20:06:09:48. ORSA guidance manual. The own risk and solvency assessment (ORSA) shall be conducted in accordance with the standards and requirements set forth in the National Association of Insurance Commissioners' ORSA Commissioners Own Risk and Solvency Assessment (ORSA) Guidance Manual, 2017 2022 edition.

Source: 44 SDR 71, effective October 23, 2017; 45 SDR 45, effective October 10, 2018.

General Authority: SDCL 58-5A-93.

Law Implemented: SDCL <u>58-5A-1(8)</u> <u>58-5A-1(10)</u>, 58-5A-82 to 58-5A-84, inclusive, 58-5A-93.

Reference: National Association of Insurance Commissioners Own Risk and Solvency Assessment (ORSA) Guidance Manual, 2017 2022 edition. Copies may be obtained from NAIC, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; http://www.naic.org. Cost: \$0.

20:06:12:07. Guidelines for examination reports. The insurer's examination report must be prepared in accordance with standards adopted by the National Association of Insurance Commissioners in the Financial Condition Examiners Handbook, 2022 2023 edition.

Source: 21 SDR 144, effective February 19, 1995; 23 SDR 43, effective October 1, 1996; 23 SDR 202, effective June 1, 1997; 25 SDR 13, effective August 9, 1998; 26 SDR 26, effective September 1, 1999; 27 SDR 54, effective December 4, 2000; 29 SDR 84, effective December 15, 2002; 31 SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October

13, 2015; 42 SDR 177, effective June 28, 2016; 43 SDR 181, effective July 7, 2017; 45 SDR 10,

effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2,

2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 58-3-11, 58-3-26.

Law Implemented: SDCL 58-3-11.

Reference: Financial Condition Examiners Handbook, 2022 2023 edition, National

Association of Insurance Commissioners. Copies may be obtained from the NAIC, 1100 Walnut

Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; http://www.naic.org. Cost: \$326

\$342.

20:06:18:04.01. Reciprocity between states. The Division of Insurance shall accept the

Continuing Education Filing Form as prescribed by the director, or a substantially similar form,

which may be obtained from the division-at www.dlr.sd.gov/insurance or a substantially similar

form, and the required attachment(s) attachments as the form required for approval of courses

submitted by a nonresident continuing education provider, for courses previously awarded credit

by the continuing education provider's home state. Courses that have not previously been awarded

credit in the provider's home state must be approved pursuant to § 20:06:18:05.

The provider shall submit electronically the location and date of a previously approved

course at least—14 fourteen days in advance of the course if, at the time of initial filing, all dates

and locations had not been determined.

Source: 25 SDR 13, effective August 9, 1998; 31 SDR 67, effective November 14, 2004;

34 SDR 200, effective January 28, 2008; 39 SDR 219, effective June 26, 2013.

General Authority: SDCL 58-30-117.

Law Implemented: SDCL 58-30-117, 58-30-118.

Collateral Reference: The Continuing Education Filing Form can be obtained from the Division of Insurance website at http://dlr.sd.gov/insurance. Cost: \$0.

20:06:19:04. Accounting standards for transactions in exchange-traded call and put options. An insurance company that buys or sells exchange-traded call and put options shall record the details of the transactions in a manner consistent with NAIC National Association of Insurance Commissioners (NAIC) rules and procedures contained in the 2021 2022 edition of the Annual Statement Instructions - Life, Accident, and Health/Fraternal, the 2021 2022 edition of the Annual Statement Instructions - Property and Casualty, the 2022 2023 edition of the Financial Condition Examiners Handbook, the 2022 2023 edition of the Accounting Practices and Procedures Manual, and the 2021 2022 edition of the Purposes and Procedures Manual of the NAIC Investment Analysis Office.

Source: 13 SDR 75, effective December 21, 1986; 22 SDR 110, effective March 1, 1996; 23 SDR 43, effective October 1, 1996; 25 SDR 13, effective August 9, 1998; 26 SDR 26, effective September 1, 1999; 27 SDR 54, effective December 4, 2000; 27 SDR 111, effective May 7, 2001; 30 SDR 39, effective September 28, 2003; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 43 SDR 181, effective July 7, 2017; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 58-27-7.

Law Implemented: SDCL 58-6-75.

References:

1. Annual Statement Instructions - Life, Accident and Health/Fraternal, 2021 2022

edition, National Association of Insurance Commissioners. Cost: \$166 \$174.

2. Annual Statement Instructions - Property and Casualty, 2021 2022 edition,

National Association of Insurance Commissioners. Cost: \$166 \$174.

