

Teresa Miller Acting Administrator's column



Some of you have asked about my background and some of the recent activities of the division. So, for those I haven't had the chance to meet in person...

What is your background?

Before joining DCBS, I spent about 12 years in Oregon politics. That included seven years as a lobbyist for organizations such as Portland General Electric. After earning my law degree, I worked for more than two years as Gov. Ted Kulongoski's legislative director, helping develop his legislative agenda and

communicating with legislators and stakeholders. I litigated consumer protection cases at the Oregon Department of Justice before joining the division on July 1, 2008.

So, what have you been doing since you arrived?

Since arriving, the division faced the first challenge in recent memory to a health insurance rate increase, the federal government became the owner of AIG, the 2009 Legislature convened with health insurance reform at the top of its agenda and Oregon's unemployment rate has soared to among the highest in the nation. I mention Oregon's unemployment rate because the economy influences everything from the types of consumer calls we receive to our division budget to the issues we face daily. For example, following passage of the federal stimulus package, we proposed legislation to extend state continuation to nine months to ensure all eligible Oregonians can take full advantage of the nine months of federal premium subsidies. We have been working to improve and strengthen our health insurance rate review process, both internally and through legislation. We also recently completed our 2009 Health Insurance in Oregon report with the latest information on Oregon's commercial health insurance market and the financial profiles of Oregon's largest health insurers.

How do you view the agent's role in Oregon's health care system?

As a regulatory agency, we often focus on the minority of agents who are the subject of enforcement actions taken by the agency. After all, protecting consumers by monitoring producer activity and taking enforcement actions where appropriate is one of our primary functions. However, I also recognize that agents play a critical role in assisting consumers with their health

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insurance needs, particularly as health care costs continue to rise and more and more consumers rely on their agents to help them find health insurance products that fit their particular needs.

What are some of the division's priorities?

We want to increase protections for consumers whose vehicles are totaled. We developed House Bill 2190 to address the most common complaints and inquiries around total-loss claims. The governor signed the bill in early April. The division also proposed legislation to strengthen our health insurance rate review standards, increase scrutiny of insurer administrative expenses, and allow public input into the health insurance rate review process.

Meanwhile, we are working on a proposed rule to forbid the use of misleading producer designations. As many of you know, some agents, especially those dealing in the senior market, have obtained designations that imply they have special skills to advise seniors on suitable health coverage. Those designations can often be obtained with a small amount of effort, usually 16 hours of training or less. An example is the CSA, or Certified Senior Advisor. The classes for the CSA designation focus on how to market to seniors as opposed to how to advise seniors. The proposed rules will be posted on our Web site. You will be notified when this happens if you use our e-mail notification system. You can sign up at www.insurance.oregon.gov

Finally, we are working diligently to monitor the effects of market losses on insurers to ensure continued solvency. For example, the division required all domestic insurers to file as part of their third-quarter statement restated capital and surplus amounts based on October 2008 investment activity. During times like these, we are reminded that financial regulation, or ensuring insurance companies are able to pay the claims of policyholders, really is the most important job we do.

What do you like about health insurance administration?

I enjoy the complex policy issues as well as providing quality data and background information to policymakers. Given the rising costs of health care/insurance, insurers, providers, and others are getting more and more creative trying to find ways to reduce costs to consumers and increasing access to healthcare. As a division, we face new and interesting questions every day. For example, I recently provided

testimony on SB 862, which allows the creation of new community health care programs (providing insurance to otherwise uninsured workers) that are exempt from the Insurance Code. The bill presents an interesting policy question for the Legislature: What is the right balance between providing greater access to health care and ensuring that those taking advantage of such access are adequately protected? We are also receiving more inquiries from providers and others trying to find creative ways of providing health care, particularly preventive health care, in exchange for regular payments without falling under the definition of "insurance" and regulation of the Insurance Code. Again, these issues all present interesting policy questions requiring a balance between increasing access to health care and ensuring adequate consumer protection.

Where do you think health care reform is headed?

