

**Agenda item 2. Receive Comments Regarding Rulemaking Committee Draft Recommendation to the Management Committee Regarding Appeals Procedures.**

The purpose of the public call was to receive comments on the Rulemaking Committee's proposed recommendation for an intermediate review process. The intermediate review process would allow filers to appeal to a regulatory body of Compacting States when it seeks to challenge the interpretation by the Compact Office during its review of a product filing. Staff provided an overview of the steps in the intermediate review process.

The Chair requested comments from members, the Legislative Committee, Consumer Advisory Committee, Industry Advisory Committee (IAC) and interested parties.

In advance of the call, the American Council of Life Insurers (ACLI), which is a member of the IAC, submitted several written questions in advance of the call, which it covered in its oral comments.

The first set of ACLI questions related to the timing of the process. How long could this process typically take? Does the pending file remain on hold until the report is issued? Is there any way to shorten the review timeline? If resolution takes months, this could delay filing approvals and prompt companies to pursue filings with the states rather than the Compact.

The Chair commented that it is hard to predict the time necessary to resolve an issue as it may be a quick turnaround or take more time for complicated matters. The timeline leans towards bringing the contested issue(s) before the member review body expeditiously. The purpose of the process is to create a path for possible relief where none, other than a formal appeal, exists today. Without this avenue, the company would likely, depending on the Compact interpretation, have to or decide to file through the states without this process.

Oregon commented that if the intermediate review process takes months and the company files the similar product with the states, states would likely wait to the resolution of the issue at the Compact or otherwise it could present a problem for the states as well.

The second set of questions was focused on the process. How will Requests for Intermediate Review (RIR) be submitted to the Compact? Staff responded that RIRs should be submitted electronically, via email, to the Compact Office outside of SERFF.

Another question from ACLI is whether relevant information that is inadvertently omitted during the initial submission, and it could have addressed a finding of the Compact Office report, can it be allowed and considered before the report is final? The Chair responded that to ensure the integrity of the review process and prevent the case from being relitigated with new information, the common procedure in review or appellate processes is not to allow new information post-decision. The committee could add an exception for exigent or exceptional circumstances.

ACLI asked if this procedure allows an issue that was the subject of a previous intermediate review to be the subject of an intermediate review by another company? The Chair responded that all

Rulemaking Committee (RMC)

Public Call Summary

January 21, 2026

filers have the right to seek an intermediate review even if it is on a similar issue. However, depending on the circumstances, the Member Review Board may refer to previous findings in similar circumstances relying on its precedent.

In response to a member question, the Chair indicated the Member Review Board will be Commission members. Several states commented that this was a good process addition and allows companies to elevate issues of interpretation to a member body. In response to another question, the Compact Office responded that when a filing is going through the intermediate review process, the SERFF status will reflect it is pending intermediate review.

**Agenda item 3. Any Other Matters**

There were no other matters.

The next call will be a regulator-only call scheduled for February 23rd.

**Agenda item 4 Adjourn**