



Certification Page Regular and Emergency Rules

1. General Information		
a. Agency/Board Name <i>See attached list for references</i> Wyoming Insurance Department		
b. Agency/Board Address 106 East 6th Avenue	c. Agency/Board City Cheyenne	d. Agency/Board Zip Code 82002
e. Name of Contact Person James S. Mitchell		f. Contact Telephone Number (307) 777-6889
g. Contact Email Address Jim.Mitchell@wyo.gov		h. Adoption Date: August 8, 2012
i. Program(s) <i>See attached list for references</i> General Agency		
2. Rule Type and Information		
a. These rules are: <input type="checkbox"/> Emergency Rules <i>(After completing all of Section 2, proceed to Section 5 below)</i> <input checked="" type="checkbox"/> Regular Rules		
b. Choose all that apply: <input checked="" type="checkbox"/> New Rules* <input checked="" type="checkbox"/> Amended Rules <input type="checkbox"/> Repealed Rules <i>* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.</i>		
If "New," provide the Enrolled Act number and year enacted: Enrolled Act No. 10, 2012 Budget Session		
c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed <i>(if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)</i>		
Chapter Number: 43	Short Title: Wyoming Life and Health Insurance Guaranty Association Notice	
Chapter Number:	Short Title:	
d. <input type="checkbox"/> The Statement of Reasons is attached to this certification.		
e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:		
3. State Government Notice of Intended Rulemaking		
a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State:		June 21, 2012
b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Legislative Service Office:		June 21, 2012
c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Attorney General:		June 21, 2012

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A

b. A public hearing was held on the proposed rules. Yes No

If "Yes:"	Date:	Time:	City:	Location:

5. Final Filing of Rules

a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: August 8, 2012

b. Date on which final rules were sent to the Legislative Service Office: August 8, 2012

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: August 8, 2012

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	<i>Tom C. Hirsig</i>
Printed Name of Signatory	Tom C. Hirsig
Signatory Title	Commissioner
Date of Signature	August 8, 2012

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Distribution List:

Attorney General

1. Statement of Reasons;
2. Original Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore; and
5. Memo to Governor documenting emergency (emergency rules).

LSO

1. Statement of Reasons;
2. Copy of Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore;
5. Electronic copy of rules: clean and strike/underscore; and
6. Memo to Governor documenting emergency (emergency rules).

SOS

1. PDF of clean copy of rules; and
2. Hard copy of Certification Page as delivered by the AG.

STATEMENT OF PRINCIPAL REASONS
FOR
AMENDMENT OF CHAPTER 43 OF THE
WYOMING INSURANCE DEPARTMENT REGULATIONS
WYOMING LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATION NOTICE

The 2012 Legislature amended Wyo. Stat. § 26-42-103, requiring coverage limit changes as provided by House Bill No. 005, Enrolled Act No. 10. The purpose of this amendment is to set forth the changes in coverage limits for basic hospital, medical and surgical insurance or major medical insurance; disability insurance, disability income insurance and long-term care insurance; in the present value of annuity benefits including net cash surrender and net cash withdrawal values; and for coverages not defined as the same, in conformance with Wyo. Stat. § 26-42-103(d)(ii)(B) and (C), which becomes effective July 1, 2012.

SUMMARY OF COMMENTS TO
Amendment of Chapter 43 of the
Wyoming Insurance Department Regulations
Wyoming Life and Health Insurance
Guaranty Association Notice

No comments were received.

CHAPTER 43
WYOMING LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATION NOTICE

Section 1. Authority

This regulation is issued pursuant to the authority vested in the Wyoming Insurance Commissioner under W.S. 26-2-110 and W.S. 26-42-116 of the Wyoming Insurance Code and W.S. 16-3-101, et seq. of the Wyoming Administrative Procedure Act.

Section 2. Purpose

The purpose of this regulation is to implement Chapter 42 of the Wyoming Insurance Code, also known as the Wyoming Life and Health Insurance Guaranty Association Act.

