The 2024 ICAE Fall Exchange was held at the foot of the Smokey Mountains in lively and scenic Gatlinburg, Tennessee. Amid the bustling nightlife and frequent bear sightings, attendees experienced the camaraderie and re-connection with friends that is hallmark of our in-person events. This year's theme was "Exploring the Peaks and Valleys of Consumer Affairs."

# Monday September 23, 2024, Session

The opening remarks of the exchange were delivered by ICAE President, Kristi Colbert, on Monday morning. She highlighted the importance of making connections during the Exchange and shared with the attendees some of her personal experience and perspective on past Exchanges as well as overall participation in ICAE.

Following these opening remarks, Tennessee Commissioner, Carter Lawrence addressed the attendees with a welcome message where he outlined the importance of the consumer affairs work that the attendees do and his appreciation for that work.

# Keynote Address – Myra Golden

# Introduction

- Myra began with an example of Steve from the purchasing department, who expressed dissatisfaction with a purchase she made, making her uncomfortable.
- She also mentioned Vesta, a customer care employee who left after seven years due to a difficult customer experience.
- These experiences highlighted the need for resilience in the workplace.
  - i. Myra developed a program focusing on resilience with four main points:
  - ii. Rebounding after tough calls or interactions
  - iii. Adapting to change
  - iv. Using the RAIN method for difficult situations
  - v. Lowering the 12-foot pole
- Strategies for Resilience
  - Taking a Brain Break:
  - Use the 20-20-20 strategy: Every 20 minutes, look at something 20 feet away for 20 seconds.
  - Other activities: walking, stretching, reorganizing your desk, socializing.
  - Focused Work and Decompression:
  - Set a timer for 25 minutes to focus on one task.
  - Take a 5-minute break to decompress, such as going for a walk.

#### Adapting to Change

- Embrace Change
- Myra emphasized not resisting change but going with it.
- She referenced the pandemic as a significant change that the world adapted to quickly.
- Start, Stop, Continue
  - Introduced the "Start, Stop, Continue" concept:
  - Start: Identify new actions or behaviors to begin.
  - **Stop**: Determine what actions or behaviors to cease.

- **Continue**: Recognize what is working well and should be maintained.
- Myra often ends her presentations with this exercise to encourage reflection and proactive change.
- Building Resilience
  - Recommended the book "Be More Tree" by Annie Davidson, which discusses characteristics of trees and how we can emulate them.
  - **Elm Tree Example**: Reminds us to ask for help when needed and not handle everything alone.
- Taking Breaks
- Advised taking breaks during difficult times to refresh and return with a clearer mind.
- Suggested identifying what is causing anxiety, stating it aloud, and figuring out steps to alleviate it.

#### The RAIN Method

- o Recognize
- Identify the situation that is causing you anxiety.
- Acknowledge your feelings and the reality of the situation.
- Allow or Accept
- Allow yourself to experience the emotions without resistance.
- Accept that the situation is what it is.
- Investigate
- Explore what you need to do to regain your composure.
- Consider the steps or actions required to address the situation.
- Nurture
- Find ways to reward or nurture yourself in these situations.
- Engage in self-care practices to support your well-being.

#### Lowering the 12-Foot Pole Exercise

- o 12 volunteers (6 on each side) rest the pole on their index fingers with thumbs out.
- The goal is to collectively lower the pole to 1-2 inches from the ground without losing contact.
- Challenges Encountered
- Difficulty in lowering the pole.
- Some participants lost contact, causing the pole to rise above heads at times.
- Observations and Learnings
- Over time, one person emerged as a cheerleader and two as leaders.
- Effective teamwork and leadership helped the group successfully lower the pole.
  - The exercise highlighted the importance of:
  - **Staying in contact**: Symbolic of maintaining communication with employees.
  - Being open to feedback: Essential for effective leadership.
- Strategizing and Planning
- o The team did not strategize before starting, leading to initial difficulties.
- Importance of planning and strategizing before tackling tasks, no matter how simple they seem.
- Key Takeaways
- Always plan: Strategize for your day, week, or month.
- **Communicate**: Builds resilience and ensures everyone is on the same page.
- **Challenge the norm**: Encourages grit and innovation.

• **Collaboration**: The exercise illustrated how different groups (e.g., insurance industry individuals and regulators) can work together towards a common goal, such as addressing customer complaints.

#### Contributed by: Shaun Johnson

# **Commissioners Panel**

Panelists: Carter Lawrence, TN Commissioner; Sharon Clark, KY Commissioner; Mark Fowler, AL Commissioner; Michael Wise, SC Director Facilitator: Gerard O'Sullivan, CT DOI

The commissioners discussed the following topics:

#### What are the current hot topics in your various states?

All commissions weighed in on issues with Pharmacy Benefit Managers (PBMs). North Carolina was the first to regulate PBM activity. Kentucky has the authority to review the PBM is being managed honestly, but they are working to pass legislation that will help them regulate this area more effectively. Alabama regulates PBMs, but they have been working over the last three to five years to complete a study on PBM activity and to act as an advisory board.

