

IOWA INSURANCE DIVISION

**PERFORMANCE
REPORT**

PERFORMANCE RESULTS ACHIEVED
FOR FISCAL YEAR 2008

TABLE OF CONTENTS

SECTION	PAGE
Introduction	3
Agency Overview	5
Strategic Plan Results	10
Performance Plan Results	
Core Function	13
Services/Products/Activities	17
Agency Contacts	26

INTRODUCTION

The Insurance Division of the Iowa Department of Commerce is pleased to present their performance report for fiscal year 2008. The Division continues to serve Iowa through its' agency mission of protecting "consumers through consumer education and by effectively and efficiently providing a fair, flexible and positive regulatory environment." This report will acknowledge the hard work of the Division personnel in maintaining our mission.

The Division continued to see an increase in work load including contested cases and fines, agent licensing, and number of Iowans served through our Senior Health Insurance Information Program (SHIIP.)

The Division continued to streamline processing of agent licenses and product form review through a variety of electronic methods. Coupling with national programs implemented by the National Association of Insurance Commissioners (NAIC,) the Division was able to review 71,631 rates and forms as well as license 78,953 insurance agents. Much of this was done through electronic methods providing for less paperwork and smoother processing.

We have several key challenges facing the Division. They include the threat of federal preemption, an increased overlap between the insurance and securities markets, the increased complexity of investment options and insurance products and availability of adequate resources.

The Division's role in ensuring fair and efficient regulation of insurance, securities, and other regulated industries in the state of Iowa is one of deep commitment. We will continue to maintain our vision of "Finding ways to build upon our tradition of excellence."

Sincerely,

Susan E. Voss
Iowa Insurance Commissioner

AGENCY OVERVIEW

The Iowa Insurance Division is responsible for the general supervision of Iowa's insurance and securities markets, as well as a number of miscellaneous industries. Miscellaneous industries include sales of pre-need and perpetual care contracts by cemeteries and funeral homes; residential and motor vehicle service contracts (warranties); continuing care retirement centers; and investment advisors.

Insurance and securities transactions can involve large sums of money. These transactions involve the transfer of money from the consumer (insured or investor), in exchange for a promise to receive something in the future. When consumers are deceived or receive incomplete disclosures in the transaction, or when the company doesn't have the ability to perform as promised when the time arises (perhaps because its financial condition has deteriorated), consumers can suffer. Insurance and securities transactions can also be very complicated, presenting an opportunity for consumers to make poor decisions. In response, the Division has increased its efforts in investor education and consumer outreach.

The insurance and securities industries play critical roles in Iowa's economy. Without insurance, many businesses would be unable to get loans or to even operate legally. Securities transactions can provide the funds necessary for businesses to begin operations or to expand. Health insurance and securities markets are a critical part of our economic infrastructure.

The scope of the Division's regulatory responsibilities is quite broad. In the insurance arena, we regulate over 1500 insurance companies licensed to do business in Iowa. 208 of those companies have their home offices in Iowa, making Iowa the primary financial (solvency) regulator for those companies.

Because there is no federal insurance regulator, and insurance is a global industry, the states have developed ways of coordinating oversight.

An important aspect of this coordination is the accreditation program of the National Association of Insurance Commissioners (NAIC). When a state is accredited by the NAIC, other states will rely on that state's solvency oversight of insurers. This eliminates the need for other states to do their own financial oversight and significantly reduces the potential inefficiencies and duplication from a state-based (rather than federal) regulatory system. Given the size of our domestic insurance industry, accreditation is deemed critical for Iowa. We are currently accredited by the NAIC and have been continuously accredited since 1991. We were reaccredited in 2008.

Iowa's financial regulatory framework includes licensing, capital and surplus requirements, investment regulations, regulations on holding company transactions, financial reporting requirements, quarterly review of financial statements, and periodic onsite financial examinations.

