

Insurance Regulator

State of Arizona
DEPARTMENT OF
INSURANCE

Janet Napolitano
Governor
Christina Urias
Director

Medicare Part D

Voluntary enrollment for the new federal Medicare Part D prescription drug benefit began November 15, 2005 and licensed insurance agents throughout the country began marketing the various plans available to medicare beneficiaries. In light of a number of CMS complaints regarding the marketing of the new prescription drug benefit, ADOI has taken steps to educate producers and alert consumers about their obligations and rights relative to the new Medicare Part D.

ADOI recently implemented expedited review procedures on alleged sales abuses and, on October 25, 2005, the ADOI issued a Regulatory Bulletin to caution insurance producers about state law requirements and CMS Marketing guidelines (http://www.id.state.az.us/bulletin/2005-06.pdf). The Medicare Modernization Act (MMA) does not preempt state laws, therefore, producers must comply with all state laws and regulations in the sale of these new Medicare Part D products, including those relating to the duty of good faith and fair dealing, suitability of sale, and prohibitions against misrepresentation, churning and high pressure sales tactics.

The ADOI also issued a Consumer Alert to aid Medicare beneficiary decision making (http://www.id.state.az.us/press/Consumer_Alert_Medicare_part_ D.pdf), established the necessary CMS referral contacts, and will regularly coordinate with local SHIP personnel on issues of mutual concern.

To assist everyone in this process, ADOI will also add a new Medicare Part D and Medicare Supplement Insurance Resources page to our website.

Insurers can pose questions about Medicare Supplement or Part D to Carla Kot, ckot@id.state.az.us; consumers can also call our Consumer Affairs Division at (800) 325-2548.

NEW ADOI PHONE NUMBERS ~ Effective January 1, 2006~ See page 3 for Directory.

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"To faithfully execute state insurance laws in a manner that protects insurance consumers and encourages economic development."

Compliance Update: NEW Long Term Care Rules

In 2004, the Arizona Department of Insurance (ADOI) modified the Long Term Care Insurance Rules to more closely mirror the NAIC Long Term Care Insurance Model Regulations and, while most of the sections of the Rules became effective in January 2005, some provisions had delayed effective dates of May 10, 2005 and November 10, 2005:

- Sections R20-6-1019 and 1020 was effective on November 10, 2005.
- Sections R20-6-1008, 1009, 1014 and 1015 were effective May 10, 2005.
- All other sections were effective January 10, 2005.

Summary of provisions effective November 10, 2005:

A.A.C. R20-6-1019: Under the "Nonforfeiture Benefit Requirements" section, if an applicant rejects an offer of a nonforfeiture benefit, the Rule requires the insurer to provide the contingent benefit, upon lapse for individual and group policies issued after January 10, 2005. A.A.C. R20-6-1019 does not apply to life insurance policies that contain accelerated LTC benefits.

A.A.C. R20-6-1020: Under the "Standards for Benefit Triggers" section, all LTC policies must condition the payment of benefits on a determination of both the insured's ability to perform the activities of daily living and the degree of cognitive impairment, as assessed by licensed or certified professionals (physicians, nurses, social workers, etc.). The insurer must include the definitions of daily living in the policy and may only use additional activities of daily living if defined in the policy.

Although generally effective November 10, 2005, the provisions in A.A.C. R20-6-1019 and A.A.C. R20-6-1020 do not apply to certificates issued on or after January 10, 2005 under a long-term care policy issued to a group, as defined by A.R.S. §20-1691(5)(a) and in force on January 10, 2005.

Questions concerning Arizona's Long Term Care Rules can be addressed to Carla Kot, Life & Health Analyst, (602) 912-8460 or ckot@id.state.az.us.

Thinking about selling Securities?

Insurance producers are reminded to call the Arizona Corporation Commission, Securities' Division BEFORE they sell *any* investment product to verify that the product is registered:

1-866-VERIFY-9

If you sell investment products, you must also be licensed by the Securities Division.

Since the year 2000, the Securities Division has entered orders against 47 insurance producers who sold \$111,220,019 *u*nregistered securities, usually without the necessary Securities license.

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Current Phone & Fax Nos.	Division/Section	New Phone & Fax Nos.
912-8400	Main Switchboard	364-3100
912-8456	Director's Office	364-3471
912-8452	Director's Fax	364-3470
912-8444	Consumer Affairs Division	364-2499
800-325-2548	Consumer Affairs (Toll Free) - no change	800-325-2548
954-7008	Consumer Affairs Fax	364-2505
912-8443	Health Care Appeals Section	364-2399
912-8447	Health Care Appeals Fax	364-2398
800-544-9208	Market Assistance Hotline (Toll Free) - no change	800-544-9208
912-8420	Financial Affairs Division	364-3999
912-8429	Compliance Section	364-3998
912-8422	Financial Examinations Section	364-3997
912-8421	Financial Affairs Fax	364-3989
912-8428	Captive Insurance Division	364-4490
912-8470	Producer Licensing Section	364-4457
877-660-0964	Producer Licensing (Toll Free) - no change	877-660-0964
912-8473	Producer Licensing Fax	364-4460
912-8460	Life & Health Division	364-2393
912-8464	Managed Care Section	364-2394
912-8453	Life & Health Fax	364-2175
912-8466	Property & Casualty Division	364-3463
912-8421	Property & Casualty Fax	364-3989
912-8442	Market Oversight Division	364-4994
912-8469	Market Oversight Fax	364-4998
912-8430	Investigations Section	364-4510
954-7008	Investigations Fax	364-2505
912-8458	Receivership Division	364-4495
912-8459	Receivership Fax	364-4494
Phone Num	bers for the following areas of the ADOI will NO	OT change:
364-3863	Guaranty Funds	
364-3872	Guaranty Funds Fax	
912-8418	Fraud Unit	
912-8419	Fraud Unit Fax	
520-628-6370	Tucson Office	
520-628-6633	Tucson Office Fax	

Fraud Unit Report

2005 National Fraud Directors Conference

The Chiefs of the State Insurance Department Fraud Divisions from all over the U.S. meet annually in October to discuss issues of mutual interest and concern. This year ADOI Fraud Unit hosted the group's 2005 conference in Phoenix. Director Christina Urias welcomed the group and made opening remarks. Several ADOI Fraud Unit staff made presentations, Toni Brown and Tom Britt of the Phoenix Police Department and Mary Leroy of Farmers Insurance also gave presentations. Topics at the two day conference included "Kings and Queens of Con", "Eastern European Organized Crime", "Motor Vehicle and Marine Fraud" and "Fraudulent Glass Repair Claims".



"McGruff the Crime Dog" made a guest appearance at the conference.

Fraud Prosecutions

The ADOI recently completed talks with the Maricopa County Attorney's Office on insurance fraud prosecution and we are thrilled to announce that the County Attorney has agreed to review and prosecute a portion of the Fraud Unit's investigations. Our thanks go to County Attorney Andrew Thomas and his staff, for their time and interest in helping fight insurance fraud! The Attorney General's Office will, of course, continue to handle Fraud Unit cases as well, but the additional prosecutorial resources will undoubtedly aid in the battle against this ubiquitous crime that affects everyone's wallet.

New Employees

The ADOI welcomes Special Agents Art Scott a 20+ year veteran of the Phoenix Police Department, David Mayer a 24 year veteran of the Glendale Police Department, and Luana Lopez, our new Administrative Assistant.

A continuing reminder...

The law requires insurers to refer cases to the Unit when they <u>suspect</u> "...a fraudulent claim has been or is being made" (A.R. S. § 2^{0.466(G))}. It is a must to include in the referral "the victim company NAIC number, a brief synopsis of the incident, the dollar amount of the claim and if it has been paid or not". This information is used to determine when and if the referral is to be assigned for investigation.

Overview of Arizona's Workers' Compensation Market

The annual statement information, year ending December 31, 2004, revealed the **Top 10 workers' compensation (WC) insurers in Arizona in 2004:**

Rank	Company Name	NAIC #	Direct Premiums Written	Direct Premiums Earned	Direct Losses Paid	Direct Losses Incurred	Incurred L/R	Market Share
1	Arizona State Compensation Fund	36714	\$363,149,542	\$363,149,542	\$232,041,883	\$421,244,978	116.00%	59.51%
2	Travelers Property Cas Co Of AM	25674	\$19,017,899	\$18,391,372	\$7,370,126	\$14,277,732	77.63%	3.12%
3	American Home Assur Co	19380	\$18,567,494	\$13,783,614	\$8,180,694	\$19,076,076	138.40%	3.04%
4	Twin City Fire IC Co	29459	\$15,488,607	\$14,307,847	\$5,635,687	\$16,082,594	112.40%	2.54%
5	Liberty Mut Fire IC	23035	\$13,108,940	\$13,350,263	\$8,586,884	\$11,054,683	82.80%	2.15%
6	Commerce & Industry IC	19410	\$12,606,449	\$11,402,984	\$2,798,446	\$6,035,155	52.93%	2.07%
7	Zurich American IC	16535	\$8,997,541	\$8,648,401	\$4,291,439	\$6,915,521	79.96%	1.47%
8	Transportation IC	20494	\$7,931,175	\$8,306,658	\$5,481,152	\$5,055,033	60.86%	1.30%
9	Republic Ind Co Of America	22179	\$7,810,309	\$7,842,597	\$3,828,188	\$6,357,237	81.06%	1.28%
10	Westport Ins Corp	34207	\$7,521,097	\$7,881,481	\$4,530,178	\$9,387,478	119.11%	1.23%

- These 10 insurers controlled 77.71% of the 2004 WC market.
- The SCF has paid a dividend every year since inception; in 2004, the SCF paid \$64,019,029 in dividends. The only other insurer in the Top 10 that paid over \$100,000 in dividends was Transportation IC (\$3,472,291), an AIG company.
- Group considerations affect ranking positions. Although a Travelers St Paul Company is in second market position in 2004, Travelers-St Paul as a group (with 24 insurers) wrote just 5.97% of the market and drops to third place, whereas AIG with 11 companies wrote 6.91% of the 2004 market and is in second position behind the SCF.
- Foreign insurers dominate the market, most of which come from Illinois, New York, and California in that order. Only six Arizona domestic insurers, including the SCF, write WC.
- Although 279 insurers had some WC activity in 2004, only 45 insurers wrote \$1,000,000 or more in premium and only one of six groups controlled most of these 45 insurers.
- Arizona's rates rank among the lowest in the nation; and, notwithstanding the influence of the failed California companies, Arizona employers enjoyed a relatively stable market during a time when the nation was in a WC crisis
- Arizona's losses are increasing and the NCCI recently began filing rate increases after a long period of decreases.
- Most increases are in the medical portion of WC claims, attributable to the higher cost of health care, generally, and increased prescription drug costs. Arizona's medical claims costs tend to be higher than the rest of the US as illustrated by this table (Source: NCCI):
- Of particular interest is that an injured Arizona employee's average length of stay is below that of the national average, although Arizona hospitalization costs exceed the national average.
- Premiums are increasing in Arizona not only due to the NCCI's having filed rate increases in recent years in recognition of increasing losses, but also due to insurers decreasing their downward deviations. Only the SCF and one other company are deviating downward in the Top 10. The following chart illustrates NCCI's rate filing activity and yearly average deviations.

Category	Arizona	US
Physical Therapy	18.6% of all medical claims	18.4%
Hospital Services	14.2%	13.5%
Drugs & Supplies	13.4%	11.4%

Year	# of Insurers Deviating	Average Deviation	NCCI Overall Rate Decrease
1999	62	-27.7%	-15.40%
2000	55	-22.0%	-7.80%
2001	44	-15.7%	-7.00%
2002	29	-10.2%	-4.30%
2003	38	-3.82%	+0.06%
2004	35	-4.24%	+2.04%
2005	36	-4.47%	+8.4%

Around ADOI

Property & Casualty

Producer Licensing

Retirement

After nearly 25 years of excellent service, Deloris Williamson announced her retirement effective January 7, 2006. Deloris' incredible scope of knowledge, her analytical skill and the historical, institutional perspective she has provided on so many issues will make her nearly impossible to replace. She will be missed in numerous ways, not the least of which is every time one of us thinks the answer is "Let's ask Deloris" before we remember she's not just down the hall. I know everyone will join me in wishing Deloris all the best in her retirement and thanking her for her years of outstanding service to the Department.

Consumer Affairs

New Health Insurance Pamphlet

The ADOI recently released а new publication, entitled Report on Arizona Health Insurers, to aid comparison shopping for health insurance. The report includes complaints, health care appeals, market share and enforcement actions for the 27 largest health insurers in Arizona. The pamphlet is available on-line (www.id.state.az.us) and in print by calling (800) 325-2548.

Insurance License Exam Options Expanded

Thomson Prometric recently acquired Experior Assessments and will now administer Arizona's insurance license examinations. Thomson Prometric successfully converted insurance examination services from Experior Assessments systems onto the Prometric examination network. As a result. Thomson Prometric can offer Arizona insurance examinations in testing centers in every state in the U.S. Additionally, Thomson Prometric added a sixth testing location in Arizona, administering examinations in Phoenix. Tempe. Flagstaff, Casa Grande, Tucson and Goodyear, simultaneously administering a total of 144 examinations from its Arizona testing centers.

To obtain examination information, license forms and instructions, and other useful information regarding insurance producer licensing in Arizona, please access the "PRODUCERS" link on the Arizona Department of Insurance Internet home page (www.id.state.az.us).

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Janet Napolitano, Governor
Christina Urias, Director
Erin H. Klug, Public Information Officer

COMPANY ACTIONS

NEW LICENSES ISSUED

Domestic Companies

Company Name	NAIC #	Effective Date	Туре
ABRAZO ADVANTAGE HEALTH PLAN, INC.	10160	7/13/05	Health Care Services Organization
2. ASTRAEA RISK RETENTION GROUP, INC.	10137	8/12/05	Risk Retention Group
3. CHARTER LIFE INSURANCE COMPANY, INC.	N/A	7/19/05	Captive Insurer
4. CLINICAL TRIALS RECIPROCAL INSURANCE COMPANY, A RISK RETENTION GROUP	10770	9/8/05	Risk Retention Group
5. FOX INSURANCE COMPANY	10161	7/11/05	Disability Insurer
6. JLH INSURANCE CORPORATION	N/A	8/29/05	Captive Insurer
7. MARICOPA CAPTIVE INSURANCE COMPANY, INC.	N/A	8/10/05	Captive Insurer
8. NATIONAL TRANSPORTATION RISK RETENTION GROUP, INC.	10764	9/12/05	Risk Retention Group
9. SCAN HEALTH PLAN ARIZONA, INC.	12279	7/14/05	Health Care Services Organization

Foreign Companies

<u> </u>	reign companies	State of		Effective	
	Company Name	Domicile	NAIC #	Date	Type
1.	ATLANTIC TITLE INSURANCE COMPANY	sc	51152	8/22/05	Title Insurer
2.	AUTOONE INSURANCE COMPANY	NY	34460	9/13/05	Property & Casualty Insurer
3.	COMPANION COMMERCIAL INSURANCE COMPANY	SC	10794	8/1/05	Property & Casualty Insurer
4.	COMPANION PROPERTY AND CASUALTY INSURANCE COMPANY	SC	12157	8/1/05	Property & Casualty Insurer
5.	CORNERSTONE NATIONAL INSURANCE COMPANY	МО	10783	7/25/05	Property & Casualty Insurer
6.	EMPLOYERS COMPENSATION INSURANCE COMPANY	CA	11512	9/15/05	Casualty Insurer
7.	HAULERS INSURANCE COMPANY, INC.	TN	31550	7/29/05	Property & Casualty Insurer
8.	HOUSTON GENERAL INSURANCE EXCHANGE	TX	11988	8/16/05	Property & Casualty Insurer
9.	MAXUM CASUALTY INSURANCE COMPANY	GA	10784	7/11/05	Property & Casualty Insurer

10.	PACIFIC SELECT PROPERTY INSURANCE COMPANY	CA	10887	7/21/05	Property & Casualty Insurer
11.	REINSURANCE COMPANY OF AMERICA, INC.	IL	26549	7/12/05	Casualty Insurer
12.	SECURA INSURANCE, A MUTUAL COMPANY	WI	22543	07/25/05	Property & Casualty Insurer
13.	SECURA SUPREME INSURANCE COMPANY	WI	10239	7/25/05	Property & Casualty Insurer
14.	SUPREME COUNCIL OF THE ROYAL ARCANUM	MA	58181	8/29/05	Fraternal Benefit Society
15.	UNITED AUTOMOBILE INSURANCE COMPANY	FL	35319	9/26/05	Property & Casualty Insurer

Risk Retention Groups Registered

Company Name	State of Domicile	NAIC#	Effective Date
1. HEALTH CARE CASUALTY RISK RETENTION GROUP, INC.	DC	12336	7/8/05
NATIONAL CONTRACTORS INSURANCE COMPANY, INC., A RISK RETENTION GROUP	DC	12293	9/2/05
3. SPIRIT MOUNTAIN INSURANCE COMPANY RISK RETENTION GROUP, INC.	DC	10754	7/7/05
4. NOVUS INSURANCE COMPANY (RISK RETENTION GROUP)	SC	10752	9/28/05

Service Company Permits (A.R.S. 20-1095, et seq.)

Company Name	State of Domicile	Effective Date
1. ENTERPRISE SERVICE AGREEMENT CORPORATION	MO	9/9/05
2. NISSAN EXTENDED SERVICES NORTH AMERICA, G.P.	DE	7/6/05
3. S.O.S. EXTERMINATING, INC.	AZ	9/23/05
4. WARRANTY GLOBAL GROUP, INC.	TX	7/29/05

Third Party Administrators (TPA)

Domicile	Date
TX	8/9/05
NJ	8/11/05
MT	8/25/05
AR	9/1/05
	TX NJ MT

Utilization Review Agents

Company Name	State of Domicile	Effective Date
1. HOLMAN FRAZIER, LLC	AZ	7/8/05

CHANGE OF AUTHORITY

Company Name	State of Domicile	NAIC #	Effective Date	Change
ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY	IL	29688	8/16/05	Converted from Mortgage Guaranty Insurer to Property & Casualty Insurer
2. DUPAGE LIFE INSURANCE COMPANY	AZ	60043	7/28/05	Converted from Unaffiliated Credit Life & Disability Reinsurer to Life & Disability Reinsurer
3. SAGAMORE INSURANCE COMPANY	IN	40460	9/26/05	Granted Disability

NAME CHANGES

Old Name (to) New Name	State of Domicile NAIC :	Effective # Date
FORTIS BENEFITS INSURANCE COMPANY (to) UNION SECURITY INSURANCE COMPANY	IA 70408	9/6/05
FORTIS INSURANCE COMPANY (to) TIME INSURANCE COMPANY	WI 69477	9/6/05
3. WESTERN UNITED INSURANCE COMPANY (to) WESTERN UNITED INSURANCE COMPANY (dba) AAA MEMBERS INSURANCE COMPANY	CA 37770	9/21/05

ACQUISITIONS/MERGERS/WITHDRAWALS

Acquisitions of Arizona Companies

		Date Order	
Company Name	NAIC #	Filed	Acquired By
1. ARIZONA HOME INSURANCE COMPANY	38490	08/31/05	WESTERN MUTUAL INSURANCE COMPANY & RESIDENCE MUTUAL INSURANCE COMPANY

Company Name Merged Into	State of Domicile	NAIC #	Date Order Filed
BEACON LIFE INSURANCE COMPANY (Into) CENTRAL PENNSYLVANIA LIFE INSURANCE COMPANY	AZ AZ	69080 91944	7/22/05
ithdrawals from Arizona			
Company Name	State of Domicile	NAIC #	Date Order Filed
. AMERICAN PHYSICIANS ASSURANCE CORPORATION	MI	33006	7/5/05
DALOS LIFE INSURANCE COMPANY	AZ	N/A	9/1/05
. GEM INSURANCE COMPANY	UT	81698	8/3/05
. MARMID LIFE INSURANCE COMPANY	AZ	92851	9/26/05
. PEACH STATE LIFE INSURANCE COMPANY	AZ	N/A	7/22/05
SUPERVISIONS/RE			8/18/05
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SUSPENSIONS/REINSTATEMENTS

Company Name	State of Domicile	NAIC #	Effective Date	Action
FIRST CONTINENTAL LIFE & ACCIDENT INSURANCE COMPANY	TX	64696	8/18/05	Suspension Vacated

OTHER DISCIPLINARY ACTIONS

Company Name	State of Domicile	NAIC #	Effective Date	Action
Accredited Surety & Casualty Company, Inc.	FL	26379	8/3/05	Cease and desist from paying compensation, fees or commissions to unlicensed persons. \$10,000 civil penalty

PRODUCERS AND OTHER LICENSEES DISCIPLINED

	Cause No. Name City – State	Allegation	Disposition
1.	05A-082 John Raymond Rohwer dba J. Rohwer & Company Phoenix, AZ	Aided or assisted any person in the unauthorized transaction of insurance business.	7/11/05 Consent Order License Suspended for 15 Days
2.	05A-087 Susan Anne Krimel dba West-Pac Bail Bonds Santa Rosa, CA	Transacted business as a bail bond agent without a license; received commissions without a license.	7/15/05 Order to Cease & Desist \$10,000 Civil Penalty
3.	05A-090 Douglas Richard Bowers Mesa, AZ	Failed to report, within 30 days of the initial pretrial hearing date, any criminal prosecution in any jurisdiction.	7/22/05 Consent Order \$100 Civil Penalty
4.	05A-100 David Bruce Medansky Phoenix, AZ	Prior felony conviction in this state.	8/11/05 Consent Order License Revoked
5.	05A-101 Diane Christine Sharp Gilbert, AZ	Forged signatures on insurance policy forms in order to receive commissions directly into her account.	8/12/05 Consent Order License Revoked

RULES, BULLETINS, PRESS RELEASES

Rules

Citation	Ti	tle Actio	n Status
R20-6-1101	Medicare Supplement Insurance	Rulemaking to conform AZ Medicare supplement insurance rules with the recently adopted federal regulations and NAIC model regulation.	GRRC 9/13/05 and will become
20 A.A.C. 19	Health Care Service Organizations Oversight	The Department filed a Notice of Proposed Rulemaking with the Office of the Secretary of State on 3/31/056	
R20-6-2002	(Captive Insures) Fees; Examination Costs	The Department terminated the previously proposed rulemaking and proposed a new Notice of Proposed rulemaking on 2/17/05. ADOI held at oral proceeding on the proposed rule on 4/11/05. No comment was received on the rulemaking.	7/12/05 GRRC meeting and will become effective 9/10/05.
R20-6-1702	Authority, Scopes, and Scheduling Examinations	Notice of Final Rulemaking filed with GRRC May 2005	The rule was approved at the 7/12/05 GRRC meeting and will become effective 9/10/05.
Articles 4, 5, & 6		Five-Year Review ADOI is conducting the statutorily required review of these Articles	The review report was filed with GRRC on 10/27/05 and should be heard at the 1/06 GRRC meeting.

Regulatory Bulletins

Number	Title	Issued
2005-5	Medicare Supplement Policies for Plans K and L	Sept 28, 2005

Press Releases

Title	Date Issued
The Arizona Department of Insurance and Land America Title companies Reach Regulatory Settelment Regarding Captive Reinsurance Arrangements; \$1 Million to Red Cross and \$250,000 Education Fund	Sept 8, 2005
Nearly 4000 Arizonans to Receive Title Insurance Premium Refund; Multistate Settlement with Fidelity Title Insurance Group	Sept 7, 2005
September is Arizona Preparedness Month! Is your insurance prepared?	Sept 1, 2005