



01-11-10

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-5065
615-741-6007

PHIL BREDESEN
GOVERNOR

LESLIE A. NEWMAN
COMMISSIONER

See http://state.tn.us/sos/rules_filings/12-05-09.pdf for original rulefiling.

MEMORANDUM

TO: Tre Hargett, Secretary of State

FR: Leslie A. Newman, Commissioner
Department of Commerce and Insurance

RE: Chapter 0780-01-58, Medicare Supplement
Insurance Minimum Standards

DT: January 5, 2010

A set of rules were filed with your office on December 3, 2009, which are permanent rules amending Chapter 0780-01-58, Medicare Supplement Insurance Minimum Standards. These rules are scheduled to become effective on March 3, 2010. Inadvertently, those rules contain an error which appears to be clerical in nature.

The electronic version of the amendment, which is required to be filed with the Publications Division of the office of the Secretary of State, was complete and did not contain the error mentioned above. However, the hard copy version of the amendment which was approved for entry and signed by Department of Commerce and Insurance Commissioner Leslie A. Newman and Attorney General Robert E. Cooper is missing text for both rules 0780-01-58-.16, Loss Ratio Standards and Refund or Credit of Premium and 0780-01-58-.17, Filing and Approval of Policies and Certificates and Premium Rates. This text should have appeared on pages 41 and 42 of the filing. The omitted text, which is essential to the effectiveness of the amendment, is laid out in bold below:

Authority: T.C.A. §§ 56-1-701, 56-2-301, 56-6-112, 56-6-124(a), 56-7-1401 *et seq.*, 56-7-1453, 56-7-1454, 56-7-1455, 56-7-1457, and 56-32-118(a), and Omnibus Budget Reconciliation Act of 1990, Pub L. No. 101-508, (1990), Genetic Information Non Discrimination Act, Pub. L. No.: 110-233 (2008), and Medicare Improvements for Patients and Providers Act, Pub. L. No.: 110-275 (2008).

0780-01-58-.17 Filing and Approval of Policies and Certificates and Premium Rates

MEMORANDUM

Tre Hargett, Secretary of State

January 5, 2010

Page 2 of 2

- (1) **An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this state unless the policy form or certificate form has been filed with and approved by the commissioner in accordance with filing requirements and procedures prescribed by the commissioner.**

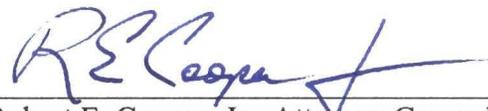
- (2) **An issuer shall file any riders or amendments to policy or certificate forms to delete outpatient prescription drug benefits as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 only with the commissioner in the state in which the policy or certificate was issued.**

By affixing her signature below the Commissioner acknowledges that it was her intent that the above language should have been a part of the initial filing, and that it is her intent that the above language is included in the final effective Chapter 0780-01-58. By affixing his signature below, the Attorney General agrees that the addition of this language does not change his opinion on the legality of the amendment filed on December 3, 2009.

Any questions or concerns about the addition of the aforementioned language to the published rulemaking hearing rule filing may be addressed to LaCosta Wix, Assistant General Counsel at (615) 741-2199 or electronically at lacosta.wix@tn.gov.



Leslie A. Newman, Commissioner
Department of Commerce and Insurance



Robert E. Cooper, Jr., Attorney General

LAN/lw

RECEIVED
2010 JAN 19 PM 3: 21
SECRETARY OF STATE
PUBLICATIONS