I believe the discussions in the Oregon Legislature will result in the establishment of an Oregon Health Authority and Oregon Health Authority Board. These entities will be charged with developing a plan to submit to the Legislature in 2011 that will give Oregonians access to affordable, quality health care by 2015 and identify funding sources to pay for the cost. The Oregon Health Authority will investigate and report on the feasibility and advisability of future changes to the health insurance market in Oregon, including an individual mandate, payroll tax or other funding sources to encourage employers to continue to provide health insurance, and the role of the Oregon Health Insurance Exchange.

I believe major changes to our health care system, such as the Exchange, are at least a few years away. Legislative proposals currently under consideration are not establishing an exchange in 2009, but would require thoughtful development of a business and operational plan for review and possible approval in the 2011 session.

Outside of the Insurance Division, what do you do?

I enjoy the outdoors. I will participate in the Hood-to-Coast Relay, the Cascade Runoff, and various trail runs this year. I have also been a swimmer all my life and have competed in a few triathlons over the past few years. I have also been known to compete in various cowboy shooting events across the state. Did I mention that my roots are in Pendleton?

Federal stimulus help with health premiums

People who lost their jobs after Aug. 31, 2008 – and who lose jobs before Jan. 1, 2010 – may qualify for a federal subsidy that pays 65 percent of their health insurance premiums for up to nine months. The subsidy is available to people who are eligible to continue group health insurance coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) or state continuation law.

The governor is expected to sign legislation on Tuesday, April 28, that will permanently extend state continuation from six to nine months to allow employees of small businesses to take full advantage of the subsidy. This extension will apply to all people eligible for state continuation, not just those eligible for the subsidy.

Even though our state law is pending, the premium assistance is available now for many eligible Oregonians. These Oregonians can't be required to pay 100 percent of the premium. You or your clients may call the Insurance Division's consumer advocates if you have questions or run into problems: 1-888-877-4894.

The federal subsidy is only available for people continuing their employer plans under COBRA or state continuation. It does not apply to portability plans.

Oregonians who qualify for the subsidy may be eligible to buy a portability plan once they exhaust their benefits under continuation. Additional information is posted on our Web site. We update this as we receive new information: <http://insurance.oregon.gov/consumer/consumer-issues/federal-stimulus-info/federal-stimulus-info.html>

Producer Licensing Unit

Key information missing from license renewals

An increasing number of renewal forms submitted by producers' bill-paying services are missing key information – including producer license numbers.

This is slowing us down because staff has to determine who to credit for the payment. Many producers have similar names and similar renewal cycles. To ensure that a license is renewed in a timely manner, please make sure that the six-digit license number is clearly marked on any correspondence. Some of the services are using a four-digit code for license type instead of your producer license number.

The best options: Use the renewal notice the division sends you or renew online at NIPR.com: <http://insurance.oregon.gov/producer/procedures/licensingrenewal-procedures.html>

Please remember that any required continuing education certificates of completion must be included as part of the renewal transaction. These certificates must be postmarked prior to the expiration date of the license to be considered timely. Copies of the certificates are acceptable. You should retain the originals for your records.

Tips for submitting and checking on an application

- Apply for a surplus lines license and a property and casualty license at the same time, using one application and one fee. There is no need to submit separate applications for each line of authority.
- If applying for a license online, include both a business and residence phone number. These can be the same numbers, but it is important to insert a phone number into both fields on the electronic application. An electronic application will be held up if a phone number is not provided in both fields.
- To determine where we are in processing applications on our Web site visit <http://insurance.oregon.gov/producer/licensing-processing-stats.html>. The date shown next to "producer" tells you that the division is processing applications for checks that were cashed on that date. You can find out from your bank when your check was cashed. Example: On April 6, the division was processing applications for checks that were posted on March 31.

Talk to your clients about short-rate cancellation!

As people search for competitive insurance rates to save money, more people are canceling their policies mid-term. We are starting to see complaints from consumers who discover too late that their personal home or auto policy cancellation is done on a short-rate basis, meaning they are not getting a full refund of premium. While it used to be rare for a personal lines policy to include a short-rate cancellation provision, it is becoming more common.

Insurance producers can go a long way toward preventing complaints by becoming familiar with which companies do short-rate cancellations. If your client wants to cancel a policy mid-term, and you know their current company contains a short-rate provision for the unearned premium, tell them! Consumers can then decide whether the premium savings on the replacement coverage is a good financial choice.

