outlined in this Notice apply to revisions to all individual and group product filing submissions, except for reopening of Compact-approved filings for advertising for long-term care insurance products which shall be submitted as detailed in Filing Information Notice 2013-2, Appendix A. Voluntary compliance is in effect until March 31, 2017 after which time filers will be required to comply with the process outlined in this Filing Information Notice.

APPENDICES: Appendix A provides a chart to assist filers in identifying the type of revision and the applicable filing process and filing fees. Appendix B is a list of state filing fees known to apply to a **Supporting Documentation Update**.

FILING PROCEDURE:

Revisions to product filings shall be submitted to the Compact utilizing the following procedures.

I. TYPES OF REVISIONS AVAILABLE IN A PENDING OR APPROVED FILING

A. Revisions to a Pending Filing in Response to Substantive Objections from the Compact Reviewer(s)

1. Revisions to forms and supporting documentation in response to substantive objections issued by the Compact are part of the normal review process.

2. No additional Compact Product Filing Fees or state filing fees are due for this process.

B. Revisions to a Pending Compact Filing After Substantive Objections Have Been Issued that Are Initiated by the Filer and Not in Response to Compact Reviewer's Substantive Objections

1. Other than the reasons listed in Section I.A above, changes initiated by the filer after substantive objections have been issued by the Compact Reviewer(s) shall be made by bringing the proposed changes to the Compact Reviewer's attention.
2. Intake objections and preliminary objections are not considered substantive objections. Substantive objections are based on complete form and/or actuarial review of the filing for compliance with the applicable Uniform Standard(s) by the Compact Reviewer(s).
3. Revisions do not include adding new forms to the **Form Schedule** after substantive objections have been issued unless at the request of the Compact Reviewer. A new filing is required for new forms. See Section II.A.
4. Please note that such revisions self-initiated by the filer may extend the review time.
5. For revisions initiated by the filer and not in response to substantive objections, a Compact Amended Filing Fee in the pending filing is required if substantive objections by the Compact Reviewer(s) have already been issued.

C. Revisions to Compact-Approved Filing Not Subject to Compact Product Filing Fees

1. A Compact-approved filing may be revised or updated at any time for any of the specific purposes listed below:
 - a. Adding a state using the **ADD STATE** button.
 - b. Reopened to correct a typographical or formatting error in an approved form or supporting documentation. Typographical errors are construed strictly. Examples include transposed numerals, misspelled words and misplaced section headings. Adding a provision to an approved form is by definition not a typographical error.
 - c. Reopened to update the **Statement of Intent Schedule** to add state-approved forms for an existing or newly added state, or to edit existing entries on the **Statement of Intent Schedule**.

- d. Reopened to submit materials required by the *Operating Procedure for the Filing of Certifications for Foreign Language Translations for Product Filings*.
2. To reopen the Compact-approved Filing for any revision described in Section I.C.1.b-d above, please send a Note to Reviewer describing the specific reason(s) for reopening.
3. A filing that has been reopened at the filer's request will remain open for ten (10) business days. If the filer does not update the filing per the request within ten (10) business days from when it is reopened, the filing will be closed for inaction.
4. No additional Compact Product Filing Fees are due for the revisions described in I.C.1 though applicable state filing fees for added Compacting State(s) are due.

D. Revisions to a Closed Filing Made within Ninety (90) Calendar Days of Disposition of "Approval" Provided the Forms Have Not Been Marketed or Issued

1. Other than the reasons listed in Section I.C above, revisions may be made to filings that have been closed with a filing disposition of "Approved" for less than ninety (90) calendar days.
2. To reopen the Compact-approved filing, please send a Note to Reviewer describing the revisions proposed to be made and the parts of the filing affected.
3. The amendment letter shall include a statement that the approved forms have not been marketed or issued. Please note a new filing with new form numbers is required when the forms have been marketed or issued even if the filing was approved within the past ninety (90) calendar days.
4. Revisions do not include adding new forms to the **Form Schedule** of a Compact-approved filing even if the filing was approved within the past ninety (90) calendar days. A new filing is required for new forms. See Section II.A below.
5. Revisions to a Compact-approved filing will generally be reviewed within thirty (30) review days or less depending on the nature, extent and complexity of the revisions.
6. For revisions made pursuant to this Section I.D, a Compact Amended Filing Fee is due.