South Carolina is experiencing significant premium increases for personal liability lines, in particular with liquor liability seeing increases of 20 to 40% over two years. No success with getting regulation passed to address liquor liability. Alabama weighed in on this subject citing its own issues with liquor liability and are challenged with legislation due to lobbyists and the trial lawyers.

Homeowner's insurance rate increases are a hot topic across the board in all states. Alabama's commissioner talked at length about their work to fortify homes in that state against windstorms and the evidence shows that fortified homes have held up against storms reducing the severity of claims.

#### What are some long-term issues that commissioners have been dealing with?

Kentucky's commissioner discussed private equity firms are not properly reserving resulting in unreasonable risk to consumers. Tennessee's commissioner mentioned inflation and its impact on insurance costs, both in the premium space and claims. Trying to make sure that consumers have adequate coverage if a loss occurs. He also mentioned the need to increase competition in the marketplace to drive down cost.

Artificial Intelligence (AI). The question is no longer whether we are using it, but how it is being used and whether that use is proper. From a regulatory viewpoint they see it as a tool that could improve profitability, but the consumer must be protected. Alabama's commissioner mentioned that in order for the regulatory agencies to evaluate product filings, they need to hire an AI expert who can assist in the review. Kentucky's commissioner referenced a lawsuit in her state where AI was used on a medical claim which sent a patient home early even though she was not in any condition to care for herself properly. Consumer harm is what is driving regulatory review of the type and extent of the use of AI in the insurance industry.

#### What are some Federal issues and challenges you are facing?

South Carolina's director mentioned both health insurance and auto insurance regulations with regard to this question. The Federal regulations in this space are based on income which, in his opinion, is uneven and unfair. Kentucky weighed in that the NAIC facilitates the states working together which is a positive influence when navigating any Federal issues. Tennessee agreed that the NAIC helps to demonstrate to the Federal Insurance Office (FIO) how things work effectively at the state level and the coordination between states which may have different constituency interests. Alabama rounded out this conversation emphasizing that the members run the NAIC, not the other way around, and that is how it should be because the decisions about their state constituents should be made by people who are more local and understand what is happening in that particular state.

#### Hiring - Recruitment and Retention - How are you doing with these?

Tennessee's commissioner talked about the cost advantages of remote work even prior to the pandemic which has allowed increased pay for staff because it is less costly to maintain physical facilities. Also, it is harder to attract new employees if we don't offer remote work as an option.

South Carolina mentioned that internships are on the rise. Kentucky stated that finding folks with a financial background is the most difficult so they have taken to rehiring retired personnel to help with this gap. Alabama agreed that rehiring retired staff has been a solution for them.

#### What has your department done to improve its relationship with consumers?

South Carolina's director has initiated a partnership with the Department of Motor Vehicles to make referrals and assistance between agencies more seamless when there is an overlap. Tennessee uses social media positive ads to make sure consumers are aware of their availability to help them. They also actively connect with local fire and county officials. Alabama seconded the use of social media as part of their work in coordinating with both consumers and the insurance carriers regarding issues or impending storms.

#### How is climate change impacting rates and claim frequency?

Kentucky noted that there have been many rate impacts from climate change due to claim frequency and this is inevitable and to some extent unpredictable. Tennessee remarked on being a land-locked state, but notes that wildfires create as much of an issue for them as coastal storms can for other states with ocean front property. Alabama's commissioner spoke at length about how to prepare for risk both from a frequency and severity standpoint. Preparedness is vitally important.

#### How do you find your interaction to be with industry partners?

Kentucky emphasized being proactive with the industry via education and sharing of information. Alabama stressed the importance of staying in communication with industry and vice versa to solve problems or get out ahead of things before they become a bigger issue.

Contributor: Rich McGee

# **Topic: Back to Basics, Effective Letter Writing**

Facilitators: Olivia Sarraga, Liberty Mutual and Deidre Backues, Shelter Insurance

Panelists: Dusty Smith, AL DOI and Michael Barber, TN DOI

Carrier Actions: Readability - Accessibility - Regulation

Effective communication begins with a thorough review of the complaint.

\*Note: The details provided by the complainant includes their concerns

Address all questions.

Write N/A if not applicable (agent statements, application, bills, etc.)

Read the Regulatory cover letter carefully.

Provide all requested documentation to support the position and/or all information requested.

- Highlight policy and bookmark evidence /documents.
- Water mark confidential pages
- Address all questions/concerns within the response.
- Use AI tools to assist in simplifying explanations of coverage.
- Focus on actionable solutions.
- Close the loop to give the final resolution to the complainant & DOI.

#### Follow Ups

Determine Regulator preference email or letterhead.

Strive for complete response to reduce follow up questions and rework.

Contact your Regulator regarding time extensions if resolving soon.

Provide proactive follow ups with updates if items are still pending.

(i.e., engineer's inspection, medical records, etc.)

Ask the Regulator what is needed to close the loop if there are multiple follow ups.

#### **Readability**

Understand your audience.

Some departments of insurance require a response directly to the complainant.

Formulate the response so it is easy to understand.

Refrain from using insurance jargon.

Use Microsoft Word's Readability Score to show the grade level at which you are writing.

