

## GENERAL INSTRUCTIONS AND GUIDELINES Accident and Health Filings in New York via SERFF

*(Last revised 12/16/08 to confirm that the Normal Pre-Approval filing process is also available for use by Article 43s and HMOs for rate adjustments. Recent prior revisions: 11/12/08 to clarify (1) filings that receive higher priority of review and (2) the Filing Types of Certification by Previously Approved Form and Certification by Template do not apply to rate only filings; 8/19/08 to (1) create a separate Filing Type for Group Prefiling Notification and (2) describe the requirements for a 4308(g) Rate Adjustment.)*

The Health Bureau accepts accident and health policy form and rate filings submitted electronically through SERFF as announced in [Circular Letter 9 \(2004\)](#). These guidelines are intended to assist you in preparing your submission.

### **Form and Rate Schedules**

All new and revised "policy forms" as defined in [Section 3201](#) of the Insurance Law must be submitted on the Form schedule in SERFF. Documents that are NOT "policy forms" (e.g., Medicare Supplemental advertising, administrative forms, etc.) should also be submitted on the Form schedule. All rate material, except the actuarial memorandum, must be submitted on the Rate schedule in SERFF. The actuarial memorandum should be attached to the Supporting Documentation schedule.

### **Types and Sub-types of Insurance**

We accept submissions for all accident and health products using SERFF's standardized types (TOIs) and sub-types of insurance. In addition, we accept "rate only" submissions using SERFF that relate to accident and health rate filings, such as commission filings and loss ratio reports. If one of these "rate only" submissions relates to multiple types of insurance, please use "Health-Other" as the TOI and sub-TOI.

### **Filing Types**

After selecting the appropriate type of insurance and sub-type of insurance, select one of the following Filing Types that determine the kind of filing being submitted and the priority of review it will receive:

"Speed to Market" Filing Types – Receive higher priority of review by the Bureau:

- **Certification by Checklist**
- **Certification by Template** *(not applicable to rate only filings)*
- **Certification by Previously Approved Form** *(not applicable to rate only filings)*  
[Circular Letter 4 \(2003\)](#) introduced the above three "speed-to-market" approval procedures designed to reduce the time required by the Department to review the filing.
- **Rate Adjustment pursuant to Section 3231(e)(2)(A)** -- This filing type is used for Article 42 insurers that are submitting a rate adjustment only filing for a hospital and/or medical coverage (including Medicare Supplement) for small groups and individuals under the [Section 3231\(e\)\(2\)\(A\)](#) process, commonly known as "file and use". This filing type cannot be used for form filings, initial rate filings, or by Article 43 Corporations and HMOs.
- **Rate Adjustment pursuant to Section 4308(g)** -- This filing type is used for Article 43 Corporations and Health Maintenance Organizations that are submitting a rate adjustment only filing under the [Section 4308\(g\)](#) process, commonly known as "file and use". This filing type cannot be used for form filings, initial rate filings, or by commercial insurers.
- **Section 3201(b)(6) Deemer** -- [Section 3201\(b\)\(6\)](#) established and [Circular Letter 2 \(1998\)](#) further explains this process by which a form may be deemed approved or denied if the Department or the insurer fail to act in a timely manner. This filing type is NOT available for rate only filings.

Other Filing Types – Receive standard priority of review by the Bureau:

- **Advertising** -- This filing type is used for Medicare Supplement advertising only. Insurers are not required to submit long term care advertising for filing or approval.
- **Filed for Reference** -- This filing type is used for forms other than those defined as "policy forms" under [Section 3201\(a\)](#). Generally, this is used for filings that contain only disclosures, notices, information only filings, etc. It should also be used for rate filings for use only outside of New York State, loss ratio reports and loss ratio monitoring.
- **Group Prefiling Notification** -- This filing type is used when submitting a prefile notification/confirmation letter for coverage to the Department pursuant to Section 52.32 of Regulation 62.
- **Normal Pre-Approval** -- This filing type triggers the traditional Department review and may be used for all form and rate, form only, or commercial insurer rate only filings, including commission filings.

- **Out-of-State** -- As required by [Section 3201\(b\)\(2\)](#), this filing type is used for policy forms that only New York **domestic** insurers intend to issue outside New York. This filing type is not to be used for submissions pursuant to Regulation 123.

