

## **Filing Guidance**

### **Merger/Name Change For Policy Forms**

Merger endorsements may be approved on the condition that the company will not issue them until the Department (Health Bureau-New York City) has approved the merger transaction and the merger becomes effective. Any proposed name change being made in conjunction with a merger is subject to the required name change filings (see above) being made with the Office of General Counsel. The submission to the Health Bureau must advise as to the current status of the merger transaction, including whether or not approval has been received or is pending with any other appropriate Bureau within the Department and the effective date or expected effective date of the merger. The submission must identify, if applicable, the surviving company following the merger.

*New Business* - either of the following two options are acceptable:

Option #1:

- A merger/name change endorsement needs to be submitted for approval to be used for a period not to exceed six months from the date of approval. Please refer to item A.1. above on name change endorsements for the acceptable procedure.
- The name change endorsement submission must include a certification signed by an officer of the company stating that the language of the policy form(s) to which this endorsement will be attached has been reviewed and is in compliance with all applicable provisions of New York Statutes and regulations.

Option #2:

- The previously approved policy forms are reprinted on the new company paper and submitted for approval. (Please note that this is required at the end of the six-month period for all policy forms amended by the merger/name change endorsement).
- The policy form submission must include a cross listing of the forms to be replaced to the forms of the new company. The cross listing should be in the same format as indicated above on company name changes.
- The policy form submission must include a certification signed by an officer of the company stating that the language of the forms has been reviewed and (1) is identical to that provided in the previously approved form(s) except for the name change and if applicable any statutory or regulatory changes and (2) is in compliance with all applicable provisions of New York statute and regulation.
- Policy forms being submitted for approval that were not recently approved need to be reviewed and updated to reflect any changes in statute or regulation.
- If the company needs to make any changes to the previously approved forms to bring them into compliance with statutory or regulatory changes, such forms must be highlighted or underlined to indicate the specific changes being made and the submission letter must identify those changes and indicate that the changes are being made in addition to the merger/name change.

- If there will be a new company name on the previously approved policy forms being submitted as a result of the merger, the company can choose to retain the same form identification number as appeared on the previously approved forms. The Department suggests the use of brackets (variable material) for the new company name.

New statements of self-support are required only for the policy form(s) from the company that will not survive as a result of the merger. If there is a surviving company as a result of the merger and that company has had no change to its corporate structure than new statements of self-support are not required for that company's policies forms which are being retained after the merger.

### ***Existing Business***

- A merger/name change endorsement to effectuate the merger and company name change needs to be submitted to the Health Bureau (Albany office) for approval.
- The endorsement must indicate that a merger has taken effect and that only the name of the company has changed. The endorsement must provide that the terms and conditions of the policy form have not changed.
- If there is any change in the address(es) used for premium payments, notices, claims or actions on the policy form, then notification of such change must be set forth in the endorsement.
- The company must provide written assurance to the Department that the company correspondence that will accompany the endorsement form to explain the merger will include a telephone number, address (including e-mail address if appropriate) that the policy holder can use to contact the company with any questions about the merger/name change endorsement.

**\* Please note that if any address change, name change or merger/name change for accident and health products also affects life insurance and annuity products a separate policy form filing to effectuate such change(s) needs to be made with the Life Bureau (Albany office).**