

Bulletin 2001-6

TO: ALL INSURERS

FROM: Kathleen Sebelius
Commissioner of Insurance

RE: Company requirement to properly identify itself in complaint inquiry

DATE: November 27, 2001

We would like to remind companies responding to complaints from the department that they must clearly identify the name and NAIC number of the company against which the complaint is filed. This requirement is stated in the complaint cover letter sent with all complaints. Replying on letterhead with the company name or group name is not sufficient.

The purpose of this requirement is to continue the accurate tabulation of the number of complaints against each company. These numbers are made available to the public each year in our complaint ratio report. With so many companies now being part of a holding company or larger group of companies, it is very important for companies to correctly identify themselves when responding to a complaint.

This bulletin also serves as a reminder to insurance companies that they are required to supply the department with all the documentation requested in our complaint cover letter. Also, if the consumer complaint involves health coverage and falls under federal ERISA statutes, the responding entity is requested to indicate whether ERISA applies.

Please note that K.S.A. 40-2,125(b) provides that any person, or company, which fails to respond to any proper inquiry of the Commissioner of insurance, shall be subject to a possible penalty of \$500, with an additional penalty of \$100 for each week thereafter that such information is not provided. The requirements set out in this bulletin apply to any "person" as defined in K.S.A. 40-2,125(d)(1).

If you have questions on complying with this requirement, please contact the Consumer Assistance Division at 785-296-7829.

Kathleen Sebelius
Commissioner of Insurance