Not all the above Filing Types are available for every type of insurance product. For example, long term care products do not have the “Rate Adjustment Pursuant to Section 4308(g)” filing type.

### **Submission Requirements**

When preparing a filing in SERFF, once you have selected the TOI, sub-TOI and Filing Type, you will see a list of Submission Requirements established by the Health Bureau to be completed on the Supporting Documentation schedule. Your decision to satisfy or bypass a Submission Requirement should be based strictly on whether the filing is a combined form and rate filing, a form only filing, or a rate only filing, or a rate adjustment for your particular type of organization (an Article 42 commercial insurer or an Article 43 corporation or HMO). The table below shows the available Filing Types and the Submission Requirements the Department expects to be satisfied, by Filing Type, for the various methods of filings.

	FILING TYPE	METHOD OF FILING			
		Form and Rate	Form only	Commercial Rate only	Article 43 & HMO Rate Adjustment only
“Speed to Market” Filing Types –higher priority of review	Certification by Checklist <a href="#">CL4(2003)</a>	Readability Certif. Product Checklist Form Certification Rate Certification	Readability Certif. Product Checklist Form Certification	Product Checklist Rate Certification	<i>Unavailable</i>
	Certification by Template <a href="#">CL4(2003)</a>	Readability Certif. Product Checklist Form Certification Black-lined Copy Rate Certification	Readability Certif. Product Checklist Form Certification Black-lined Copy	<i>Unavailable</i>	<i>Unavailable</i>
	Certification by Previously Approved Form <a href="#">CL4(2003)</a>	Readability Certif. Product Checklist Form Certification Black-lined Copy Rate Certification	Readability Certif. Product Checklist Form Certification Black-lined Copy	<i>Unavailable</i>	<i>Unavailable</i>
	Rate Adjustment Pursuant to Section 3231(e)(2)(A) (File and Use)	<i>Unavailable</i>	<i>Unavailable</i>	3231 Certification	<i>Unavailable</i>
	Rate Adjustment Pursuant to Section <a href="#">4308(g)</a> (File and Use)	<i>Unavailable</i>	<i>Unavailable</i>	<i>Unavailable</i>	4308(g) Certification
	Section <a href="#">3201(b)(6)</a> Deemer	Readability Certif. Product Checklist File Certif-Deemer	Readability Certif. Product Checklist File Certif-Deemer	<i>Unavailable</i>	<i>Unavailable</i>
Standard review priority	Advertising	<i>Unavailable</i>		<i>Unavailable</i>	<i>Unavailable</i>
	Filed for Reference				<i>Unavailable</i>
	Group Prefiling Notification	<i>Unavailable</i>	Group Prefiling Notification	<i>Unavailable</i>	<i>Unavailable</i>
	Normal Pre-Approval	<a href="#">3201(b)(1)</a> Readability Certif. Product Checklist	<a href="#">3201(b)(1)</a> Readability Certif. Product Checklist	<a href="#">3201(c)(3)</a> Product Checklist	<a href="#">4308</a>
	Out-of-State <a href="#">3201(b)(2)</a>	<i>Unavailable</i>	State Listing	<i>Unavailable</i>	<i>Unavailable</i>

### **State Specific Fields** (data previously provided in Standard Transmittal)

As of April 25, 2008, we no longer require completion of a New York-specific standard transmittal form. Several State Specific fields were created to capture information needed for the proper assignment and review of each filing. State Specific Fields must be completed with direct answers; N/A is not acceptable.

### **Requirements**

The SERFF system contains an explanation of each of the Requirements. If completion of a specific form is required, the necessary form is attached to the Requirement. The only exception is the Product Checklist that must be downloaded from our website. Each form is in Adobe Acrobat (pdf) format so you may complete the form online, download it and/or print it for your records.

Our previous Requirements entitled A&H Policy Form and Rate Material were removed to avoid confusion. These attachments should be submitted on the appropriate Form or Rate Schedule.

