

211 CMR: DIVISION OF INSURANCE

211 CMR 15.00: REPORTING OF STATISTICAL DATA BY PROPERTY AND CASUALTY INSURANCE COMPANIES

Section

- 15.01: Purpose and Scope
- 15.02: Definitions
- 15.03: Lines of Insurance
- 15.04: Authorization of Statistical Agents
- 15.05: Filing of Statistical Plans by Statistical Agents
- 15.06: Statistical Reporting by Insurers
- 15.07: Multiple Statistical Agents for the Same Line of Insurance
- 15.08: Edit and Control Procedures for Statistical Agents
- 15.09: Statistical Reports Produced by Statistical Agents
- 15.10: Disclosure of Complying and Non-complying Insurers
- 15.11: Disclosure of Insurer Data Submitted to Statistical Agents
- 15.12: Exemption
- 15.13: Lines of Insurance without a Statistical Agent
- 15.14: Penalty
- 15.15: Severability

15.01: Purpose and Scope

211 CMR 15.00 sets forth the manner by which Insurers shall report data to Statistical Agents, the reports to be submitted by Statistical Agents to the Commissioner, and certain conduct in connection therewith. 211 CMR 15.00 does not apply to data reported directly by Insurers to the Commissioner.

15.02: Definitions

Advisory Organization. An organization that meets the criteria and has complied with the filing requirements under 211 CMR 15.00 and M.G.L. c. 174A, § 12 or c. 175A, § 12.

Annual Statistical Compilation. An annual Statistical Report that contains historic statistical information for risk classifications within a line of insurance summarized for all insurers that report to a Statistical Agent as specified by the Commissioner. The Annual Statistical Compilation shall be submitted to the Commissioner in a format agreed to by the Statistical Agent and the Commissioner.

Commissioner. The Commissioner of Insurance appointed pursuant to M.G.L. c. 26, § 6, or his or her designee.

Insurer. Any corporation, association, partnership, group or individual authorized to provide insurance subject to M.G.L. c. 174A, § 4 or c. 175A, § 4 except for motor vehicle insurance.

Statistical Agent. An organization that has been authorized by the Commissioner to collect insurance loss, expense, and exposure data from Insurers in accordance with the organization's approved Statistical Plans. Statistical Agents shall provide Statistical Reports or Annual Statistical Compilations developed from this data at least annually to the Commissioner in compliance with M.G.L. c. 174A, § 15(a) or c. 175A, § 15(a).

Statistical Plan. A system for collecting data from reporting Insurers, including exposure, coverage, classification, territory, premium, loss and other data that has been approved or promulgated by the Commissioner.

Statistical Report. A report created by a Statistical Agent that aggregates the data of all of its reporting Insurers at a level of detail and in a format agreed to by the Statistical Agent and the Commissioner.

211 CMR: DIVISION OF INSURANCE

15.03: Lines of Insurance

211 CMR 15.00 applies to all lines of insurance subject to the provisions of M.G.L. c. 174A, § 4 or c. 175A, § 4 except for motor vehicle insurance.

15.04: Authorization of Statistical Agents

To be authorized as a Statistical Agent for purposes of fulfilling the statistical reporting requirements of 211 CMR 15.00, the organization shall agree to be subject to examination by the Commissioner in the same way as an Advisory Organization. Examinations of authorized Statistical Agents shall be conducted pursuant to the provisions of M.G.L. c. 174A, § 14 and c. 175A, § 14.

15.05: Filing of Statistical Plans by Statistical Agents

Every Statistical Agent shall file with the Commissioner every Statistical Plan and every modification that it proposes to use to collect data from Insurers to meet the requirements of this regulation. Such Statistical Plan and modifications thereto shall be deemed to meet the requirements of 211 CMR 15.00 unless disapproved by the Commissioner within 30 days after the plan or modifications are filed with the Commissioner.

The Commissioner may promulgate amendments to existing statistical plans on a prospective basis.

15.06: Statistical Reporting by Insurers

Every Insurer licensed in Massachusetts shall report its insurance data for lines of insurance covered by 211 CMR 15.00 at least annually to a Statistical Agent authorized by the Commissioner. This data shall be submitted in accordance with the Statistical Plan's minimum reporting standards for insurers deemed to meet the requirements of 211 CMR 15.00 in accordance with 211 CMR 15.05.

15.07: Multiple Statistical Agents for the Same Line of Insurance

For lines of insurance where more than one Statistical Agent has been designated to collect statistics in the Commonwealth, the Statistical Agents shall, if so directed by the Commissioner, arrange to file combined reports for all Statistical Agents collecting data for the affected lines of insurance. The Statistical Agents may make arrangements among themselves for the equitable sharing of the costs to produce such combined reports.