Section 3. Applicability and Scope

This regulation applies to every member insurer in the Wyoming Life and Health Insurance Guaranty Association as defined in W.S. 26-42-102(a)(vii).

Section 4. Notices

Pursuant to W.S. 26-42-116 the Insurance Commissioner hereby promulgates this regulation in order to establish the form and content of the disclaimer (Appendix A), the summary document describing the general purposes and current limitations of the Association (Appendix A), and the notice required to be used when a policy is not covered by the Guaranty Association (Appendix A).

Appendix A is to be used by each insurer and shall be given to each insured either prior to or at the time of delivery of the policy or contract. If the policy is not covered by the Association, no insurer or agent shall deliver a policy or contract unless the insurer or agent prior to or at the time of delivery gives the policyholder or contract holder the appropriate notice as found in Appendix A, which clearly discloses that the policy is not covered by the Association.

Appendix A contains an address and telephone number for the Wyoming Life and Health Insurance Guaranty Association and for the Wyoming Insurance Department. Should the address or telephone number change, the Wyoming Life and Health Insurance Guaranty Association will send written notice to each member insurer. Upon receipt of an updated notice, each insurer shall deliver an updated notice to each policyholder or contract holder to whom the insurer sent a previous notice, found in appendix A.

Section 5. Separability

Any section or provision of this regulation held by a court to be invalid or unconstitutional shall not affect the validity of any other section or provision of this regulation.

Section 6. Effective Date

This regulation shall be effective upon filing with the Secretary of State.

Appendix A

NOTICE CONCERNING COVERAGE LIMITATIONS AND EXCLUSIONS UNDER THE WYOMING LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT

Residents of Wyoming who purchase life insurance, annuities or health insurance should know that the insurance companies licensed in this state to write these types of insurance are members of the Wyoming Life and Health Insurance Guaranty Association. The purpose of this association is to assure that policyholders will be protected, within limits, in the unlikely event that a member insurer becomes financially unable to meet its obligations. If this should happen, the Guaranty Association will assess its other member insurance companies for the money to pay the claims of insured persons who live in this state and, in some cases, to keep coverage in force. The valuable extra protection provided by these insurers through the Guaranty Association is not unlimited, however. And, as noted in the box below, this protection is not a substitute for consumers' care in selecting companies that are well-managed and financially stable.

The Wyoming Life and Health Insurance Guaranty Association may not provide coverage for this policy. If coverage is provided, it may be subject to substantial limitations or exclusions, and require continued residency in Wyoming. You should not rely on coverage by the Wyoming Life and Health Insurance Guaranty Association in selecting an insurance company or in selecting an insurance policy.

Coverage is *NOT* provided for your policy or any portion of it that is not guaranteed by the insurer or for which you have assumed the risk, such as a variable contract sold by prospectus.

Insurance companies or their agents are required by law to give or send you this notice. *However, insurance companies and their agents are prohibited by law from using the existence of the guaranty association for the purpose of sales or to induce you to purchase any kind of insurance policy.*

The Wyoming Life and Health Insurance Guaranty Association
P.O. Box 36009
Denver, CO 80236-0009
~~(866) 638-2602~~ [\(888\) 959-4091](tel:(888)959-4091)
[\(303\) 292-5022](tel:(303)292-5022)
[Fax: \(303\) 292-4663](tel:(303)292-4663)

State of Wyoming
Department of Insurance
~~Herschler Building~~
106 East 6th Avenue
Cheyenne, Wyoming 82002-~~0400~~
(800) 438-5768 (in Wyoming) ☎
(307) 777-7401
Fax: (307) 777-2446

The state law that provides for this safety-net coverage is called the Wyoming Life and Health Insurance Guaranty Association Act. Below is a brief summary of this law's coverages, exclusions and limits. This summary does not cover all provisions of the law; nor does it in any way change anyone's rights or obligations under the act or the rights or obligations of the guaranty association.

COVERAGE

Generally, individuals will be protected by the Wyoming Life and Health Insurance Guaranty Association if they live in this state and hold a life or health insurance contract, or an annuity, or if they are insured under a group insurance contract, issued by a member insurer. The beneficiaries, payees or assignees of insured persons are protected as well, even if they live in another state.

EXCLUSIONS FROM COVERAGE

However, persons holding such policies are *not* protected by this Association if:

- they are eligible for protection under the laws of another state (this may occur when the insolvent insurer was incorporated in another state whose guaranty association protects insureds who live outside that state);
- the insurer was not authorized to do business in this state;
- their policy was issued by a fraternal benefit society, a mandatory state pooling plan, a stipulated premium insurance company, a local mutual burial association, a mutual assessment company, or similar plan in which the policy-holder is subject to future assessments, or by an insurance exchange.

The Association also does not provide coverage for:

- any policy or portion of a policy which is not guaranteed by the insurer or for which the individual has assumed the risk, such as a variable contract sold by prospectus;
- any policy of reinsurance (unless an assumption certificate was issued);

- interest rate yields that exceed an average rate;
- dividends;
- credits given in connection with the administration of a policy by a group contract holder;
- annuity contracts issued by a nonprofit insurance company exclusively for the benefit of nonprofit educational institutions and their employees;
- unallocated annuity contracts (which give rights to group contract holders, not individuals);
- any plan or program of an employer or association that provides life, health or annuity benefits to its employees or members to the extent the plan is self-funded or uninsured.

LIMITS ON AMOUNT OF COVERAGE

The act also limits the amount the Association is obligated to pay out: The Association cannot pay more than what the insurance company would owe under a policy or contract. Also, for any one insured life, the Association will pay a maximum of \$300,000 - no matter how many policies and contracts there were with the same company, even if they provided different types of coverages. Within this overall \$300,000 limit, the Association will not pay more than \$100,000 in cash surrender values for life insurance policies ~~\$100,000 in health insurance benefits~~, \$300,000 for basic hospital, medical and surgical insurance or major medical insurance, \$300,000 for disability insurance, disability income insurance and long-term care insurance, \$100,000 for coverages not defined as disability insurance or disability income insurance or basic hospital medical and surgical insurance or major medical insurance or long term care insurance, including any net cash surrender and net cash withdrawal values, \$100,000-\$250,000 in present value of annuity benefits including net cash surrender and net cash withdrawal values, or \$300,000 in life insurance death benefits -- again, no matter how many policies and contracts there were with the same company, and no matter how many different types of coverages.

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Appendix A is to be used by each insurer and shall be given to each insured either prior to or at the time of delivery of the policy or contract. If the policy is not covered by the Association, no insurer or agent shall deliver a policy or contract unless the insurer or agent prior to or at the time of delivery gives the policyholder or contract holder the appropriate notice as found in Appendix A, which clearly discloses that the policy is not covered by the Association.

Appendix A contains an address and telephone number for the Wyoming Life and Health Insurance Guaranty Association and for the Wyoming Insurance Department. Should the address or telephone number change, the Wyoming Life and Health Insurance Guaranty Association will send written notice to each member insurer. Upon receipt of an updated notice, each insurer shall deliver an updated notice to each policyholder or contract holder to whom the insurer sent a previous notice, found in appendix A.

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The Wyoming Life and Health Insurance Guaranty Association may not provide coverage for this policy. If coverage is provided, it may be subject to substantial limitations or exclusions, and require continued residency in Wyoming. You should not rely on coverage by the Wyoming Life and Health Insurance Guaranty Association in selecting an insurance company or in selecting an insurance policy.

Coverage is *NOT* provided for your policy or any portion of it that is not guaranteed by the insurer or for which you have assumed the risk, such as a variable contract sold by prospectus.

Insurance companies or their agents are required by law to give or send you this notice. *However, insurance companies and their agents are prohibited by law from using the existence of the guaranty association for the purpose of sales or to induce you to purchase any kind of insurance policy.*

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P.O. Box 36009
Denver, CO 80236-0009
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Department of Insurance
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(307) 777-7401
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