



Division of Insurance

DR SOUTH DAKOTA
DEPT. OF **LABOR**
& **REGULATION**

124 S. Euclid, 2nd Floor | Pierre, SD 57501
Phone: 605.773.3563 | Fax: 605.773.5369
insurance@state.sd.us
Larry Deiter, Director

Spring 2021

In this Issue

Page 1
Online Insurance
Producer Examinations

Deiter Re-elected 2021
Midwest Zone Chair

Page 2
2021 NAIC Committee
Involvement

Extension of Transition
Plans

2021 Annual Grievance
Report Requirement
Waived

Page 3
2021 Legislative Session

Plan Year 2022 Product
Filing Deadlines for
QHPs

2020 DLR Annual Report
Available

CMS Announces
Extended SEP for Health
Coverage

Page 4
SERFF Filing Access

Public Hearing to Adopt
Rules

Company Address
Service

2021 NCCI Workers'
Compensation
Approved Filing

Online Insurance Producer Examinations

The South Dakota Division of Insurance and its testing vendor, [Pearson Vue](#), have partnered to make online examinations available in South Dakota through their platform OnVUE.

All insurance licensing exams offered at test centers will now also be available online: property and casualty, life, accident and health or sickness, crop, and bail bonds.

“We are excited to offer this innovative, technology-based proctored testing solution for South Dakotans,” said state Insurance Director Larry Deiter. “This gives our license applicants additional choice and convenience in determining how and where they take their examination.”

OnVUE provides a remote testing experience through a simple application and self-check-in process. Candidates use their computer in their home or office and will be monitored by a live proctor through the webcam and microphone to ensure the integrity of the exam.

Online reservations through [Pearson Vue](#) are the most efficient way for candidates to schedule an in-person or online examination. First-time users are required to create an account.

Candidates who wish to make a phone reservation at 888-873-6205 must do so at least 24 hours before the desired examination date.

Examinations remain available in person at ten physical testing sites around the state. Questions or concerns can be directed to the South Dakota Division of Insurance at 605-773-3563 or insurance@state.sd.us.

Deiter Re-elected 2021 Midwest Zone Chair



Division of Insurance Director Larry Deiter was re-elected to serve as the 2021 chair of the Midwest Zone Committee by members of the NAIC.

Glen Mulready, Oklahoma, was elected vice-chair, and Doug Ommen, Iowa, will serve as secretary-treasurer.

Deiter served as vice-chair for the Midwest Zone during 2019 and as chair in 2020. The Midwest zone includes 13 states. Each Zone performs functions designated by the Executive Committee, members of the NAIC as a whole or by members of the Zone.

2021 NAIC Committee Involvement

The Division of Insurance remains heavily involved with the National Association of Insurance Commissioners (NAIC). Director Larry Deiter serves on the NAIC Executive Committee representing the Midwest Zone as well as serving as chairman of the Midwest Zone Committee.

The Division serves on the following [NAIC Committees](#):

- Internal Administration (EX1)
- Innovation and Technology Task Force
- Long-Term Care Insurance Task Force
- Long-Term Care Insurance Reduced Benefit Options Subgroup
- Special (Ex) Committee on Race and Insurance
- Internal Administration (Ex1) Subcommittee
- Consumer Information Subgroup
- Regulatory Framework Task Force
- Employee Retirement Income Security Act (ERISA) Working Group
- Mental health Parity and Addiction Equity (MHPAEA) Working Group
- Senior Issues Task Force
- Long-term Care Insurance Model Update Subgroup
- Property and Casualty Insurance Committee
- Surplus Lines Task Force (Deiter serves as vice chair)
- Title Insurance Task Force
- Workers' Compensation Task Force
- Advisory Organization Examination Oversight Working Group
- Market Conduct Annual Statement Blanks Working Group
- Producer Licensing Task Force (Deiter serves as co-chair)
- Producer Licensing Uniformity Working Group
- Accounting Practices and Procedures Task Force
- Examination Oversight Task Force
- NAIC/American Institute of Certified Public Accountants (AICPA) Working Group
- Risk-Focused Surveillance Working Group
- Financial Regulation Standards and Accreditation Committee
- NAIC/American Indian and Alaska Native Liaison Committee

Extension of Transition Plans

On March 15, 2021, the Division issued [Bulletin 21-01: Extension of Transition Plans](#). This bulletin announces the extension of the transitional policy through 2022. Issuers wishing to operate under this transition guidance or looking to discontinue their participation were required to submit their intentions to the Division of Insurance via SERFF by April 21, 2021.

[View bulletins](#) issued by the Division of Insurance.

2021 Annual Grievance Report Requirement Waived

For filing year 2021, the South Dakota Division of Insurance will not take enforcement action against carriers for non-compliance with the annual filing requirement outlined in [58-171-5](#), also known as the Annual Grievance Report.

