

TIPS FOR SUCCESSFUL FORM FILINGS

GENERAL TIPS

1. **One Licensee per Submission:** Please submit a filing for only one licensee per submission. Parallel filings for an affiliated company must be submitted separately. (See also item #20).
2. **Applications/Enrollment Forms:**
 - Applications and enrollment forms are policy forms and must be submitted to the Insurance Department for approval under Insurance Law §§3201 and 4308.
 - The fraud warning statement must be included in an application/enrollment form pursuant to Insurance Law §403(d).
3. **Speed to Market Methods:** We encourage your use of the speed-to-market Filing Types (certifications and deemer). They are particularly useful for “quick fixes” to forms (minor changes in previous language, address changes, etc.) Please note that a certification form, completed by an officer of the company, must be included in the filing. Filings submitted using Certification by Previously Approved Form cannot be combined with new forms. (Example of a recent problem filing: Submitted 10 forms via Certification by Previously Approved Form but only one form was previously approved and all the others were new.)
4. **Combination Filings:**
 - Accident & Health and Life Products (e.g., life/disability)
 - Clearly identify the filing as a combination filing that is also being submitted to the Life Bureau. Identify the Life Bureau filing number and attorney assigned the corresponding filing when known.
 - Use a rider or insert page to separate accident and health benefits and provisions from the life insurance product using a unique form number to distinguish the accident and health benefits and provisions from the life insurance forms.
 - Submit life forms to the Life Bureau and accident and health forms to the Health Bureau. However, applications and enrollment forms must be submitted to both Bureaus. If changes are made to applications or enrollment forms, remember to send updated versions to both Bureaus.
 - Accident & Health and Property/Casualty Products (e.g., travel accident/sickness)
 - Submit accident and health benefits and rates to the Health Bureau for review.
 - Consult with the Property Bureau for the submission requirements for the casualty components.
 - Please note that the forms cannot be used until all necessary approvals are obtained.
5. **Name Change:**
 - A name change endorsement form must be submitted for use with existing business. The form may be used with new issues but only for a period not to exceed six months. Within the six-month period, all previously-approved forms intended for use with new issues under the new company name must be submitted for approval on the new company paper. The filing of the new forms should be accompanied by a certification that there are no changes in the form other than the name and that the form has been reviewed for

ongoing compliance. This will allow a quick disposition of the forms when submitted via the Certification by Previously Approved Form filing type.

- 6. Variable Material for Group and Blanket Filings:** Use variable material to the extent possible for group products, which allows for flexibility without having to make multiple form submissions. When using variable material:
 - Review 11 NYCRR 52.31(l) to ensure compliance with requirements.
 - Bracket the variable language or benefit options that may be provided in the policy form.
 - Submit a memorandum of variable material that specifically describes the range of optional language or benefit options that may be used and the circumstances under which they will be used. The range of benefit options must match what is included in the rate filing.
 - For the rate manual, provide the means for calculating the premium for each variable.
 - Explanations such as the variable “will conform to law” or “as requested by policyholder” are not acceptable; be specific.
 - Remember that variable material is generally not permitted for individual forms. Under certain circumstances, variable material with individual coverage is permitted when used on a very limited basis (e.g., variable amounts of benefits on the schedule page depending on the benefit package chosen).

- 7. Foreign Language:** If the form is in a foreign language, please submit a certification that the form is an exact translation of a previously-approved English language form pursuant to Insurance Law §3102.

- 8. Closed for Non-Compliance:** If a filing is closed because it contains at least three instances of non-compliance, please remember that a complete review has not occurred. Resubmitting the filing and only addressing the items listed in the closure letter may not produce a compliant filing. Therefore, we caution that, in addition to responding to the objections listed, please review the entire filing more closely for compliance with applicable law and regulation before resubmitting the filing. To help you with this review, a product checklist may be available on our Web site.

- 9. Proofread:** Please check the following before submitting a filing:
 - Is the company name on the first page of the form? Please also remember to identify the insurer on the application/enrollment forms.
 - If you are filing a rider, amendments, endorsement, application, or enrollment form, does the filing state the policy form number, approval date, and tracking/file number of the policy with which it will be used?
 - Did you include a unique form number in bottom left corner?
 - Are there spelling errors?

- 10. Contact Us:** We encourage you to call or meet with us prior to making a submission to discuss innovative products or benefits.