In addition to financial solvency regulation, the Insurance Division regulates many aspects of the insurance market place. These include the policy forms that are used; the rates charged; sales, underwriting, and claims settlement practices; and licensing of agents. Targeted market conduct examinations of insurers or agents are done where a problem is suspected. Our consumer complaints process also investigates problems consumers have with their agents or insurers. In 2008, we handled 1,897 written consumer complaints and recovered \$2,138,852 for consumers.

In recognition of the increasing complexity in the markets we regulate and the increased need for consumer education, we instituted a formal insurance consumer education and information

program in 2000. Additional specific programs were planned and implemented in late 2005 and 2006 with regard to investor education and long-term care insurance that continue today. The Invest Smart Program was released in October 2005 as a statewide information campaign directing investors to a dedicated educational web site for consumers www.investsmartiowa.gov. In March, the Division released the educational effort for long-term care insurance, centered on a web site and educational material branded as Travel Wisely. Also in the spring, work continued toward the July 2006 release of a senior market investor education campaign featuring town hall meetings, known as Seniors Against Investment Fraud, or SAIF. By the end of 2008, nearly 3,500 Iowans had participated in these programs in their communities.

The Securities and Regulated Industries Bureau of the Division performs securities registration and review to ensure compliance with the full disclosure and substantive investor protection sections of the Code; licensing of over 89,000 broker-dealers, agents, investment advisers, and investment adviser representatives of investment products in Iowa; and does broker-dealer and investment adviser examinations, investor education and public information distribution, and registers investment products and companies. The Securities and Regulated Industry Bureau also regulates special business transactions such as cemetery business, pre-need contracts and motor vehicle service contracts.

The Insurance Division has a long history with a reputation for excellence in regulation, due in large part to its highly capable staff. Members of the Division staff have received national awards for their contributions to state insurance and securities regulation. Staff persons have been leaders in their national organizations. We are regularly sought for our views on regulatory issues and our ability to influence national policy.

The Division has 102 full time employees. Of that number 14 are non-contract positions, and the remaining 88 are contract covered. 22(23%) of the employees spend the majority of their time out of the office doing examinations. These individuals are hard-working and knowledgeable in the areas they regulate. A majority of staff have at least some college education. Additionally, a significant segment of the staff has earned professional designations including but not limited to CFE, CPA, CIE, AFE, AIE, CISA, CLU, CPCU, FLMI, AES, ASA, and ACAS.

The Insurance Division's technology resources are noteworthy. In an effort to increase efficiency and compensate for the increasing demands of state and federal mandates, the Division has prioritized technology investment. Many of the Division's regulatory processes have been automated in recent years including securities licensing, producer licensing renewals, continuing education monitoring, and rate and form filing.

Mission and Vision Statement. Iowa's tradition of positive insurance regulation is reflected in our Vision Statement: "Finding ways to build upon our tradition of excellence." The Division's mission is "The Iowa Insurance Division shall protect consumers through consumer education and by effectively and efficiently providing a fair, flexible and positive regulatory environment."

The Iowa Insurance Division is one of five divisions in the Department of Commerce. The Division is organized into five bureaus-Administration, Securities and Regulated Industries, Company Regulation, Fraud and Market Regulation. Each Bureau is managed by a Bureau Chief.

Key customer groups include insurance consumers (businesses and individuals), investors, members of the regulated industries (including insurance companies, producers, broker/dealers, securities agents, cemeteries, funeral homes, etc.), legislators, the

Governor's office, other state agencies and other government agencies, including local government in Iowa, the federal government, and insurance and securities regulators in other states.

STRATEGIC PLAN RESULTS

Key Strategic Challenges and Opportunities:

Ensuring that we protect consumers through effective regulation is a top challenge for the Division. Because we must balance this with the need to have a strong, solvent insurance industry, the Division constantly reviews regulations to ensure it is not over burdensome to industry yet assures that consumers are adequately protected.

