



# North Dakota Insurance Department

Jon Godfread, Commissioner

## MEMORANDUM

TO: Helene J Herauf, Legal Counsel

FROM: Jon Godfread, Commissioner

DATE: 1/26/2021

SUBJECT: Final Adoption of Administrative Rules – Premium Tax Payments – Estimates, Long Term Care Insurance Model Regulation, Self Insurance Health Plans, Consumer Credit Insurance, Surplus Lines Insurance, Notice to Policy Holders, and Privacy of Consumer Financial and Health Information.

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The attached rules referenced above, which were part of a public administrative rules hearing on the above proposed rules on November 17, 2020, are hereby approved and adopted in final form.

There were two typographical errors corrected, but no substantive changes were made to any of the rules. The Department did decide to pull 45-03-26 (Principle-Based Valuation) from the current rules packet and possibly explore that further in the future.

An Attorney General's opinion as to the legality of the remaining rules has been rendered

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

<b>In the Matter of the Promulgation</b>	)	<b>FINAL ORDER ADOPTING RULES</b>
<b>of Proposed Rules Regarding:</b>	)	
<b>Premium Tax Payments – Estimates,</b>	)	<b>FILE NO. RU-20-814</b>
<b>Long Term Care Insurance Model</b>	)	
<b>Regulation, Self Insurance Health Plans,</b>	)	
<b>Consumer Credit Insurance, Surplus</b>	)	
<b>Lines Insurance, Notice to Policy</b>	)	
<b>Holder, and Privacy of Consumer</b>	)	
<b>Financial and Health Information.</b>	)	

**THIS MATTER** regarding proposed changes and additions to N.D. Admin. Code Title 45 came before the North Dakota Insurance Commissioner for consideration. The Commissioner, having published notice, having held a public hearing, having considered the filed comments of all interested persons, and having been otherwise fully advised in the premises, **FINDS AND CONCLUDES THAT:**

1. A Notice of Intent to Amend Administrative Rules describing the proposed rule changes and additions was prepared and filed on September 4, 2020. The North Dakota Insurance Department staff also prepared a Regulatory Analysis, Small Entity Economic Impact Statement, and Small Entity Regulatory Analysis, Takings Assessment Concerning Proposed Rules, and Fiscal Note Regarding Proposed Rules, all dated September 4, 2020, except for the Fiscal Note which is dated August 11, 2020.
2. The Notice and Regulatory Analyses were made available to all interested persons.
3. An Abbreviated Notice of Intent to Amend Administrative Rules was properly published once in each official county newspaper at least twenty days prior to the date of the hearing.
4. A hearing was held on November 17, 2020, in Bismarck North Dakota, to take comments on the proposed rules.

5. At the hearing, all interested parties were given a reasonable opportunity to submit relevant oral or written comments. The record was held open for additional written comments more than ten days after the hearing.
6. In promulgating the final version of the rules in the form attached to this Order, the Commissioner considered all comments made.
7. On January 26, 2021, the Attorney General approved the rules as to legality.

### ORDER

IT IS, THEREFORE, ORDERED that the rules in the form attached to this Order be adopted and filed in accordance with applicable provisions of state law to become effective on April 1, 2021, subject to the approval of the Administrative Rules Committee of the Legislative Council.

DATED this 26th day of January, 2021



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Jon Godfread  
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