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August 17, 2015

Robert Whitney  
Deputy Commissioner and General Counsel  
Massachusetts Division of Insurance  
1000 Washington Street  
Boston, MA 02118

Dear Deputy Commissioner Whitney:

We write in response to the Division of Insurance's ("DOI") notice for comments on those regulations under the DOI's jurisdiction, which was issued following Executive Order No. 562. Our comments are informed by our enforcement experience, and our experience working directly with insurance companies and consumers. We have taken this opportunity to highlight below several regulations that our office regularly relies on to ensure the fair and transparent operation of insurance markets. However, we also note that DOI's regulations generally contain important protections that should be preserved going forward, and accordingly, we are available as a resource to you as you evaluate these regulations over the coming months.

- *211 CMR 40.00 – Marketing of Insured Health Plans.* These regulations provide important protections for Massachusetts purchasers of insured health plans, and prohibit a variety of misleading conduct.
- *211 CMR 65.00 – Long-Term Care Insurance.* These regulations require necessary disclosures in the sale of long term care insurance and protect consumers from unfair and deceptive enrollment practices. In fact, these regulations were being, and should continue to be, updated pursuant to Chapter 312 of the Acts of 2012. As you know, long term care consumers have recently faced significant and unexpected increases in their long term care policies. Many seniors, who have been paying premiums for years, are being priced out of their insurance protection. The DOI's draft regulations, issued July 3, 2014, offer some additional protections and, as we noted in our August 14, 2014 testimony, should be strengthened even further.
- *211 CMR 66.00 – Small Group Health Insurance.* These regulations provide important protections for Massachusetts purchasers of insured small group and individual health plans, including requiring certain disclosures. They also provide processes for rate filings

and review for such plans, and require other important reporting and filings that enhance transparency.

- *211 CMR 79.00 – Private Passenger Motor Vehicle Insurance Rates.* These regulations provide the guideline for auto insurance rate filings, and prohibit insurers from setting rates based on certain socio-economic factors, such as credit score, homeownership, occupation or education. Across the country, insurers unfairly price their policies based on certain socio-economic factors; eliminating these prohibitions would significantly hurt low-income drivers.
- *211 CMR 96.00 – Consumer Protections in Annuity Transactions.* These regulations protect consumers, especially elder consumers, in the sale of annuities. This office has received several complaints pertaining to inappropriate annuity sales to senior consumers, such as the sale of products with long term limits to those over the age of eighty. These regulations are important because, among other things, they require that insurers and producers have reasonable grounds to believe that an annuity is suitable for the purchaser.
- *211 CMR 110.00 – Procedures Concerning Rating Filings and the Conduct of Hearings for Workers' Compensation Insurance and 211 CMR 101.00 – Procedures Concerning Rating Filings Made Pursuant to M.G.L. C. 175C and the Conduct of Hearing on Such Filings.* These regulations govern the rate proceedings of the workers' compensation and FAIR Plan rate filings, respectively. These regulations are necessary to help ensure that these filings are properly and thoroughly reviewed, and that businesses and homeowners do not pay an excessive, inadequate or unfairly discriminatory rate.
- *211 CMR 133.00 – Standards for the Repair of Damaged Motor Vehicles.* We routinely receive complaints on the quality of motor vehicle repair; these regulations are necessary to ensure that insurers inspect repair work regularly and that substandard parts are not used.

Thank you for your attention to these important issues. We appreciate the opportunity to comment, and look forward to working with you to ensure that DOI's regulations continue to provide meaningful consumer protections.

Sincerely,



Glenn Kaplan, Chief  
Insurance and Financial Services Division



Karen Tseng, Chief  
Health Care Division