II. TYPES OF REVISIONS THAT REQUIRE A NEW FILING

A. Addition of a New Form on the Form Schedule

1. After substantive objections have been issued, a filer is not permitted to add a form to the **Form Schedule** unless required in response to objections by the Compact Reviewer, including Specification Pages.
2. New forms and supporting documentation shall be submitted in a new filing with a new form numbers. The form numbers must use an ICCxx prefix, where xx represents the year the new forms are filed in a new filing.
3. If the forms will be used with forms in a previously-submitted Compact filing, complete the **Associated Filings** link to associate the filings.
4. Compact Product Filing Fee and applicable state filing fees are due for a new filing.

B. Revisions to Forms that Have Been Marketed or Issued

1. Revisions to forms in a Compact-approved filing that have been marketed or issued shall be submitted in a new filing.
2. In accordance with Section 1.A(1) of most Uniform Standards, changes to a previously approved form must be highlighted. It is acceptable to provide in the Filing Description a detailed description of the changes. It is also preferred, but not required, to attach to the **Supporting Documentation Schedule** of the new filing, a document showing the revisions in redline or other clearly identifying format.
3. The revised forms are required to have new form numbers that are different than the form numbers in the Compact-approved filing. The form numbers must use an ICCxx prefix, where xx represents the year the revised forms are filed for review.
4. Filers shall link the new filing with the revised forms to the approved filing with the forms that are being revised using the **Associated Filings** link.
5. Revisions to a Compact-approved filing will generally be reviewed within thirty (30) review days or less depending on the nature, extent and complexity of the revisions.
6. Compact Product Filing Fee and applicable state filing fees are due for a new filing.

C. Revisions to a Compact-Approved Filing Submitted More than Ninety (90) Calendar Days After Compact Disposition

1. Revisions to Variable Items that Require Prior Approval:

- a. To revise an item that is specifically permitted to change upon prior approval, the item must have been bracketed or otherwise marked to denote variability and included in the Statement of Variability in the Compact-approved filing.
- b. Revisions to the Statement of Variability and other supporting documentation including the Actuarial Memorandum or Specification Pages (if not approved on the **Form Schedule**) shall be made in a new filing using **Supporting Documentation Update** as the Filing Type.
- c. Please note that no forms shall appear on the **Form Schedule** of a new filing that uses the **Supporting Documentation Update** Filing Type.
- d. Updated supporting documentation shall be submitted under the appropriate submission requirement(s) for the items being revised. For example, a revision to the length of a level term period that was marked as variable in the Compact-approved filing would require a revised Statement of Variability and Actuarial Memorandum to be submitted in the new filing.
- e. The revised supporting documentation shall be complete, and not limited to the variable items being revised. In other words, the new Statement of Variability or Actuarial Memorandum shall include all previously approved information still applicable and include the new, revised information.
- f. A new filing with revised Statement of Variability shall include a new certification that any change or modification to a variable item shall be administered in accordance with the requirements in the Variability of Information section of the applicable Uniform Standards, including any requirements for prior approval of a change or modification.
- g. The Filing Description of the new filing shall describe the items being revised from the approved supporting documentation. The Compact does not require the filer to submit supporting material highlighting the revisions in redline format or otherwise, but it is helpful.
- h. Filers shall link the new filing with the revisions to the Compact-approved filing that is being revised using the **Associated Filings** link.

- i. A filing with the **Supporting Documentation Update** Filing Type shall not have information on the **Statement of Intent Schedule**. If the revised information in the new filing necessitates new information on the **Statement of Intent Schedule** for the Compact-approved filing that the new filing is revising, the filer shall update the **Statement of Intent Schedule** in the original Compact-approved filing in accordance with Section I.C above.
 - j. Compact Product Filing Fee for a new filing is due and applicable state filing fees are due.
2. Revisions to Make Non-Variable Items Variable Items
- a. Revisions can be made to items that were not bracketed or otherwise marked to denote variability in the Compact-approved filing provided such items are permitted to be marked as variable pursuant to the applicable Uniform Standard(s). An example is that the company address is permitted to be bracketed as variable. If the company address was not bracketed as variable in the Compact-approved filing, a new submission shall be made to add variability for the company address as described in this section.
 - b. Revisions shall be made in a new filing using the **Supporting Documentation Update** as the Filing Type and must include a complete Statement of Variability and not limited to the variable items being revised.
 - c. Please note that if the forms were not originally bracketed, the filer shall include the approved forms with the revised bracketing under the **Supporting Documentation Schedule**.
 - d. If the revisions change static form language beyond the revised bracketed information, the revised forms with new form numbers shall be included on the **Form Schedule** and the procedures in Section II.B shall be followed. Such submissions shall not use the Filing Type of **Supporting Documentation Update**.
 - e. A new filing with revised Statement of Variability shall include a new certification that any change or modification to a variable item shall be administered in accordance with the requirements in the Variability of Information section of the applicable Uniform Standards, including any requirements for prior approval of a change or modification.
 - f. Filers shall link the new filing with the revisions to the Compact-approved filing that is being revised using the **Associated Filings** link.

