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Draft Pending Adoption

Draft: 8/28/24

Special (EX) Committee on Race and Insurance
Chicago, Illinois
August 13, 2024

The Special (EX) Committee on Race and Insurance met in Chicago, IL, Aug. 13, 2024. The following Special Committee members participated: Andrew N. Mais, Co-Chair (CT); Jon Godfread, Co-Chair (ND); Elizabeth Kelleher Dwyer, Co-Vice Chair (RI); Lori K. Wing-Heier (AK); Mark Fowler (AL); Alan McClain (AR); Ricardo Lara (CA); Michael Conway (CO); Doug Ommen (IA); Ann Gillespie (IL); Amy L. Beard (IN); TimomMichael Humphreys (PA); Michael Wise (SC); Houdek (WI); and Jeff Rude (WY). Also participating were: Chandara Phanach

1. Adopted its Spring National Meeting Minutes

Commissioner Godfread made a motion, seconded by Commissioner Gaffney, to adopt the Special Committee's March 16 minutes (). The motion passed unanimously.

2. Received a Status Report on its Health Workstream

Commissioner Arnold reported that the Special Committee's Health Workstream met in regulator-to-regulator session after the Spring National Meeting to consider its activities and initiatives for 2024. During this meeting, the Workstream discussed its potential year-end deliverables, including developing a referral document based on its work to date for other NAIC groups to explore and delve more into issues the Workstream has identified that could potentially promote health equity.

The Workstream also decided to restart its discussion on data collection through learning sessions focusing on what insurers need with respect to data as part of their efforts to promote health equity. The Workstream will schedule meetings in September and October to hold these discussions.

The Workstream also plans to continue its work on its collaborative space on NAIC Connect. The Workstream intends NAIC Connect to be a platform where Workstream members can share with other NAIC members the information it has gathered during its meetings on removing barriers to health insurance for historically disadvantaged communities. The thought is that the Workstream's NAIC Connect page would be a living resource for the NAIC M

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The Workstream also heard from Peter Kochenburger (Southern University Law School), who spoke about the use of criminal history data in insurance.

4. Received a Status Report on its P/C Workstream

Commissioner Gaffney reported that the Property/Casualty (P/C) Workstream met Aug. 12 and heard presentations related to various definitions of discrimination in the insurance industry. The Workstream heard from Kay Noonan (NAIC), who provided it with a base understanding of terms defined in the legal space, such as unfair discrimination, disparate treatment, disparate impact, and proxy discrimination. The Workstream also heard a consumer perspective from Peter Kochenburger and industry perspectives from Robert Gordon (American Property Casualty Insurance Association—APCIA) and Tony Cotto (National Association of Mutual Insurance Companies—NAMIC), where the Workstream discussed unintentional and intentional requirements for these terms as well as risk-based

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ADA ushered in a new era of diversity and disability inclusion. Ms. Anderson stated that Disability Pride Month encourages people to embrace their identities and promotes disability rights in order to create a more inclusive world.

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clinical information; 4) the cost is much more easily understood and accepted, and decision makers may not prioritize cost-effectiveness; and 5) there is a lack of data to support a cost-effective approach.

Ms. James highlighted the regulatory issues affecting the implementation of equity-enhanced benefits. The following regulatory issues were found: 1) laws are often not designed with an equity lens; 2) state and federal limitations on the collection and use of data; and 3) federal and state laws may limit the ability to enhance benefits.

The HEC's 2024 focus is on behavioral health. The HEC is focusing on using cost-effectiveness to evaluate enhanced behavioral health benefits, as opposed to using only cost. This requires evidence to connect the dots and incorporate other factors into actuarial analysis, such as non-financial outcomes and impact on other medical spending. The HEC is focusing on using behavioral health to develop a framework that could be generalized for other health benefits. Ms. t