Annuity sales

Oregon Insurance Division data on annuity sales shows a number of companies with higher-than-average business from replacement or surrendered policies. The division is concerned that agents in these companies could be turning over policies to generate commissions and not because they are a fit for their clients. This practice is known in industry as “churning.”

For example, businesses sold 14,216 variable annuities in Oregon in 2007. Replacement policies:

- Accounted for 69 percent to 91 percent of new business at a handful of companies
- Averaged 57 percent of all new business at 10 companies that ranked highest on a scale of replacement policies as a percent of new business

(Only businesses that sold more than 100 contracts in Oregon were considered in the statistics.)

Data on fixed annuities also showed certain companies with high percentages of replacement policies or surrenders.

The data doesn't indicate to what extent clients may have been hurt by surrender charges or other issues involved in buying the new policy. However, that is a concern nationwide as companies design policies with surrender schedules, contract restrictions, and market value adjustments that guarantee they will make money regardless of whether the contracts are held to maturity.

A handful of producers cause the majority of suitability problems. The division will seek to identify producers who cause the most harm and look at how companies monitor the appropriateness of annuity sales. Meanwhile, Oregon Administrative Rule 836-080-0090 describes that “reasonable inquiry concerning the consumer's insurance objectives” is required to determine whether an annuity, life policy, or any rider, endorsement, or amendment is suitable for a client.

Before recommending purchase or replacement of any life or annuity product, producers should know and understand this information about their client: age, life expectancy, family health, beneficiaries, risk tolerance, investment experience, assets, liabilities, time frame or investment horizon, asset allocation or present diversification, and tax situation.

Updated publications

- » Health Insurance in Oregon, January 2009

View these publications online at www.insurance.oregon.gov. Click on “Publications” in the left column.

Insurance Division bills

Vehicle total loss

House Bill 2190 requiring insurers to provide more information to consumers whose vehicles are totaled was signed by the governor in April. It takes effect Jan. 1, 2010. Among other things, this bill requires that consumers who disagree with insurers on the value of their vehicle get paid the undisputed amount while negotiations continue. In other words, if the insurer thinks a car is worth \$3,000 and the car owner thinks it's worth \$5,000, the insurer would pay the owner the \$3,000 and they would continue to negotiate.

Health insurance rate review process

We are working with insurers, consumer groups and legislators on legislation to allow public input on proposed health insurance rate increases and clarify factors that can be used in reviewing health insurance rates.

Other state programs

Oregon Medical Insurance Pool/Insurance Division offer agent training

The Oregon Medical Insurance Pool is gearing up for its annual statewide tour combining afternoon producer trainings with evening town-hall meetings to explain the high-risk pool to producers and the public.

The meetings start Wednesday, April 29, in Corvallis and end Thursday, June 11, in Portland. All agent trainings will be at 3:30 p.m. and are worth an hour of continuing education (law) credit. Agents may want to tell their clients about the evening sessions, which are open to the public.

In addition to free "CE," this is a chance to ask any questions about the state's insurer of last resort. OMIP staff will be available, along with Regence BlueCross BlueShield of Oregon, the carrier that administers OMIP. Learn why OMIP exists, its enrollment and demographics, and its funding and rates. Insurance Division staff also will be available to answer questions about federal stimulus subsidies for health insurance premiums. Find the schedules and sign up information at <http://www.omip.state.or.us/>.

SHIBA offers Medicare trainings

The Senior Health Insurance Benefits Assistance program offers Medicare trainings to the public. This includes producers who don't sell Medicare but want to educate themselves or those who are new to Medicare or just want to brush up on the rules. The workshops often are attended by people newly eligible for Medicare and their family members. No products may be sold at these trainings. A calendar of Medicare events in your area is available at <http://www.oregonshiba.org/DCBS/SHIBA/calendar.shtml>.

Also, information on how Social Security will provide one-time payments of \$250 to people who get Supplemental Security Income or Social Security benefits can be found at <http://www.ssa.gov/payment/>. This payment is part of the American Recovery and Reinvestment Act of 2009.