The challenge of federal preemption of state insurance regulation is of concern to the Division. The regulatory system for insurance is unique in the financial services industry. Insurance has no federal regulator. The states regulate their markets and attempt to coordinate to create a seamless national regulatory system. Emphasizing consistency and coordinating with other states to continue to effectively supervise this global industry, while reducing the inefficiencies of our multi-state regulatory system is critical to maintaining our ability to protect Iowa consumers. Much of the coordination occurs through our national organizations such as the National Association of Insurance Commissioners (NAIC) and the North American Securities Administrators Association (NASAA).

Goal #1 Continue to maintain NAIC accreditation

Strategies:

- Comply with NAIC guidelines as to financial examinations.
- Maintain qualified staff through training
- Examine all companies per Iowa statutory requirements.

Performance Measure:

Examination of companies as required under Iowa Code.
(Companies are to be examined once every five years with exams staggered between the companies.)

Results: 100% or 39 exams completed

Data Source: Iowa Insurance Division-Company Regulation Bureau

Data Reliability: Iowa Code section 507.2, subsection 1.

What was achieved: The Division maintains its level of examinations statutorily required. Consistency of exams is a key to maintaining accreditation.

Analysis of results: When staffing levels remain at full authorized strength, timely and appropriate examinations have resulted. There has been some difficulty in retaining staff because of a large disparity between public and private salaries in these areas of specialty. Options for improvement in staffing levels are being considered.

Links to Enterprise plan: None

Goal #2 Modernize regulatory System**Strategies:**

- Utilize the electronic filing of forms on the NAIC/SERFF system
- Utilize the national insurance producer licensing system (NIPR)
- Continue to find ways to streamline filings and records management through electronic means

Performance Measure:

Percent of rates and forms reviewed as required by statute within thirty days.

Results: 100% were reviewed within thirty days. (71,631)

Data Source: Internal review procedure and the NAIC/SERFF reporting system.

Data Reliability: NAIC monitors the use of SERFF by the states and the carriers. The Division provides an internal review process to ascertain when products are received and approved.

What was achieved: The data shows we are streamlining the process of approving insurance forms. More and more products are being filed via the NAIC/SERFF system for quicker review and approval.

Analysis of results: The Division is doing well and could handle additional filings via the web and electronically. This allows the states to streamline processes and compete more effectively in national markets.

Link to Enterprise Plan: None

PERFORMANCE PLAN RESULTS CORE FUNCTION

Name: Regulation and Compliance

Description: The Division's core function is regulation and compliance in the areas of insurance, securities and regulated industries. The Division ensures that insurance and securities products and cemetery and funeral home services sold in Iowa are appropriate, that they are sold by licensed professionals, and when the need for the product occurs, the services or coverages are available.

Why are we doing this: Insurance and securities play a critical role in Iowa's economy. A strong, solvent industry with knowledgeable consumers will lead to safe and healthy Iowans. They will also have stronger incomes and retirements through appropriate investments.

What we're doing to achieve results:
(There are 2 specific areas.)

1. Conducting market conduct examinations pursuant to the NAIC recommendations.

Performance Measure: Percent of market conduct examinations completed under the NAIC Market Regulation Handbook guidelines by 12/07.

Performance Target	Result
100%	100%

Data Source: NAIC Market Regulation Handbook

Data Reliability: Market conduct examinations are entered into the NAIC's exam tracking system. Other state insurance regulators have access to this information.

Why we are using this measure: As we work to ensure cooperation among states and thereby avoid duplication of effort in conducting examinations, the use of the Market Regulation Handbook, specifically the exam tracking system, will assist in the ability of states to rely upon each others work product and to coordinate efforts.

What was achieved: Use of a model market conduct examination from the NAIC provides a reliable and consistent method of examination.

Analysis of results: Good use of resources that provided for consistency in the exam process. We didn't have to "reinvent the wheel."

Factors affecting results: The NAIC Handbook provided excellent guidance to staff during the process.

Resources used: Market conduct examinations are funded through carrier examination fees. No general fund money was expended.

