



The State of New Hampshire Insurance Department

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Commissioner

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Deputy Commissioner

WAIVER APPLICATION DECISION **RE PROTECTIVE LIFE INSURANCE COMPANY** **REQUEST TO WAIVE INS 6001.03(C)(3)(d)(f)**

I. Introduction

On August 10, 2021 Protective Life Insurance Company (hereinafter referred to as "Protective"), by and through counsel, submitted a request to the NH Department of Insurance (hereinafter referred to as "Department") for a waiver per Ins 6001.07. The request is for relief from Ins 6001.03(c)(3)(d)(f), which list certain requirements for ancillary health policies issued to associations. The request for a waiver is specific to Serf Filing PTTV-13287997, 132884182, 132884184 and 132884188 for the American Dental Association.

II. Legal Authority

New Hampshire adopted Ins 6001.07 Waiver of Rules permitting an insurer to request and the Commissioner to waive application of an administrative rule that pertains to ancillary health insurance policies if certain conditions are satisfied.¹

III. Discussion

Protective submitted a request for waiver relative to a filing of disability income and ancillary health products. Protective is in the process of assuming a block of

¹ Ins 6001.07 Waiver or Suspension of Rules.

- (a) The commissioner, upon the commissioner's own initiate or upon request by an insurer, shall waive any requirement of this chapter if such waiver does not contradict the objective or intent of the rule and:
 - (1) Applying the rule provision would cause confusion or would be misleading to consumers;
 - (2) The rule provision is in whole or in part inapplicable to the given circumstances;
 - (3) There are specific circumstances unique to the situation such that strict compliance with the rule would be onerous without promoting the objective or intent of the rule provision; or
 - (4) Any other similar extenuating circumstances exist such that application of an alternative standard or procedure better promotes the objective or intent of the rule provision.
- (b) No requirement prescribed by statute shall be waived unless expressly authorized by law.
- (c) Any person or entity seeking a waiver shall make a request in writing.
- (d) A request for a waiver shall specify the basis for the waiver and proposed alternative, if any.

