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3901-8-10 Notice of public hearing on rates for individual sickness and accident insurance.

(A) Purpose

~~Whenever the superintendent of insurance schedules a public hearing pursuant to section 3923.021 of the Revised Code, the insurer seeking to adjust its premium rates shall furnish its policyholders, who are residents of the state of Ohio and will be affected by the rate adjustment, with notice of the public hearing.~~ The purpose of this rule is to provide specific requirements for the dissemination of information concerning ~~such a~~ public hearing scheduled by the superintendent of insurance pursuant to section 3923.021 of the Revised Code.

(B) Authority

This rule is promulgated pursuant to the authority vested in the superintendent under section 3901.041 of the Revised Code.

~~(B)~~ (C) Definitions

- (1) "Notice" means a statement which sets forth at least the following:
 - (a) The name and address of the insurer;
 - (b) The date, time and place of the scheduled hearing;
 - (c) The purpose of the hearing;
 - (d) A statement that identifies the policies, endorsements, and/or riders affected by the filing and hearing;
 - (e) A statement that members of the public are entitled to testify at the public hearing.
- (2) "State-wide publication" means publication in a newspaper of general circulation in Cuyahoga, Franklin, Hamilton, Lucas, and Athens counties.
- (3) "Regional publication" means publication in a newspaper of general circulation in each geographical area of the state which has a sufficient number of affected resident policyholders to warrant publication in that area, as agreed to by the insurer and the department of insurance.
- (4) "Legal advertisement" means an advertisement in a form prescribed by the superintendent of insurance published in a newspaper of general circulation.
- (5) "Display advertisement" means an advertisement of at least nine square inches published in a newspaper of general circulation.

~~(C)~~ (D) Required notice

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When an insurer receives notice from the department of insurance that a public hearing will be held, pursuant to section 3923.021 of the Revised Code to consider an adjustment of the premium rates for a policy, endorsement and/or rider which is subject to this rule, the insurer shall give notice of such public hearing to its policyholders, then shown by its records to be residents of Ohio and who, on the date that the insurer receives notice of the hearing, would be affected by the proposed rate adjustment. Notice need not be given if fewer than one hundred Ohio policyholders would be affected by the proposed adjustment. The department of insurance will reschedule a public hearing upon the request of the insurer if there would be insufficient time before the original hearing date for the insurer to provide notice to its policyholders by the method of providing notice selected by the insurer.

~~(D)~~(E) Method of furnishing notice

The insurer shall provide notice to its Ohio policyholders in the following manner:

- (1) The insurer shall mail notice of the public hearing to the last known address of each policyholder affected by the hearing. Such notice may either be included with other materials sent by the insurer to the policyholder, ~~such as a premium notice,~~ or by a separate mailing. Such notice shall be mailed not less than five days prior to the scheduled hearing date. Alternatively, the insurer may mail a brief notification to the last known address of each policyholder affected by the hearing, stating that the policyholder may access information via the insurer's website about an imminent rate hearing that may affect their policy. ~~The~~ Such brief notification must include the name and address of the insurer and the date of the scheduled hearing and include the internet website address. The notification must also provide a toll free number and state that the number is where the policyholder can request a paper mailing of the notice information described in paragraph ~~(B)(1)-(C)(1)~~ of this rule. The notification must be mailed not less than ten days prior to the scheduled hearing date.
- (2) As an alternative to providing direct mail notice to each affected policyholder, the insurer may elect to furnish notice of the hearing by the following method:
 - (a) The insurer shall create and maintain a mailing list of policyholders, who have indicated a desire to receive notice of a public hearing. The insurer shall notify each of its Ohio policyholders at least once each year of their right to have their name and address placed on such a mailing list. When a hearing is scheduled which will affect the premium rates of a policyholder who has had his name placed on the mailing list, the insurer shall furnish that policyholder with notice of the public hearing in the same manner that notice is provided in paragraph ~~(D)(4)-(E)(1)~~ of this rule.
 - (b) In addition to providing notice to those policyholders on its mailing list each

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insurer shall provide notice of the hearing to its other affected policyholders through publication of appropriate legal advertisements where the total number of such affected policyholders is less than fifteen thousand. If the hearing will affect policyholders throughout the state of Ohio, the insurer shall make statewide publication of the legal advertisements. If the hearing will only affect policyholders residing in some limited geographical area within the state, the insurer shall make regional publication of the legal advertisement instead of statewide publication. The legal advertisement shall be published at least twice prior to the scheduled hearing date. The second such publication must be made no more than five days prior to the scheduled hearing date.

- (c) As an alternative to providing notice by publication of legal advertisements, the insurer may provide notice to affected policyholders by publication of appropriate display advertisements. Such display advertisement must be used instead of a legal advertisement if more than fifteen thousand of the insurer's policyholders will be affected by the public hearing. If the hearing will affect policyholders throughout the state of Ohio, the insurer shall make state-wide publication of the display advertisements. If the hearing will only affect policyholders residing in some limited geographical area within the state, the insurer shall make regional publication of the display advertisements instead of state-wide publication. The display advertisements shall be published at least twice prior to the scheduled hearing date. The second such publication must be made no more than five days prior to the scheduled hearing date.

(3) As an alternative to providing notice in the manner described in paragraph (E)(1) or (E)(2) of this rule, the insurer may elect to furnish notice of the hearing by the following method:

- (a) The insurer shall email notice of the public hearing to the last known email address of each policyholder affected by the hearing. Such notice may either be included with other materials sent by the insurer to the policyholder, or by a separate email. Such notice shall be emailed not less than five days prior to the scheduled hearing date. The notification must also provide a toll free number and state that the number is where the policyholder can request a paper mailing of the notice information described in paragraph (C)(1) of this rule.
- (b) In addition to providing email notice to policyholders each insurer shall provide notice of the hearing to its affected policyholders through publication of appropriate legal advertisements where the total number of such affected policyholders is less than fifteen thousand. If the hearing will affect policyholders throughout the state of Ohio, the insurer shall make statewide publication of the legal advertisements. If the hearing will only affect policyholders residing in some limited geographical area within the state, the insurer shall make regional publication of the legal advertisement instead of statewide publication. The legal advertisement shall be published at least twice prior to the scheduled hearing date. The second such publication must be made no more than five days prior to the scheduled hearing date.

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(c) As an alternative to providing notice by publication of legal advertisements, the insurer may provide notice to affected policyholders by publication of appropriate display advertisements. Such display advertisement must be used instead of a legal advertisement if more than fifteen thousand of the insurer's policyholders will be affected by the public hearing. If the hearing will affect policyholders throughout the state of Ohio, the insurer shall make state-wide publication of the display advertisements. If the hearing will only affect policyholders residing in some limited geographical area within the state, the insurer shall make regional publication of the display advertisements instead of state-wide publication. The display advertisements shall be published at least twice prior to the scheduled hearing date. The second such publication must be made no more than five days prior to the scheduled hearing date.

~~(E)~~(F) Severability

~~If any provision of this rule or the application thereof to any person or situation is held invalid, such invalidity shall not affect any other provision or application of the rule which can be given effect without the invalid provision or application and to this end, the provisions of this rule are declared to be severable.~~If any paragraph, term or provision of this rule is adjudged invalid for any reason, the judgment shall not affect, impair or invalidate any other paragraph, term or provision of this rule, but the remaining paragraphs, terms and provisions shall be and continue in full force and effect.