Rate challenge

The Insurance Division is awaiting an administrative law judge's recommendation on the policyholder challenge to Regence's 26 percent individual health plan rate increase of last July 1. A hearing on the approved rate increase was held in February.

SAIF injury reports

SAIF's injury reports now are available online only. This reduces paper use, gives users information more quickly, and allows the data to be viewed more easily. For example, you can view losses by policy period or claim date of injury.

The reports, which have been renamed Loss Runs, can be found in the Business Online library. To become a Business Online user:

1. Visit the Employer Guide on www.saif.com.
2. Select the "Need to Register" link.
3. Create an account, log in and watch the demonstration.

PHP to leave Oregon market

Preferred Health Plan, Inc., a Klamath Falls-based insurer, will withdraw from the Oregon insurance market because of financial problems. The Oregon Department of Consumer and Business Services announced the withdrawal on March 31, saying it is not indicative of the health of the insurance industry as a whole.

PHP covers about 3,600 people in Klamath and Lake counties. The state is monitoring the company daily to ensure it can pay claims and cover its current policyholders. The Insurance Division will hold an April 28 town-hall meeting in Klamath Falls to answer questions from policyholders, medical providers or others. You can read more at www.insurance.oregon.gov.

Oregon's 150th birthday

The Insurance Division will publish a special 150th birthday newsletter this summer in recognition of Oregon's sesquicentennial. If you have an interesting

historical tidbit involving Oregon insurance please contact editor Cheryl Martinis at cheryl.l.martinis@state.or.us or 503-947-7213.

Watch our Web site for legislative updates

The division will track bills it proposes and other key legislation that impacts insurance on its Web site. We will post any testimony we provide on legislation, as well. Visit our Web site: <http://insurance.oregon.gov>. Click on "Oregon Legislature" in the left column.

Enforcement actions

This *Regulator* lists certain orders from January through March 2009. Additional orders for 2009 and years past are posted on our Web site: www.insurance.oregon.gov. Select "Orders" in the left column.

Insurance companies

Marketplace violations

American Family Mutual Insurance Company Madison, Wis.

Violation: Failed to acknowledge and act promptly on communications about claims. Failed to adequately document claim file.

Penalty: \$6,500

Date of order: Jan. 2, 2009

Austin Mutual Insurance Company Minneapolis, Minn.

Violation: Terminated agents without sufficient notice.

Penalty: \$1,600 fine

Date of order: Jan. 2, 2009

Kaiser Foundation Health Plan of the Northwest dba Kaiser Permanente Portland, Ore.

Violation: Failed to promptly provide proper explanation for claim denials.

Penalty: \$9,000

Date of order: Jan. 26, 2009

National Union Fire Insurance Company of Pittsburgh, PA New York, NY

Violation: Issued group health insurance policies to unapproved associations.

Penalty: \$65,000

Date of order: Jan. 26, 2009

Title Insurance Company of Oregon dba First American Title Insurance Company of Oregon Portland, Ore.

Violation: Gave a thing of value to an intermediary.

Penalty: \$6,000

Date of order: Jan. 2, 2009

Transamerica Life Insurance Company Cedar Rapids, Iowa

Violation: Issued group life and group health insurance policies to unapproved groups.

Penalty: \$25,000

Date of order: March 31, 2009

Virginia Surety Company, Inc.

Glenville, Ill.

Violation: Issued group health insurance policy to unapproved group.

Penalty: \$10,000

Date of order: Jan. 30, 2009

Financial regulation

Medical Savings Insurance Company Indiana

Issue: Company placed in rehabilitation by another state insurance regulator.

Action: Oregon Certificate of Authority suspended.

Date of order: March 10, 2009

Producers

Cardinale, Guy G.

Rumson, NJ

Violation: Failed to report criminal action.

Convicted of felony involving dishonesty or breach of trust. Nonresident producer license revoked by another state insurance regulator. Failed to report administrative action by another state regulator.

Penalty: Expired Oregon nonresident insurance producer license revoked.

Date of order: Feb. 23, 2009

Murray, Dennese M. Murray

Springfield, Ore.

Violation: Made unsuitable recommendation in life insurance transaction.

Penalty: Oregon expired resident insurance producer license revoked.

Date of order: March 24, 2009

O'Brien, Jeffrey R.

Lynchburg, Va.

Violation: Nonresident producer license revoked or temporarily denied by another state insurance regulator. Failed to report administrative action by another state insurance regulator. Failed to respond to inquiry by the Department of Consumer and Business Services director.

Penalty: Oregon nonresident insurance producer license revoked.

Date of order: Feb. 3, 2009

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Enforcement actions, continued

Padilla, Mike

San Antonio, Texas

Violation: Convicted of felony involving dishonesty or breach of trust. Provided incorrect, misleading, incomplete, or materially untrue information on insurance license application. Nonresident insurance producer license revoked by other state insurance regulators. Failed to report administrative actions by other state insurance regulators.

Penalty: Expired Oregon nonresident individual insurance producer license revoked.

Date of order: March 4, 2009

Tran Fong, Helen

San Jose, Calif.

Violation: Failed to report a criminal action. Convicted of felony involving dishonesty or breach of trust. Resident insurance producer license revoked by another state insurance regulator. Failed to report enforcement action by another state insurance regulator.

Penalty: Nonresident insurance producer license revoked.

Date of order: Jan. 29, 2009

Administrative rules and bulletins

Visit our Web site to find links to these recently adopted rules: www.insurance.oregon.gov

- Uniform Workers' Compensation Unit Statistical Plan (ID 20-2008): The National Council on Compensation Insurance (NCCI), the rating organization for workers' compensation insurance in Oregon, has issued a new edition of the Statistical Plan for Workers' Compensation and Employers Liability Insurance. The new edition reformats the existing plan, clarifies existing rules, reorganizes loss and expense information and includes rule changes.

Effective: Jan. 1, 2009

- Adoption of Annual and Supplemental Statement Blanks (ID 01-2009): This rulemaking prescribes, for reporting year 2008, the required forms for the annual and supplemental financial statements required of insurers and health care service contractors, as well as the instructions for completing the forms.

Effective: Jan. 29, 2009

Upcoming rulemaking:

- Changes to Oregon state continuation law to help Oregonians who lose their jobs take full advantage of health insurance premium assistance through the federal stimulus package.
- Regulation of use of special designations by producers.

2009 Bulletins

No bulletins have been issued so far in 2009. Past bulletins can be found at: www.insurance.oregon.gov.

Recent rate activity

TOP 10 OREGON HOMEOWNERS INSURERS AS OF DECEMBER 2008 Domicile, Direct Premium Written, Market Share, Recent Rate Activity

	NAME OF COMPANY	DOM	DIRECT PREMIUM WRITTEN	MARKET SHARE	RATE EFFECTIVE DATE		
					ACTIVITY	New	Renewal
1	State Farm Fire And Cas. Co.	IL	149,040,750	25.57%	1.3%	07/15/08	09/01/08
2	Farmers Ins. Co. Of OR	OR	67,369,056	11.56%	13.0%	02/16/09	02/16/09
3	Safeco Ins. Co. of OR	OR	36,337,076	6.23%	0.0%	n.a. (3)	n.a. (3)
4	Allstate Ins. Co.	IL	24,603,963	4.22%	0.0%	n.a. (2)	n.a. (1)
5	Country Mut. Ins. Co.	IL	23,649,063	4.06%	-3.4%	08/22/08	08/22/08
6	American Family Mut. Ins. Co.	WI	22,801,680	3.91%	5.5%	10/01/08	10/01/08
7	Foremost Signature Ins. Co.	MI	18,852,899	3.23%	0.0%	n.a. (1)	n.a. (1)
8	Farmers Ins. Exch.	CA	18,053,364	3.10%	14.0%	06/16/08	06/16/08
9	Allstate Ind. Co.	IL	17,520,955	3.01%	14.8%	2/16/09 (4)	2/16/09 (4)
10	Allstate Prop. and Cas. Ins. Co.	IL	14,019,973	2.41%	-4.0%	05/12/08	06/26/08
	TOP 10		392,248,779	67.3%	4.0%		
	TOTAL 120 COMPANIES		582,796,809				

Premiums includes renters, condos, manufactured homes, and coverages such as boats, golf carts, and jewelry.

Rate activity applies to homeowners coverages only.

(1) Company has not filed a rate change in the past 12 months.

(2) As of April 1, 2006, new business is written only in Allstate Property and Casualty Insurance Company and Allstate Fire and Casualty Insurance Company.

(3) Company has not filed a rate change in the past 12 months, however, its rating scorecard, which includes credit history, has been revised.

(4) The previous rate change was a 9.0 percent increase effective June 18, 2008.

TOP 10 OREGON AUTOMOBILE INSURERS AS OF DECEMBER 2008 Domicile, Direct Premium Written, Market Share, Recent Rate Activity

	NAME OF COMPANY	DOM	DIRECT PREMIUM WRITTEN	MARKET SHARE	RATE EFFECTIVE DATE		
					ACTIVITY	New	Renewal
1	State Farm Mut. Auto Ins. Co.	IL	351,538,437	17.53%	0.6%	09/29/08	09/29/08
2	Farmers Ins. Co. Of OR	OR	277,051,363	13.82%	7.0%	12/1/2008 (3)	12/1/2008 (3)
3	Safeco Ins. Co. of OR	OR	133,393,518	6.65%	4.8%	07/10/08	08/14/08
4	Progressive Classic Ins. Co.	WI	77,610,655	3.87%	6.0%	03/07/08	03/07/08
5	Progressive Universal Ins. Co.	WI	76,757,919	3.83%	0.0%	n.a. (1)	n.a. (1)
6	American Family Mut Ins. Co.	WI	76,131,037	3.80%	4.9%	02/01/09	02/01/09
7	Allstate Ins. Co.	IL	70,320,713	3.51%	0.0%	n.a. (2)	n.a. (1)
8	Geico Gen Ins. Co.	MD	52,738,921	2.63%	3.5%	05/01/08	06/15/08
9	Allstate Prop. and Cas. Ins. Co.	IL	47,894,621	2.39%	5.0%	06/23/08	06/23/08
10	Mid Century Ins. Co.	CA	47,611,855	2.37%	8.8%	12/1/2008 (4)	12/1/2008 (4)
	TOP 10		1,211,049,039	60.4%	3.7%		
	TOTAL 176 COMPANIES		2,004,876,473				

Premium includes motorcycle, light trucks, recreational vehicles, and motor home coverage.

Rate activity is for personal automobile insurance.

(1) Company has not filed a rate change in the past 12 months.

(2) As of April 1, 2006, new business is written only in Allstate Property and Casualty and Allstate Fire and Casualty Insurance Company.

(3) Previous rate changes are 1.2 percent effective Sept. 1, 2008 and 3.2 percent overall, effective June 1, 2008.

(4) Previous rate is 1.2 percent overall, effective Sept. 1, 2008.

KEY CONTACTS

Oregon Insurance Division

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 Fax 503-378-4351
 E-mail dcbs.insmail@state.or.us
 Acting Administrator Teresa Miller
 Deputy Administrator Triz delaRosa

Market Regulation

Information 503-947-7980
 • **Administrative Services** ... 503-947-7222
 Manager Margarita Nuñez
 • **Consumer Advocacy** 503-947-7984
 Manager Ron Fredrickson
 • **Producer Licensing** 503-947-7981
 Manager Jim Thompson
 • **Market Surveillance** 503-947-7242
 Manager Mike Lydon
 • **Rates & Forms**
 Information 503-947-7983
 Manager Rhonda Saunders-Ricks

Financial Regulation

Information 503-947-7982
 Manager Russell Latham
 Assistant Manager Annette Boyce

Employment opportunities

Margarita Nuñez 503-947-7222

Other agencies

Oregon Health Plan
 800-359-9517
 State Portability Option
 Oregon Medical Insurance Pool
 (Administered by Regence BlueCross
 BlueShield)
 800-848-7280
 COBRA/ERISA/HIPAA questions
 U.S. Department of Labor
 866-275-7922
 Senior Health Insurance
 Benefits Assistance (SHIBA)
 800-722-4134
 503-378-2014
 Workers' Compensation Division
 General information
 503-947-7810
 Department of Consumer &
 Business Services Web site:
www.oregon.gov/DCBS
 Oregon Government Web site:
www.oregon.gov

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