- g. A filing with the **Supporting Documentation Update** Filing Type shall not have information on the **Statement of Intent Schedule**. If the revised information in the new filing necessitates new information on the **Statement of Intent Schedule** for the Compact-approved filing that the new filing is revising, the filer shall update the **Statement of Intent Schedule** in the original Compact-approved filing in accordance with Section I.C above.
 - h. Compact Product Filing Fee for a new filing is due and applicable state filing fees are due.
3. Revisions to Supporting Documentation Outside of Variability
- a. Other revisions to Compact-approved filings shall be made using the **Supporting Documentation Update** Filing Type when the item being revised pertains to information originally submitted as supporting documentation, including but not limited to the following examples:
 - i. Adding information for unisex sales, for example an additional Actuarial Memorandum and/or updated unisex submission requirement;
 - ii. Updating information not required by applicable Uniform Standards such as reserving and illustration actuary certification;
 - iii. Expanding the format in which an approved application is to be used without adding any forms to the **Form Schedule**; and
 - iv. Changing the procedures used to verify the authenticity of telephonic or electronic application transaction.
 - v. Updates to the Rate/Rule Schedule in Compact-approved filings for individual long-term care insurance or a revised rate schedule that increases premium rates only with respect to new business issued under a previously-approved policy form. The rates, exhibits and actuarial memorandum shall be submitted on the **Rate/Rule Schedule**.
 - b. If the revisions change static form language beyond the revised bracketed information, the revised forms with new form numbers shall be included on the **Form Schedule** and the procedures in Section II.B shall be followed.
 - c. Filers shall link the new filing with the revisions to the Compact-approved filing that is being revised using the **Associated Filings** link.

- d. A filing with the **Supporting Documentation Update** Filing Type shall not have information on the **Statement of Intent Schedule**. If the revised information in the new filing necessitates new information on the **Statement of Intent Schedule** for the Compact-approved filing that the new filing is revising, the filer shall update the **Statement of Intent Schedule** in the original Compact-approved filing in accordance with Section I.C above.
 - e. Compact Product Filing Fee for a new filing is due and applicable state filing fees are due.
4. Revisions to a Compact-approved filing will generally be reviewed within thirty (30) review days or less depending on the nature, extent and complexity of the revisions.

D. Revisions to Closed Compact Filings with Disposition of Rejected, Disapproved or Withdrawn

1. Revisions to Compact filings closed with a disposition of “Rejected,” “Disapproved” or “Withdrawn” will not be accepted.
2. A new filing shall be made.
3. Compact Product Filing Fee for a new filing is due and applicable state filing fees are due.

E. Revisions to In-Force Individual Products

1. Uniform Standards for individual products provide that any change or modification to a variable item shall be limited to only new issues of a product and shall not apply to in-force products.
2. Forms such as amendments or endorsements submitted to carry out a change to in-force policies require a new filing. Filers contemplating revising in-force policies are strongly encouraged to contact the Compact Office for additional guidance.

APPLICABLE IIPRC FORMS:

None.

ADOPTION AND EFFECTIVE DATE:

This Filing Notice is effective April 1, 2017.

APPENDIX A: FIN 2017-1: Process For Revisions to Forms and Supporting Documentation In Compact Filings