The information filed with the Division in the Annual Grievance Report is also provided by carriers in the required [Market Conduct Annual Statement \(MCAS\)](#) filing requirement. The Division is waiving the filing of the Annual Grievance Report in order to eliminate the duplicative filing burden this requirement is placing on companies doing business in South Dakota.

2021 Legislative Session

South Dakota's 96th Legislative Session began at Noon on Jan. 14th with Governor Kristi Noem's State of the State address. The 37-day session ended March 29.

The South Dakota Department of Labor and Regulation requested the introduction of 13 bills, including three specifically addressing state insurance law which have passed through the process and have been signed by Governor Noem.

[House Bill 1001](#) is an act to correct technical error in statutory cross-references regarding insurance. This clean-up legislation updates cross-references and corrects technical errors in the Insurance Code.

[House Bill 1003](#) is an act to revise certain provisions regarding credit for reinsurance. This bill updates state law regarding reinsurance to preserve the national state-based insurance regulatory system in South Dakota from federal preemption. This legislation incorporates updates to the latest National Association of Insurance Commissioners model and helps to maintain the Division of Insurance's financial accreditation status.

[Senate Bill 55](#) is an act to authorize innovative insurance products and services through insurance innovation waivers. This legislation encourages the proposal of beneficial insurance products and services in order to test new ideas in the South Dakota marketplace for a limited time through a waiver process. The bill outlines the process for obtaining a waiver, as well as the necessary consumer protections that must be maintained if a waiver is approved.

2022 Product Filing Deadlines for Health Insurance Plans

The South Dakota Division of Insurance has established the submission deadline of June 2, 2021, for all on and off-exchange individual and small-group ACA-compliant health insurance plans with coverage effective Jan. 1, 2022.

[View Bulletin 21-02](#) issued by the Division regarding qualified health plan (QHP) filing deadlines.

2020 DLR Annual Report Available

The Department of Labor and Regulation has released its [2020 Annual Report](#). This report recaps the wide variety of operations, regulatory oversight and programs administered by the department.

[View](#) the department's annual report as well as other department publications.

CMS Announces Extended SEP for Health Coverage

An extended special enrollment period (SEP) to obtain health insurance coverage through the federal marketplace is available through Aug. 15. Existing policyholders of a marketplace plan may qualify for more savings and lower costs either with their current plan or by selecting a new plan. Consumers who may not have qualified for financial assistance through the marketplace may now receive financial assistance made available through the American Rescue Plan. Consumers are encouraged to work with your local insurance producer to explore your options. Consumers can window shop plans available in South Dakota through the federal marketplace at [healthcare.gov](https://www.healthcare.gov). View additional information on the [American Rescue Plan](#).

SERFF Filing Access

Public access to company filings with final disposition and marked for viewing is now provided through [SERFF Filing Access \(SFA\)](#). SERFF, or the System for Electronic Rates and Forms Filing, is a product of the NAIC which provides a platform for form submittal, document management, and review access. Through SFA, filings are available anywhere with internet access, 24-hours a day. This public access to company filing information for South Dakota is provided at no cost to the user. [Access SFA](#).

Public Hearing to Adopt Rules

A public hearing to consider the adoption and amendment of proposed rules was held in the Oahe Conference Room, 124 South Euclid Avenue, 1st Floor in Pierre on May 18, 2021 at 2:00 pm CT.

The [proposed rules](#) address changes in South Dakota Administrative Rule §§ 20:06:12:07, 20:06:13:36, 20:06:19:04, 20:06:25:01, 20:06:25:01.01, 20:06:25:01.02, 20:06:25:02, 20:06:26:01, 20:06:36:01, and 20:06:59:01. The changes encompass updates to sources referenced in rule to ensure parties are referring to the most recent edition of the sources cited in rule.

The proposed rule changes also update the Division's Medicare Supplement rules to ensure that enrollees are given correct plan information and brings the Medicare Supplement rules into compliance with federal regulations.

[View](#) the public hearing notice and proposed rule changes.

Company Address Service

Insurance carriers are reminded to update their entity contact information through the "Company Address Service" portal link available on the [Division's website](#). Accuracy in the contact information provided ensures the carriers will receive Division announcements and/or notifications, when issued.

Companies use their NAIC ID and assigned PIN to access the area to update company contact information. A company can use the "Need PIN" link available on the portal's main page to determine the company's designated PIN contact.

If no contact is on file with the Division, please contact the Division at insurance@state.sd.us.

2021 NCCI Workers' Compensation Advisory Loss Costs & Assigned Risk Rates Approved Filing

An informal hearing was conducted virtually via WebEx on Thursday, March 25, 2021, at 10 a.m. CT to discuss the proposed 2020 NCCI Workers' Compensation Voluntary Advisory Loss Costs and Assigned Risk Rates filing. The proposal reflected an overall average decrease of 0.9% in the advisory loss costs and an overall rate level decrease of 1.0% in the assigned risk market. The filing was reviewed by the Division and approved on April 20, 2021. Approved final rates have an effective date of July 1, 2021.