3. Accounting Practices and Procedures Manual, 2022 2023 edition, National

Association of Insurance Commissioners. Cost: Hard Copy, \$525 \$550.

4. **Financial Condition Examiners Handbook**, 2022 2023 edition, National Association

of Insurance Commissioners. Cost: \$326 \$342.

5. Purposes and Procedures Manual of the NAIC Investment Analysis Office, 2021

2022 edition, National Association of Insurance Commissioners. Cost: \$0.

Copies of references 1 through 5 may be obtained from the National Association of

Insurance Commissioners, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816)

783-8300; http://www.naic.org.

20:06:25:01. Annual statements. The insurer's An insurer shall file their annual

statement must be filed in accordance with the standards adopted by the National Association of

Insurance Commissioners in the 2022 2023 edition of the Accounting Practices and Procedures

Manual, and the <u>2021 2022</u> editions of the following **Annual Statement Instructions** manuals:

Life, Accident, and Health/Fraternal; Property and Casualty Property/Casualty; Health; and

Title.

Source: 21 SDR 144, effective February 19, 1995; 22 SDR 110, effective March 1, 1996;

23 SDR 202, effective June 1, 1997; 25 SDR 13, effective August 9, 1998; 26 SDR 26, effective

September 1, 1999; 27 SDR 54, effective December 4, 2000; 27 SDR 111, effective May 7, 2001;

30 SDR 39, effective September 28, 2003; 31 SDR 21, effective August 23, 2004; 33 SDR 59,

effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December

22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219,

effective June 25, 2012; 39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September

17, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 43 SDR

181, effective July 7, 2017; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September

4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9,

effective August 9, 2022.

General Authority: SDCL 58-6-75.

Law Implemented: SDCL 58-6-75.

References:

1. Annual Statement Instructions - Life, Accident, and Health/Fraternal, 2021 2022

edition. Cost: \$166 \$174.

2. Annual Statement Instructions - Property and Casualty, 2021 2022 edition. Cost:

\$166 \$174.

3. Annual Statement Instructions - Health, 2021 2022 edition. Cost: \$166 \$174.

4. **Annual Statement Instructions - Title**, 2021 edition. Cost: \$166 \$174.

5. Accounting Practices and Procedures Manual, 2022 2023. Cost: \$525 \$550.

Copies of references 1 through 5 may be obtained from the National Association of Insurance Commissioners, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; http://www.naic.org.

20:06:25:01.01. Accounting methods for certain surety bonds.—Insurers An insurer writing surety bonds guaranteeing to lending institutions the repayment of student loans made by lending institutions may, in lieu of compliance with SSAP60 of the Accounting Practices and Procedures Manual, develop premium earning patterns that are representative of their claims and expense patterns by loan and program, and compute unearned premium reserves according to those premium earning patterns. In lieu of compliance with SSAP3 of the Accounting Practices and Procedures Manual, changes in accounting estimates, for this method of accounting only, may be amortized over the remaining life of the student loans utilizing pro-rated current premium earning patterns. In lieu of compliance with SSAP53 of the Accounting Practices and Procedures Manual, such insurers may recognize written premiums when due.

Source: 27 SDR 111, effective May 7, 2001; 29 SDR 5, effective July 10, 2002; 30 SDR 39, effective September 28, 2003; 31 SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 58-6-75.

Law Implemented: SDCL 58-6-75.

Reference: Accounting Practices and Procedures Manual, 2022 2023 edition. Copies

may be obtained from the National Association of Insurance Commissioners, 1100 Walnut Street,

Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; http://www.naic.org. Cost: \$525 \$550.

20:06:25:01.02. Accounting methods for bail bonds. Insurers An insurer writing bail

bonds may, in lieu of compliance with SSAP 53 of the Accounting Practices and Procedures

Manual, report bail bond written premiums less agent commissions and may recognize total

premiums as earned on the effective date of the bonds. Insurers An insurer reporting premiums on

this method-must shall file a supplemental Schedule T with their annual statement setting forth the

gross premiums by state for premium tax purposes.

Source: 29 SDR 5, effective July 10, 2002; 30 SDR 39, effective September 28, 2003; 31

SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective

May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37

SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June

26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October 13, 2015; 42

SDR 177, effective June 28, 2016; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective

September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49

SDR 9, effective August 9, 2022.

General Authority: SDCL 58-6-75.

Law Implemented: SDCL 58-6-75.

Reference: Accounting Practices and Procedures Manual, <u>2022</u> 2023 edition. Copies

may be obtained from the National Association of Insurance Commissioners, 1100 Walnut Street,

Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; http://www.naic.org. Cost: \$525 \\$550.