TYPE OF REVISION OR UPDATE	STATUS OF FILING	WHERE TO MAKE REVISION	FILING TYPE	COMPACT FEE DUE	APPLICABLE STATE FEE DUE	SECTION OF FIN
ADD-A-STATE	Pending or Closed	Original Filing	N/A	NO	YES	Section I.C
TYPOGRAPHICAL ERROR	Pending or Closed	Original Filing	N/A	NO	NO	Section I.C
UPDATE TO SOI SCHEDULE	Pending or Closed	Original Filing	N/A	NO	NO	Section I.C
FOREIGN TRANSLATION	Pending or Closed	Original Filing	N/A	NO	NO	Section I.C
NEW FORM ON THE FORM SCHEDULE	Pending or Closed	New Filing	Applicable to New Filing	FEE FOR NEW PRODUCT FILING	YES	Section II.A
RESPONSE TO REVIEWER OBJECTIONS	Pending	Original Filing	N/A	NO	NO	Section I.A
FILER-INITIATED REVISIONS (INCLUDING NEW FORM) BEFORE SUBSTANTIVE OBJECTIONS ISSUED	Pending	Original Filing	N/A	NO	YES, IF FORM ADDED	Section I.A
FILER-INITIATED REVISIONS (OTHER THAN NEW FORM) AFTER SUBSTANTIVE OBJECTIONS ISSUED	Pending	Original Filing	N/A	FEE FOR AMENDMENTS TO PRODUCT FILING	NO	Section I.B
FILER-INITIATED ADDITION OF NEW FORM AFTER SUBSTANTIVE OBJECTIONS ISSUED	Pending	New Filing	Applicable to New Filing	FEE FOR NEW PRODUCT FILING	YES	Section II.A
FILER-INITIATED REVISION (OTHER THAN NEW FORM) TO ANY PART OF FILING	Closed-Approved for 90 Days or Less; NOT Marketed or Issued	Original Filing	N/A	FEE FOR AMENDMENTS TO PRODUCT FILING	NO	Section I.D
REVISION TO FORMS MARKETED OR ISSUED	Closed-Approved	New Filing	Applicable to New Filing	FEE FOR NEW PRODUCT FILING	YES	Section II.B
REVISIONS TO VARIABLE ITEMS THAT REQUIRE PRIOR APPROVAL	Closed-Approved for More than 90 Calendar Days	New Filing	Supporting Documentation Update; no forms on Form Schedule	FEE FOR NEW PRODUCT FILING*	YES	Section II.C(1)
REVISIONS TO MAKE NON-VARIABLE ITEMS VARIABLE ITEMS	Closed-Approved for More than 90 Days	New Filing	Supporting Documentation Update; no forms on Form Schedule	FEE FOR NEW PRODUCT FILING*	YES	Section II.C(2)
REVISIONS TO SUPPORTING DOCUMENTATION OTHER THAN VARIABILITY	Closed-Approved for More than 90 Days	New Filing	Supporting Documentation Update; no forms on Form Schedule	FEE FOR NEW PRODUCT FILING*	YES	Section II.C(3)
REVISIONS AFTER FILING HAS BEEN CLOSED AND WITHDRAWN, REJECTED OR DISAPPROVED	Closed-Withdrawn; Closed-Rejected; Closed-Disapproved	New Filing	Applicable to New Filing	FEE FOR NEW PRODUCT FILING*	YES	Section II.D
REVISIONS TO IN-FORCE INDIVIDUAL PRODUCTS	Closed-Approved; Marketed or Issued		CONTACT COMPACT OFFICE BEFORE FILING			Section II.E

*APPLICABLE COMPACT FILING FEE DEPENDS ON WHETHER THE REVISIONS OR INFORMATION SUBMITTED REQUIRE ACTUARIAL REVIEW

APPENDIX B: FIN 2017-1: Supporting Documentation Submission Fees by State

State	Supporting Documentation Update Fees (per Submission)
Alabama	\$25 (or retaliatory if higher)
Indiana	\$35 (or retaliatory if higher)
Arkansas	Retaliatory for Supporting Documentation Update Submissions
Georgia	Retaliatory for Supporting Documentation Update Submissions
Kentucky	\$5 (or retaliatory if higher)
Maine	\$20
Minnesota	\$125
Mississippi	\$11
Missouri	\$50
New Mexico	\$15
Ohio	\$50
Oklahoma	\$25 (or retaliatory if higher)
Rhode Island	\$25 (or retaliatory if higher)
Texas	\$50
Vermont	\$50 (or retaliatory if higher)

States with Retaliatory Fees

Iowa, Nebraska, New Hampshire, Pennsylvania, South Carolina, Tennessee, Connecticut

**States Not Collecting Fees for
Supporting Documentation Update Filing Submissions**

Alaska, Arizona, Colorado, Hawaii, Idaho, Illinois, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Montana, New Jersey, Nevada, North Carolina, Oregon, Puerto Rico, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming