



Ohio Revised Code

Section 3901.076 Retention of third-party consultant.

Effective: April 6, 2017

Legislation: Senate Bill 273 - 131st General Assembly

(A) The superintendent may retain a third- party consultant, including attorneys, actuaries, accountants, and other experts not otherwise part of the superintendent's staff, as is reasonably necessary to assist the superintendent in reviewing a corporate governance annual disclosure and related information or an insurer's compliance with sections 3901.072 to 3901.078 of the Revised Code. The superintendent shall retain a third-party consultant under this division at the expense of the applicable insurer.

(B) Each third-party consultant retained under division (A) of this section shall do all of the following :

(1) Serve under the direction and control of the superintendent in a purely advisory capacity;

(2) Comply with the confidentiality requirements applicable to the superintendent under sections 3901.072 to 3901.078 of the Revised Code;

(3) Verify to the superintendent, with notice to the insurer, that the consultant is free of a conflict of interest and has internal procedures in place to monitor compliance with a conflict and to comply with the confidentiality requirements of sections 3901.072 to 3901.078 of the Revised Code.

(C) If the superintendent enters into a written agreement with the NAIC, a third-party consultant, or both, regarding the sharing and use of information provided pursuant to sections 3901.072 to 3901.078 of the Revised Code, the written agreement shall do all of the following:

(1) Specify procedures and protocols for maintaining the confidentiality and security of CGAD - related information shared with the NAIC or a third-party consultant pursuant to sections 3901.072 to 3901.078 of the Revised Code, including procedures and protocols for sharing by the NAIC only with other state regulators from states in which the insurance group has domiciled insurers;



(2) Provide that the recipient of information agrees in writing to maintain the confidentiality and privileged status of the CGAD -related documents, materials, or other information obtained pursuant to sections 3901.072 to 3901.078 of the Revised Code and has verified in writing the legal authority to maintain confidentiality;

(3) Specify that ownership of information shared with the NAIC or a third -party consultant pursuant to sections 3901.072 to 3901.078 of the Revised Code remains with the department of insurance and the NAIC's or third-party consultant's use of the information is subject to the direction of the superintendent;

(4) Prohibit the NAIC or a third-party consultant from storing the information obtained pursuant to sections 3901.072 to 3901.078 of the Revised Code in a permanent database after the underlying analysis is completed;

(5) Require the NAIC or a third-party consultant to provide prompt notice to the superintendent and to the insurer or insurance group regarding any request or subpoena for disclosure or production of the insurer's CGAD -related information;

(6) Require the NAIC or a third-party consultant to consent to intervention by an insurer in any judicial or administrative action in which the NAIC or third-party consultant may be required to disclose confidential information about the insurer that was obtained pursuant to sections 3901.072 to 3901.078 of the Revised Code ;

(7) Require the insurer's written consent prior to making public information that was obtained pursuant to sections 3901.072 to 3901.078 of the Revised Code.