20:06:25:02. Actuarial opinions. Actuarial opinions must be filed in accordance with

standards adopted by the National Association of Insurance Commissioners in the manuals on

Annual Statement Instructions - Life, Accident, and Health/Fraternal, 2021 edition and

Annual Statement Instructions - Property and Casualty, 2021 2022 edition.

Source: 21 SDR 144, effective February 19, 1995; 22 SDR 110, effective March 1, 1996; 23 SDR

202, effective June 1, 1997; 25 SDR 13, effective August 9, 1998; 26 SDR 26, effective September

1, 1999; 27 SDR 54, effective December 4, 2000; 30 SDR 39, effective September 28, 2003; 31

SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective

May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37

SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June

26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October 13, 2015; 42

SDR 177, effective June 28, 2016; 43 SDR 181, effective July 7, 2017; 45 SDR 10, effective

August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47

SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 58-26-13.1, 58-26-46.

Law Implemented: SDCL 58-26-13.1, 58-26-46.

References:

1. Annual Statement Instructions - Life, Accident, and Health/Fraternal, 2021 2022

edition. Cost: \$166 \$174.

2. Annual Statement Instructions - Property and Casualty, 2021 2022 edition. Cost:

\$166 \$174.

Copies of references 1 and 2 may be obtained from the National Association of Insurance Commissioners, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; http://www.naic.org.

20:06:26:01. Standards for rating and valuation of investments. The standards of the division for purposes of rating and valuing investments are the standards set forth in the Purposes and Procedures Manual of the NAIC Investment Analysis Office, 2021 2022 edition.

Source: 21 SDR 144, effective February 19, 1995; 22 SDR 110, effective March 1, 1996; 23 SDR 202, effective June 1, 1997; 25 SDR 13, effective August 9, 1998; 26 SDR 26, effective September 1, 1999; 27 SDR 54, effective December 4, 2000; 30 SDR 39, effective September 28, 2003; 31 SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006; 34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209, effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012; 39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September 17, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June 28, 2016; 43 SDR 181, effective July 7, 2017; 45 SDR 10, effective August 2, 2018; 46 SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28, 2021; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 58-27-108.

Law Implemented: SDCL 58-27-108.

Reference: Purposes and Procedures Manual of the NAIC Investment Analysis Office, 2021 2022 edition, National Association of Insurance Commissioners. Copies may be obtained from the NAIC, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300; http://www.naic.org. Cost: \$0.

CHAPTER 20:06:34

GRIEVANCE PROCEDURES

Section	
20:06:34:01	Repealed.
20:06:34:02	Repealed.
20:06:34:03	Repealed.
20:06:34:04	Repealed.
20:06:34:05	Repealed.
20:06:34:06	Repealed.
20:06:34:07	Repealed.
20:06:34:08	Repealed.
20:06:34:09	Repealed.
20:06:34:10	Requests for urgent care determinations.
20:06:34:11	Scope of retrospective review.
20:06:34:12	Grievance report required, Repealed.
20:06:34:12. Grievance report required. A carrier with individual or group disability	
income products shall submit to the director, at least annually, a report in the format specified by	
the director. The report shall include:	
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(3) The number of grievances appealed to the director of which the carrier has been	
informed;	

(4) The number of grievances referred to alternative dispute resolution procedures or resulting in litigation; and

(5) A synopsis of actions being taken to correct problems identified Repealed.

Source: 31 SDR 67, effective November 14, 2004; 37 SDR 241, effective July 1, 2011.

General Authority: SDCL 58-17I-16.

Law Implemented: SDCL 58-17I-5.

20:06:36:01. Definitions. As Terms used in this chapter mean:

(1) "Adjusted RBC report,"—means an a RBC report that has been adjusted by the director in accordance with § 20:06:36:06;

(2) "Corrective order,"—means an order that has been issued by the director and which specifies the corrective actions;

(3) "Domestic insurer," means any insurance company domiciled in this state or any entity required to comply with RBC pursuant to SDCL 58-4-48;

- (4) "Domestic health organization," means any health organization domiciled in this state;
- (5) "Foreign insurer," means any insurance company that is licensed to do business in this state but not domiciled in this state;
- (6) "Foreign health organization,"—means any health organization that is licensed to do business in this state, but not domiciled in this state;
- (7) "Health—Organization_organization," means any health maintenance organization, limited health service organization, dental or vision plan, hospital, medical and dental indemnity or service corporation, and other managed care organization licensed under SDCL title 58-but does not include, except an organization that is:

- (a) Licensed as a life or health insurer or property and casualty insurer; and
- (b) Subject to either life or property and casualty RBC requirements;
- (8) "NAIC," means the National Association of Insurance Commissioners;
- (9) "Life or health insurer," means any:
- (a) Any insurance Insurance company licensed under SDCL title 58 to write life or health insurance; or
- (b) A property Property and casualty insurer licensed to do business in this state writing only accident and health insurance;
- (10) "Property and casualty insurer," means any insurance company licensed under SDCL title 58 to do business in this state, but not monoline mortgage guaranty insurers, financial guaranty insurers, or title insurers;
- (11) "Negative trend,"-means for a life or health insurer, a negative trend in the level of risk-based capital over a period of time;
 - (12) "RBC,"-means risk-based capital;
- (13) "RBC instructions," means the 2021 2022 NAIC RBC Forecasting and Instructions-Life/Fraternal, the 2021 2022 NAIC RBC Forecasting and Instructions-Property/Casualty, and the 2021 2022 NAIC RBC Forecasting and Instructions-Health;
- (14) "RBC plan,"—means a comprehensive financial plan containing the elements specified in § 20:06:36:08;
- (15) "RBC report,"—means the report required in §§ 20:06:36:03-through to 20:06:36:06, inclusive;
- (16) "Revised RBC plan,"—means a rejected RBC plan by the director that is revised by the insurer or health organization, with or without the director's recommendation;

(17) "Total adjusted capital," means the sum of an insurer's or health organization's statutory

capital and surplus as determined in accordance with the statutory accounting applicable to the

annual financial statements required to be filed under SDCL 58-6-75, and any other items required

by the RBC instructions.

Source: 23 SDR 228, effective July 3, 1997; 25 SDR 13, effective August 9, 1998; 26 SDR

26, effective September 1, 1999; 27 SDR 54, effective December 4, 2000; 30 SDR 39, effective

September 28, 2003; 31 SDR 21, effective August 23, 2004; 33 SDR 59, effective October 5, 2006;

34 SDR 271, effective May 6, 2008; 35 SDR 165, effective December 22, 2008; 36 SDR 209,

effective July 1, 2010; 37 SDR 241, effective July 1, 2011; 38 SDR 219, effective June 25, 2012;

39 SDR 219, effective June 26, 2013; 41 SDR 41, effective September 17, 2014; 41 SDR 93,

effective December 3, 2014; 42 SDR 52, effective October 13, 2015; 42 SDR 177, effective June

28, 2016; 43 SDR 181, effective July 7, 2017; 45 SDR 10, effective August 2, 2018; 46 SDR 26,

effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective June 28,

2021; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 58-4-48.

Law Implemented: SDCL 58-4-48.

References:

1. 2021 2022 NAIC RBC Forecasting and Instructions-Life/Fraternal. Cost: \$110 \$115.

2. 2021 2022 NAIC RBC Forecasting and Instructions-Property/Casualty. Cost: \$110

\$115.

3. <u>-2021 2022 NAIC RBC Forecasting and Instructions-Health.</u> Cost: \$110 \$115.

Copies of references 1 through 3 may be obtained from the National Association of

Insurance Commissioners, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816)

783-8300; http://www.naic.org.

CHAPTER 20:06:59

PRINCIPLE-BASED RESERVING

Section

20:06:59:01 Valuation manual <u>— operative Operative</u> date.

20:06:59:01. Valuation manual_-operative Operative date. The valuation of reserve

liabilities for life insurance contracts, annuity and pure endowment contracts, accident and health

contracts, and deposit-type contracts must be calculated in accordance with the standards-set forth

in the Valuation Manual of the National Association of Insurance Commissioners, 2022 2023

edition. The operative date for the valuation manual is January 1, 2022 2023.

Source: 43 SDR 80, effective December 5, 2016; 45 SDR 10, effective August 2, 2018; 46

SDR 26, effective September 4, 2019; 46 SDR 147, effective July 2, 2020; 47 SDR 137, effective

June 28, 2021; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 58-26-45.1.

Law Implemented: SDCL 58-26-44.1(11), 58-26-45.1.

Reference: Valuation Manual of the National Association of Insurance Commissioners,

2022 2023 edition, National Association of Insurance Commissioners. Copies may be obtained

from the NAIC, 1100 Walnut Street, Ste. 1500, Kansas City, MO 64106-2197, (816) 783-8300;

http://www.naic.org. Cost: \$0.