

Karima M. Woods, Commissioner

**Insurance Advisory Committee (IAC)
Health Subcommittee
February 2, 2022 at 11:00am-12:00pm ET**

NOTES

1. Department Updates

- a. Personnel Updates
 - ♦ Retirements: John Morgan - Health actuary (Insurance)
Bright Ahaiwe – Agency’s Fiscal Officer
 - ♦ Acting: Monique Kerr – Associate Commissioner (Banking)
Lilah Blackstone – Associate Commissioner (Securities)
 - ♦ Hire: Najibullah Nahglalay – Contract Specialist - Assisting in procurement
- b. Department Oversight Hearing
 - ♦ February 9, 2022

2. Emerging Health Insurance Issues

Riot Language in Exclusions / Riders

- ♦ New and renewal filing submissions in the SERFF system must contain a definition of “*riot*”. The definition should be generously similar or the same as the definition cited in DC code: § 22–1322 - *Rioting or Inciting to Riot*.

Comments:

- ♦ DISB is comfortable with provisions/language that exclude people participating in a riot but does not favor language that expands to cover a peaceful protest of assembly
- ♦ DISB will collect feedback before something more formal is issued and will introduce guidance in the SERFF system.

3. NAIC Updates

- ♦ The 2022 NAIC committee assignments have been determined. DISB is a member of three committees, the Life Insurance and Annuities (A) Committee, The Market Regulation and Consumer Affairs (D) Committee and the new Innovation, Cybersecurity, and Technology (H) Committee.

4. Legislative Updates

- a. Professional Employer Registration Act; (3/7 – hearing)
 - ♦ B24-305 Would require professional employer organizations that offer health insurance in the District to register with the DISB.
- b. Stop Discrimination by Algorithms Act
 - ♦ B24-0558, would prohibit users of algorithmic decision-making models in a discriminatory manner. Legislation looks at the use of algorithms to determine employment, housing, healthcare, and financial lending decisions. Additionally, prior to use, a company must file the algorithm and be subject to an audit.
Regarding B24-0558: Concerns were raised regarding DISB’s position and having two sets of regulations.

Comments:

- ♦ DISB has not solidified a position. No hearing has been set and the Department is supportive of looking at the use of algorithms by insurance companies to ensure there’s not any unintentional discrimination.
- ♦ DISB is aware of the duality in regulation and would look to maintain our posture as the designated regulators of the insurance industry.

- c. Copay Accumulator Amendment Act
 - ♦ B24-557 was introduced in early Dec and referred to the Committee on Health just before the holidays; Would require health insurers to apply discounts, financial assistance, payments, product vouchers and other reductions in out-of-pocket expenses made by or on behalf of a member when calculating the member’s coinsurance, copayment, cost-sharing responsibility, deductible, or out-of- pocket maximum for a covered benefit.

5. Follow-up

- a. Action Items
- b. Next full IAC Meeting March 9; P&C April 27 and Health May 4