2. Review rates and forms within the statutory guidelines.

Description: Review insurance product rates and forms to ensure they are following Iowa statutes and are appropriate for Iowa consumers.

Why are we doing this: Statutorily required. This ensures that products are legal and consumer-appropriate.

What we're doing to achieve results: We have streamlined our review and approval process to get products to consumers quickly. The use of the Electronic Rate and Form Filing technology (SERFF) has cut down on paper and time.

Performance Measure: % of rates and forms reviewed as required by statute within 30 days.

Performance Target	Result
100%	100% (71,631)

Data Source: Products and rate requests are logged into the Division computer system to track review and approval.

Data reliability: All products are tracked using the same computer system. In addition, NAIC/SERFF filings are tracked through the NAIC for national review and comparison.

Why are we using this measure: Carriers need to get their products to market timely in order to compete in the global markets with banks and securities firms. Consumers want a wide range of products from which to choose and want those products as soon as possible.

What was achieved: An understanding of the volume of products entering the market and the types of costs associated with those products.

Analysis of results: The Division continues with the use of NAIC/SERFF to approve rates and forms in a timely manner.

Factors affecting results: The additional electronic filing capability assured more timely review.

Resources used: The NAIC operates the electronic funds transfer process, collect fees, and sends collections to us.

PERFORMANCE PLAN RESULTS SERVICES/PRODUCTS/ACTIVITIES

1. Name: Market Regulation / Consumer Complaints

Description: The Division handles complaints concerning insurance products, rates, services and agency issues. Staff receives the complaint, review it and, if appropriate, seek some form of regulatory action.

Why we are doing this: Insurance products are complicated financial transactions. Consumers can often be confused or even misled as to the type of financial product they need. The Division provides assistance by answering questions in regard to insurance products and services as well as seeking regulatory action when Iowa law is violated.

What we're doing to achieve results: A 1-800 telephone line has been implemented to allow for consumers to more easily reach our office. The system includes a "roll over" mechanism to ensure that consumers talk with "live" staff. The Division's web site provides a way for consumers to ask questions or file complaints online with fast response turn-around.

Performance measure: A percentage of complaints resolved in 80 days. This correlates with our mission to protect consumers.

Performance target: 90% should be resolved in 80 days.

Data Source: Internal reporting. All complaints are logged in the day they are received and closed when no further action/resolved is achieved.

Results: 83.6% of all claims were resolved in 80 days.

Data reliability: Information is based upon computer records of when complaint files were opened and closed.

Why we are using this measure: It is important to assist consumers in a timely manner. With greater ability to track issues through electronic means and well trained staff, complaints can be processed more timely. This measure allows us to see our overall ability to respond to complaints.

What was achieved: We have reviewed our case load to see if staff is receiving complaints of a more technically difficult nature. We have determined that areas of expertise are necessary and better time management is helpful. Help desk contributions have better distributed the workload and plans are being made for further enhancements involving a specialized Consumer Advocate unit within the Division.

Analysis of results: Same as above.

Factors affecting results: None.

Resources used: The activity is funded through a general fund appropriation in the amount of \$1,417,131 with 16 FTEs.

2. Name: Insurance Fraud Bureau/Criminal Complaints

Description: To confront the problem of insurance fraud by prevention, investigation and prosecution of fraudulent insurance acts in an effort to reduce the amount of premium dollars used to pay fraudulent claims.

Why we are doing this: The insurance fraud bureau was created in the late 1990s to respond to concerns about the rising cost of insurance fraud to the insurance industry. Billions of dollars in extra costs are added to insurance premiums due to insurance

fraud. This bureau was created to address this crime through investigation and prosecution of the offenders and develop fraud prevention programs.

