



Division of Insurance



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 2023

In this Issue

Page 1

2023 Legislative Recap

Page 2

2023 NAIC Committee List

NAIC Spring 2023 Meeting

Mikkelsen Retires/
Nuske New Continuing Education Coordinator

Page 3

Company Address Service

2022 Annual Reports Available

Department of Labor & Regulation Labor Market Information Center

SERFF Filing Access

Continuing Education Provider Process Changes

Page 4

CMS 2023 Open Enrollment Report & PUF

DSS Medicaid Redetermination

Public Hearing Scheduled for Proposed Administrative Rule Changes

2023 NCCI Workers' Compensation Informal Hearing

2023 Legislative Recap

South Dakota's legislature adjourned on March 27, 2023, concluding the 98th Legislative Session. More than 500 bills, resolutions, and commemorations were filed during the scheduled 38-day session.

The South Dakota Department of Labor and Regulation requested the introduction of four bills, including two specifically addressing state insurance laws.

[House Bill \(HB\) 1012](#) repeals SDCL 58-171-5, the annual reporting requirement for a health carrier to submit grievance information. This information is now submitted by companies via the Market Conduct Annual Statement filing requirement established in Division Bulletin 16-04. Repealing this requirement from state statute eliminates a duplicative filing requirement burden on health insurance companies operating in South Dakota. This bill was signed by Governor Kristi Noem on February 13, 2023.

[Senate Bill \(SB\) 22](#) streamlines examination reports by allowing a company under examination to waive any or all of the 30-day comment period established in SDCL 58-3-12. If a company submits a written comment or rebuttal on an examination report, it can elect to expedite the process by waiving any part of the remaining 30-day written comment period, thus permitting the Division to enter the final report order. This bill was signed by Governor Kristi Noem on February 3, 2023.

Other bills of interest affecting insurance regulation that successfully passed in 2023 include:

- [HB 1088](#) – An Act to update requirements for an insurance company seeking to do business in this state.
- [HB 1091](#) – An Act to amend provisions of the insurance statutes regarding producer recommendations and responsibilities.
- [HB 1135](#) – An Act to provide for transparency in the pricing of prescription drugs.
- [SB 62](#) – An Act to amend provisions regarding delivery of electronic insurance documents.
- [SB 85](#) – An Act to revise rebating provisions in the insurance code.

Each bill referenced in this article has an effective date of July 1, 2023.

Interested parties can review the actions taken by the South Dakota Legislature via the [Legislative Research Council website](#).

2023 NAIC Committee List

The South Dakota Division of Insurance serves on 30 National Association of Insurance Commission (NAIC) committees, task forces and work groups.

Director Larry Deiter serves as Chair for the Producer Licensing Task Force, Co-Vice Chair of the Property and Casualty Insurance (C) Committee, and Vice-Chair of the Surplus Lines and Senior Issues Task Forces.

[View](#) the 2023 NAIC Committee List.



South Dakota, along with other NAIC member states, participate in one of the numerous meetings and presentations during the NAIC 2023 Spring National Meeting in Louisville.

NAIC Spring National Meeting

Division of Insurance staff participated in the NAIC Spring 2023 National Meeting in Louisville, Kentucky, March 21-25, 2023.

The agenda included NAIC Committee meetings, various presentations and open dialogue with representatives from industry and the Centers for Medicare and Medicaid (CMS)/Center for Consumer Information & Insurance Oversight (CCIIO).

The national meeting was conducted in a hybrid format with some individual sessions being offered both in person and virtually.

Mikkelsen Retires/Nuske New Continuing Education Coordinator

Jo Mikkelsen retired in February 2023 after 39 years in state government. Thirty-two of her years of service were as Continuing Education Coordinator in the Division of Insurance. Best wishes to Jo as she enjoys her retirement!

Laurie Nuske has been named Continuing Education Coordinator. Nuske joined the Division of Insurance in March 2021 as a Life/Health Consumer Services Specialist. Nuske is working to introduce upgrades and changes to the Continuing Education area, including automating some processes that were previously completed manually through email.

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 PIN contact is on file with the Division, please contact the Division at insurance@state.sd.us.