15.08: Edit and Control Procedures for Statistical Agents

For each line of insurance that Insurers submit to a Statistical Agent on a basis consistent with Page 14 of the Insurer's Annual Statement made pursuant to M.G.L. c. 175, § 25, the Statistical Agent shall compare reported statistical data for Massachusetts to the Page 14 amount to ensure the data is complete.

A Statistical Agent shall use edit and control procedures to verify the accuracy of the coded information submitted by Insurers. The reasonability of the coded information shall be further tested by the Statistical Agent using appropriate methods to detect any systematic errors in the data reported.

A Statistical Agent shall notify the Commissioner of any Insurer that has failed to report complete, accurate, or reasonable statistical data for more than four of the past eight quarters.

Insurers shall use edit and audit procedures to ensure the data submitted to the Statistical Agent is complete, accurate, and reasonable. Insurers are required to reconcile and correct data that the Statistical Agent finds to be incomplete, inaccurate, or unreliable in order to comply with 211 CMR 15.06.

The Commissioner may suspend or rescind a Statistical Agent's authority to collect and report statistical data from insurers if, during the course of an examination, the Commissioner finds that a Statistical Agent has failed to ensure that the data submitted to it is complete, accurate, and reasonable.

15.09: Statistical Reports Produced by Statistical Agents

The Commissioner shall have access to all data collected by a Statistical Agent. A Statistical Agent shall provide any Statistical Reports or Annual Statistical Compilations that it produces from aggregating Insurer data it collects through the Statistical Plan to the Commissioner as required or requested by the Commissioner.

Unless specifically requested by the Commissioner, Statistical Agents shall not provide Statistical Reports or Annual Statistical Compilations to the Commissioner or any other party in a format where it appears to be possible to identify information about individual Insurers that such Insurers have not already filed in the public domain, or could be used to identify a particular policyholder or claimant.

15.10: Disclosure of Complying and Non-complying Insurers

Each Statistical Report shall contain a listing of Insurers whose data are included in the report. In addition, if data from an Insurer or Insurers that had agreed to have data included are, in fact, not included, then a listing of these Insurers shall also be made with the Statistical Report. For any Insurer that is listed as not included in a Statistical Report, the Statistical Agent shall, upon the request of the Commissioner, provide reasons for the exclusion.

15.11: Disclosure of Insurer Data Submitted to Statistical Agents

Any Statistical Report or Annual Statistical Compilation that is regularly provided to the Commissioner shall be available to the public.

A Statistical Agent shall not provide data submitted to it by any single Insurer, or any compilation thereof, to any party other than that Insurer or the Commissioner without the Insurer's written consent. Unless specifically requested by the Commissioner, Statistical Agents shall not provide the aggregated data of all reporting insurers to the Commissioner or any other party in a format where it appears to be possible to identify information about individual Insurers that such Insurers have not already filed in the public domain, or could be used to identify a particular policyholder or claimant.

15.12: Exemption

Upon application by a Statistical Agent or an individual Insurer, the Commissioner may allow the submission of a Statistical Report or data at a specified later date if the submission of the Statistical Report or data on the date required by this regulation would create a substantial hardship on the Statistical Agent or Insurer.

In considering whether to grant such an exemption, the Commissioner shall consider whether the delay is necessitated by an unusual or a one-time situation, or whether the delay is necessitated by a situation that is likely to reoccur. When the delay is necessitated by a situation that is likely to reoccur, the Commissioner may condition the granting of an exemption on whether the Insurer or Statistical Agent has a plan of action to address the situation in the future.

15.13: Lines of Insurance without a Statistical Agent

Any licensed Insurer writing any line of insurance not exempted by 211 CMR 15.03 that finds or believes to have found that it is writing a line or type of insurance for which no Statistical Agent will accept data shall notify the Commissioner of this fact as soon as practicable.

15.14: Penalty

Failure to comply with 211 CMR 15.00 may result in a penalty in accordance with M.G.L. c. 174A, § 17 or c. 175A, § 18.

211 CMR: DIVISION OF INSURANCE

15.15: Severability

If any provision of 211 CMR 15.00, or the application of a provision to any person or circumstance shall be held invalid, the remainder of 211 CMR 15.00, and the application of the provision to persons or circumstances, other than those to which it is held invalid, shall not be affected.

REGULATORY AUTHORITY

211 CMR 15.00: M.G.L. c. 174A, § 15(d) and c. 175A, § 15(d).

(PAGES 89 THROUGH 94 ARE RESERVED FOR FUTURE USE.)