What we're doing to achieve results: The Iowa Insurance Fraud Bureau developed a Fraud Alert System to alert carriers and other law enforcement agencies about possible fraudulent claims that may be part of organized fraud ring activity in an effort to prevent fraudulent claims from being paid by insurance companies. The bureau has been educating law enforcement agencies and insurance carriers by providing training at law enforcement academies, insurance agent continuing education seminars, and other insurance training sessions on the subjects of insurance fraud, money laundering, staged vehicle collisions, and prescription fraud to heighten insurance fraud awareness. Additionally, the bureau has taken an active role in developing a new case management system and reporting system (OFRS) through the NAIC so that insurance fraud can be reported more timely by consumers and industry. The bureau is also undergoing negotiations with other fraud reporting entities to complete an interface with our reporting system that would increase the number of referrals that the bureau receives electronically.

Performance measure: Track the number of referrals submitted on the on-line system versus the traditional methods.

Performance target: FY08 target: To increase the number of on-line referrals by 10%.

Data source: The Division's internal tracking system will compute the number of on-line referrals, and the OFRS referrals.

Results: There was a 56% increase of referrals submitted online since the last report.

Data reliability: N/A

Why we are using this measure: On-line reporting, coupled with the SBS case management system, will save staff time due to the auto-populate feature of the new system, and can provide the staff with immediate information.

Analysis of results: Unable to quantify at this time as the OFRS interface project is ongoing and the SBS system is not installed on the network.

Factors affecting results: The willingness of other fraud reporting agencies to interface with the OFRS System and the willingness in the insurance industry to report insurance fraud claims to the bureau as required in Iowa Code Chapter 507E.6.

Resources used: The bureau has 5 FTEs and an annual budget of \$453,292.00.

3. Name: Senior Health Insurance Information Program (SHIIP)/Provide increased outreach service to Iowans.

Description: The SHIIP program provides free assistance to Iowans concerning health insurance, Medicare, Medicare prescription drug coverage, Medicare Advantage plans, Medicare supplement policies, retiree health insurance, claims and long-term care insurance. The program began 20 years ago and was placed in the Division over 10 years ago due to the insurance expertise of the Division.

Why we are doing this: The SHIIP program is an extension of our mission of protecting and educating consumers.

What we're doing to achieve results: The SHIIP program is almost fully funded through federal aid. However the Division

provides office space, office equipment, pays part of the salary of three staff members and supports the program through information exchange opportunities.

Performance measure: Increasing the number of Iowans served is essential to educating Iowans on Medicare, and others, about their health insurance needs. Volunteers are located in almost every county, and meetings are held to educate Iowans. The goal is to increase the number of Iowans served by counseling and educational programs.

Performance target: Our target is to increase our FY09 numbers by 5%.

Data source: Each volunteer is required to maintain records of Iowans that they counseled and the number of people who attend their educational programs. Phone records are kept of persons who call the SHIIP's 1-800 number for assistance.

Results: For FY08, 59,192 Iowans were served by SHIIP.

Data reliability: See Data source above.

Why we are using this measure: One on one contacts are important in educating people on Medicare about health insurance issues. The more Iowans we have contact with, the more likely they are receiving the information that can help them make better decisions.

What was achieved: More Iowans were served through counseling and case management.

Analysis of results: More and more Iowans realize that they need to compare Medicare drug plans and Medicare Advantage plans every year. This resulted in a huge demand for assistance in the

last months of 2008. In addition, one of the state's largest employers, Maytag/Whirlpool changed health insurance coverage for retirees significantly and SHIIP took leadership for educating and assisting hundreds of their retirees. The rise in the number of people going on Medicare (baby boomers) has resulted in an increased need for SHIIP's services by new Medicare beneficiaries.

Factors affecting results: Significant changes to Medicare drug plans offered; large employers changing retiree health benefits; beneficiaries' experience with the Part D program and need to review annually; Baby Boomers approaching Medicare eligibility

Resources used: SHIIP is a federally funded program. Approximately \$120,000 primarily of state general fund money is used to assist in paying the salary of two staff persons. Four other SHIIP staff is paid through the federal grant which also pays for travel, printing, and the 1-800 number in the amount of \$356,078. SHIIP also heavily utilizes unpaid volunteers.