2022 Annual Reports Available

[Department of Labor and Regulation 2022 Annual Report](#) - The Department of Labor and Regulation has released its [2022 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.

[NAIC 2022 Annual Report](#) - The NAIC 2022 Annual Report titled "Conquering the New Normal Together" was released in March 2023. [View](#) the NAIC 2022 Annual Report.

[NIPR 2022 Annual Report](#) - Reporting 47 million transactions in 2022 and a database including over 8 million producer records, the National Insurance Producer Registry (NIPR) released its 2022 annual report. [View](#) the NIPR 2022 Annual Report.

Department of Labor & Regulation Labor Market Information Center

The Department of Labor and Regulation Labor Market Information Center (LMIC) provides public information on the labor market in South Dakota. This includes employment levels, unemployment rates, wage and earnings data, estimates of available labor, employment projections, business staffing patterns, and career planning information.

[View information available from LMIC.](#)

SERFF Filing Access

Public access to company filings with final disposition and marked for viewing is 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 insurance company form submittal, document management, and review access. Through SFA, filings are available 24-hours a day, anywhere with internet access. The public access to company filing information for South Dakota is provided at no cost to the user. [Access SFA.](#)

Continuing Education Changes to Provider Process

Changes currently being implemented by the Division of Insurance in the area of Continuing Education involve automation to the provider application and course process. When made available, providers wanting to become licensed in South Dakota will be able to submit their application via the Sircon (Vertafore) portal. Providers will also be able to complete course cancellations through portal access.

Health Insurance Marketplace 2023 Open Enrollment Report & Public Use Files (PUF)

The Centers for Medicare & Medicaid Services (CMS) released the [2023 Open Enrollment Report](#) on March 23, 2023. The report includes information on HealthCare.gov Marketplace plan selections, the number of new consumers signing up for marketplace coverage during open enrollment and demographic trends.

A total of 47,591 open enrollment plan selections were recorded for South Dakota through [HealthCare.gov](#). This is an increase of 15% over open enrollment in 2022.

PUF available for HealthCare.gov includes information on plan selections including deductibles, HSA eligibility, and standardized plan option selection rates. [Access CMS Healthcare.gov PUF](#).

Social Services Conducting Medicaid Eligibility Redetermination

Federal regulations associated with the COVID-19 federal public health emergency prohibited Medicaid from closing for persons who were no longer eligible for Medicaid. Effective April 1, 2023, the South Dakota Department of Social Services (DSS) began redetermining Medicaid eligibility for all South Dakotans currently participating in Medicaid. [View DSS Medicaid redetermination information](#).

Individuals no longer eligible for Medicaid may still be able to get health insurance through the Health Insurance Marketplace, also known as [HealthCare.gov](#). Applicants may be eligible for premium tax credits to lower the monthly health insurance bill and/or additional cost share reductions resulting in less out-of-pocket costs for medical services. View marketplace information at [HealthCare.gov](#) or contact your local insurance agent or health insurance carrier for additional information on health insurance coverage.

Medicaid Expansion in South Dakota takes effect July 1, 2023. [View](#) DSS Medicaid Expansion information.

Public Hearing Scheduled for Proposed Administrative Rule Changes

A public hearing will be held May 23, 2023, at 10 a.m. (CT) to consider the adoption and amendment of proposed rules to Chapter 20:06:13 Appendix D. The effect of this rule will update the Division's Medicare Supplement rules to incorporate the 2023 Medicare Supplement coverage amounts set by the federal government. [View the proposed rules text](#).

[View](#) recent Administrative Rule changes for the Division of Insurance.

2023 NCCI Workers' Compensation Advisory Loss Costs & Assigned Risk Rates Informal Hearing

An informal hearing was conducted on Wednesday, March 29, 2023, to discuss the proposed 2023 NCCI Workers' Compensation Voluntary Advisory Loss Costs and Assigned Risk Rates filing. The proposal reflected an overall average decrease of 6.7% in the advisory loss costs and an overall rate level decrease of 9.3% in the assigned risk market. The filing was approved April 2023 with an effective date of July 1, 2023.