**Requirements for Rate Adjustment Pursuant to Section 4308(g) (File and Use by an Article 43 insurer or an HMO) filings ONLY:** As of 8/19/08, the Supporting Documentation schedule no longer lists the following requirements. However, this type of filing must continue to contain the following items:

- **Filing Description** – Do NOT attach a cover letter – Instead, use the Filing Description field on the General Information schedule to include at least the following information:
  1. Effective date of the application for a rate adjustment. (The application must be submitted at least 30 days prior to its effective date.
  2. The service areas by county of the Article 43 Non-Profit Corporation or the HMO.
- **Rate Manual or Revisions to Previously Submitted Rate Manual** – The rate manual should be attached to the Rate schedule and include, but not be limited to, the following items:
  1. Name of the Article 43 Non-Profit Corporation or HMO on each page of the manual.
  2. All pages of the rate manual should be numbered consecutively.
  3. A table of contents.
  4. Service areas by county.
  5. Separate rate sections for individual, small group, and large group products.
  6. Identification by form number and name of each contract or rider to which the rates apply.
  7. An outline of the essential benefits, copays, limitations, and exclusions of each contract or rider.
  8. An outline of general underwriting rules and the methods of marketing and rating the contract or rider forms.
  9. Index in alphanumeric form number order.
- **Rate Pages** – Rate pages should be attached to the Rate schedule. All pages of the application should be numbered consecutively. The name of the Article 43 Non-Profit Corporation or the HMO, the effective ate of the application, and the rating region, if applicable, should appear in the header of each rate page. The following information must be provided for each contract or rider form:
  1. The name and the form number
  2. For each component of every rating tier, the following information must be shown:
    - (a) The rate in effect 12 months prior to the effective date of the proposed rate.
    - (b) The proposed rate.
    - (c) The adjustment in dollar amount from (a) to (b).
    - (d) The adjustment in percentage from (a) to (b).

### **Product Checklists and Outlines**

All SERFF filings should reflect compliance with New York laws and regulations. To assist you in preparing filings, the Department has developed Product Checklists and Outlines intended to set forth many of New York's requirements for various accident and health products.

A completed Product Checklist is required for all products for which a checklist is available. The SERFF Submission Requirement of Product Checklist contains a link to the Department's website that contains the most current list of available [Product Checklists and Outlines](#).

The Product Checklists are interactive in several ways. If you believe the checklist is not applicable, complete the appropriate section at the beginning of the checklist to provide the Department with an explanation why the checklist is not applicable. Some checklists contain items that require you to respond by checking a selection

box. The last column of each checklist should be completed to indicate the form, page and paragraph of the filing where the requirement is met. Each checklist contains links that take you directly to the regulatory or statutory reference for the requirement.

Product Outlines are a supplement to the Product Checklists wherein they provide a greater explanation of the requirements listed in the checklists. When completing the Product Checklist, the Department also expects that the relevant Product Outline, if available, has been reviewed in the preparation of the filing.

For some product submissions, more than one Product Checklist or Outline may be applicable in whole or in part.

### **Cover Letter**

Do NOT attach a cover letter – use the Filing Description field on the General Information schedule instead.

### **Attachments to Filings**

All policy forms (policies, certificates, endorsements, riders, applications, etc.) must be submitted on the Form Schedule. All rate material must be submitted on the Rate Schedule.

All attachments must be submitted in Adobe Acrobat (pdf) format unless specifically required by a State Reviewer. If a Reviewer requires you to submit an attachment in another format (e.g., Excel), submit an additional copy of the attachment with the same name in .pdf format. Multiple forms should not be included in one attachment. Also, when submitting an attachment (e.g. policy form, certification, etc.), please do not attach another document to the attachment; submit the additional document separately.

### **File Size and Compatibility**

File size must be less than 3mb and backwards compatible with at least Adobe Acrobat 4.0. Contact the SERFF Help Desk for assistance regarding these factors.

### **Signatures**

Some Requirements may require a signature. Since all documents submitted within SERFF must be in Adobe Acrobat (pdf) format, acceptable methods of submitting a signature are:

- Add a separate attachment containing the scanned signature to the filing as long as both the attachment with the signature and the original document requiring the signature contain clear references to each other.
- In Adobe, insert a scanned copy of the page with the signature into the document being attachment.

### **Multiple Licensees**

We require a separate filing for each licensee.

### **Contact Information**

If you have questions regarding the submission of filings in New York via SERFF, please contact Doris Kullman at (518) 486-7815 or [DKullman@ins.state.ny.us](mailto:DKullman@ins.state.ny.us) or the NAIC at [serff.org](http://serff.org).