4. Name: Examinations/Examine insurance companies pursuant to Iowa law.

Description: In order to protect consumers, it is necessary to ensure that companies selling products in Iowa are strong and solvent. Examination of insurance companies provides consumers with the added protection of knowing that companies are compliant with state laws and solvent to pay claims as necessary.

Why we are doing this: To protect consumers and ensure that the products and services they are receiving are from companies that can pay claims when necessary.

What we're doing to achieve results: Highly trained personnel who receive continuing education examine companies once every

five years as required by statute. The Division may also examine a company at any time should there be concerns about the solvency or practices of a carrier.

Performance measure: The Division is required to examine each domestic insurance company at least once every five years. The Division staggers the companies for examinations so that not all companies are examined in the same year. Approximately 40 companies are examined each year.

Performance target: 100% of those companies required to be examined in a year.

Data sources: Examination reports are received by the NAIC and are public record. The Division self-reports to the NAIC.

Results: 100% of carriers required to be examined in FY 08 were examined.

Data Reliability: The Division maintains records on companies to be examined and the time frame. This is an internal control.

Why we are using this measure: In order to maintain NAIC accreditation, it is important that companies are examined in a timely and routine manner.

What was achieved: The Division maintains an excellent record of reviewing companies. The Division has been accredited by the NAIC continuously since 1991.

Analysis of results: The Division continues to be accredited by the NAIC.

Factors affecting results: The Division maintains a high level of trained staff. Financial training is offered on a regular basis.

Additional examiners were hired to ensure timely and accurate examinations.

Resource used: The Company Regulation Bureau is fully funded through examination fees from the companies they examine. Approximately \$4.9 million funds the Bureau with a staff of 33 FTEs.

5. Name: Securities/Insurance Agents/Producers. Provide efficient and effective licensing system for securities and insurance agents and producers.

Description: Insurance agents and securities agents and producers are required to be licensed in Iowa. This ensures that consumers are being counseled about financial instruments by trained and knowledgeable persons. This is a core function of our office in protecting consumers.

Why we are doing this: By requiring agents and producers to be licensed, consumers can receive appropriate advice and counsel from persons with skill and knowledge.

What we're doing to achieve results: The Division continues to modernize the regulatory system by providing on-line renewals and other licensing assistance. This provides for a quicker and more efficient method of licensing and renewal for the over 168,000 insurance and securities agents we license.

Performance measure: It is important to ensure that licensing of agents is done efficiently and effectively. By using more electronic means, we can eliminate human errors and time delays. Our measure is to have agents licensed with no errors.

Performance target: Less than 1% errors in the licensing of agents.

Data sources: Because licensing is done through computers, we can determine within our own computer system and the NIPR-national system-if errors have occurred in licensing.

Results: Division had less than 1% errors for licensing.

Data reliability: State Based Systems (SBS) and the NIPR national system track the agent licensing system and provide reports on data reliability.

Why we are using this measure: The use of electronic licensing provides for fewer errors and timely licensing of agents.

What was achieved: Error rates decreased as more and more agents were licensed through an electronic system. Errors that might occur could easily be found and corrected. There was savings through less paper usage.

Analysis of results: The use of electronic licensing has increased. Resident and Nonresident renewals can now be completed electronically. The increased use of the internet is reducing the cost of licensing agents.

Factors affecting results: The NAIC has created a national producer licensing network that allows for agents to be licensed throughout the country through one portal. Information is quickly shared with participating states. Agents are quickly licensed and able to do business in the state.

Resources used: 3 FTEs handle all agents licensing. Total general fund dollars is approximately \$150,000.

AGENCY CONTACTS

Copies of the Iowa Insurance Division Performance Report are available on the Division Web site at www.iid.state.ia.us. Copies of the report can also be obtained by contacting David Cunningham at 515-281-5523.

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