SERFF PROCESS

General Information Tab

11. Filing Description: Information required by 11 NYCRR 52.33 should be entered in the Filing Description field on the General Information tab. The more details you provide regarding the filing, the better it helps us understand and reduces our questions. (Example: If numerous policies are being filed and they are essentially the same with only slight differences, please indicate the differences.)

Form Schedule

12. Form Numbers: It is important for the form number entered on the Form Schedule to match the actual form number on the form. The form number is used to search filings and to satisfy FOIL requests.

13. One Form per Schedule Item:

- Each item listed on the Form Schedule must have a unique form number. Please do not attach documents with differing form numbers to the same Form Schedule item.
- Only policy forms as defined in Insurance Law §§3201(a) and 4308 (i.e., policies, certificates, endorsements, riders, applications, etc.) may be submitted on the Form Schedule. Documents that explain the content of the forms should be submitted on the Supporting Documentation Schedule (e.g., black-lined copies, explanation of variability, etc).

14. Revisions to Forms: When making revisions to a document in a pending SERFF file, clearly designate the replacement so the previous version of the form is displayed in gray on the Form Schedule. If the changes are extensive, it is very helpful to provide a black-lined copy showing the changes.

Supporting Documentation Schedule

15. Bypassing Submission Requirements: If you decide to bypass a Submission Requirement, please insert an explanation. Inserting only an “N/A” does not provide us with a meaningful explanation. A Submission Requirement identifies a document that must be submitted based on the Type of Insurance, sub-Type of Insurance and Filing Type selected by the company for the filing. Your decision to satisfy or bypass a requirement should be based only on whether the filing is a form only, rate only, or form and rate filing.

16. Certification Filings:

- When submitting a black-lined version of a form, please also submit a clean copy. The clean copy should be submitted on the Form Schedule and the black-lined copy should be submitted on the Supporting Documentation Schedule.
- The proper certification form must be completed and submitted. Interactive copies of the appropriate certification forms are available within SERFF and on our Web site.

- When using Certification by Previously Approved Form or Certification by Template, the previously-approved form or template must have been approved within the previous 3 years.

17. Product Checklist: The checklist is an extremely helpful tool for preparing a compliant filing and for speeding the review of the filing.

- A completed product checklist must be submitted with every SERFF filing, unless a checklist for that product is not available on our Web site.
- Instructions on the cover of the checklist explain the portions of the checklist that should be completed when filings contain only an application, a rider or endorsement, or when the filing is a rate-only filing. If the submission proposes a language change in just one provision, only the portions of the checklist that are relevant to that provision need be completed.
- When completing a checklist, remember to insert the page number where the provision can be found, rather than enter a general term such as "policy".
- If the checklist requires an explanation to be attached, please remember to include it with the submission.

18. Readability Certification: A readability certification must be included with all form submissions pursuant to Insurance Law §3102(c) and (d).

- A sample certification form is available within SERFF. A copy of a computer printout from Word alone does not qualify as a certification.
- If the Flesch score is below 45, please insert an explanation of how it complies with the requirements (e.g., model language, statutory language). This avoids our having to make an objection.

19. Black-lined Copies: Whenever appropriate, we encourage you to submit a black-lined copy to show changes from a previously approved form as it is very helpful to the reviewer and may help speed review. Black-lined copies are not limited to filings under the Certification by Previously Approved Form or Certification by Template filing types.

State Specific Field Tab

20. Parallel Filings: If you are submitting a parallel product for another entity of the same parent organization, be sure to complete the State Specific field fully with the name of the other entity, the submission date, and the SERFF Tracking Number of the parallel submission. If you are unable to submit the filings at the same time, please identify the file number of the parallel submission in your later submission. Also, please advise the assigned reviewer that a subsequent parallel submission was made and identify the file number of the later submission. This will enable Insurance Department staff to coordinate review of the submissions.

Companies and Contact Tab

21. Filing Company Information: Please make sure the insurer name and NAIC number match the New York licensee name and NAIC number. If the insurer has multiple licensed

Correspondence Tab

22. Amendments: Once the content of the file receives legal clearance and is awaiting rate clearance, additional forms should not be added to the filing. (Example of a problem amendment: Company submits one form, it clears legal review, and while awaiting actuarial review, company attaches additional forms for review.)

23. Response:

- An answer to a comment in an Objection Letter should not be "please reconsider." At a minimum, provide a compelling legal reason or request for a conference call or meeting to discuss.
- An extension of time to respond to an Objection Letter may be considered on a case-by-case basis. Please send a Note to Reviewer or call to inquire.