Use 8<sup>th</sup> grade.

Ensure correct spelling and grammar.

Utilize the Read Aloud function.

#### **Accessibility**

Accessible fonts to use:

Tahoma, Calibri, Helvetica, Ariel, Verdana and Times New Roman

Font size:

11 or larger

Use bullet points and lists.

Avoid using colored font.

Bold font is acceptable (use sparingly)

**Carrier Best Practices** 

What is the best preferred method of delivery for written responses from carriers to consumers?

Emails, FedEx, UPS, USPS, Fax, etc.

Is loyalty/tenure included in your response letters?

#### **Regulator**

**Regulator Perspective** 

Policies and Endorsements are different for insurance carriers.

Order, look, names.

When including in your response, highlight provisions and endorsements concerning response.

Provide evidence to support company position.

Photos, policy/contract, application, correspondence, medical documents, billing, cancellation

#### **Contributed by: Teresa Martin**

# Virtual Session – Authentic Intelligence – The real story of people and artificial intelligence.

#### Presenter: Adam Dzuricky, Erie Insurance Facilitator: Becca Donegan, Erie Insurance

Adam Dzuricky, the Information Security Enterprise Architect at Erie Insurance, explained artificial intelligence (AI), its functions, and its applications in the insurance industry. He revealed that AI has been around since 1941, with the term "AI" introduced in 1955. His presentation clarified AI and outlined its categories:

Artificial Narrow Intelligence (ANI) – speech recognition or predictive analytics (e.g., weather) Artificial General Intelligence (AGI) – human-like chatbot (e.g., ChatGPT, Microsoft CoPilot) Artificial Superintelligence (ASI) – superhuman (e.g., Star Trek)

Mr. Dzuricky explained that artificial intelligence observes an environment then finds patterns to help it understand and decide. He then explained how Data Science, Artificial Intelligence, Machine Leaning, Deep Learning and Generative AI all build upon each other. He also presented the DIKW Pyramid, illustrating the Why, How, What and Raw Data and with greater understanding comes greater context.

After providing the history of AI, Mr. Dzuricky described AI's applications in robotics, expert systems, speech, machine learning, natural language processing, and vision, highlighting new use cases. In the insurance sector, AI aids in predictive and suggestive text editing, synthetic data creation, underwriting investigation, and customer interaction analysis. GenAI can be used for deepfake campaigns, autonomous chatbots, and simplifying image or art creation. Ultimately, AI will help relieve some of the mundane tasks, so we can work on bigger issues.

Although there's worry about AI eliminating jobs, the presentation highlighted new roles emerging due to artificial intelligence. These include AI Coach, Machine Manager, Prompt Engineer, AI Auditor, and crucially, AI Risk Manager. Given the privacy, hallucinations, copyright, and IP concerns, staff AI literacy, and evolving regulations, managing AI risk has become vital.

Mr. Dzuricky concluded the presentation by offering recommendations for dealing with AI, which included:

*Focus* on AI-assisted capabilities. *Identify* key roles, responsibilities, and skills. *Investigate* governance model. *Selectivity experiment* with authorized AI services *Educate..Educate...Educate* 

Author: Joan Olson

# Tuesday September 24, 2024, Session

# **Topic – AI Regulation in the Insurance Industry**

### Presenter: David VanDyke, General Counsel and Secretary, Shelter Insurance

David VanDyke, General Counsel and Secretary, at Shelter Insurance presented on why we need artificial intelligence (AI) regulation, when does AI regulation apply, how does an insurer comply and where is it going next.

Mr. VanDyke began the presentation by highlighting that regulation is essential due to because AI introduces potential risks, such as unfair discrimination, data breaches, and lack of transparency in decision making. To address these risks, the NAIC drafted the NAIC Model Bulletin on the Use of Artificial Intelligence Systems by Insurers, aimed at guiding compliance with existing insurance laws while mitigating these risks. The key laws include:

Unfair Trade Practices Act Unfair Claims Settlement Practices Act Corporate Governance Annual Disclosure Property and Casualty Model Rating Law Market Conduct Surveillance Model Law

According to the NAIC Bulletin, insurers must implement controls and processes that align with their own assessment of the risks posed by AI systems. The factors to determine the level of risk are:

**Nature of the Decision** – the level or risk controls should align with the nature of the decision. **Potential Harm** – risk controls must be proportionate to the degree of potential harm that Alassisted decision could cause to consumers.

*Human Involvement* – the less human oversight in AI decision making, the stronger the risk controls should be to ensure accountability.

*Transparency* – greater complexity in AI outcomes requires higher risk controls to ensure decisions are explainable to consumers; and

*Third Party Reliance* -increased reliance on third-party data or AI systems requires stricter risk controls to manage associated risk and ensure compliance.

Mr. VanDyke described how AI can impact customers differently, from minimal with AI-Assisted Contract Review Software to significant with AI-Driven Underwriting Systems. He then outlined the five components of an AIS Program:

- 1. Governance establish clear policies for each phase of the AI system's life cycle where board members and senior management have accountability and there is cross-functional collaboration.
- 2. Risk Management and Internal Controls document risk management framework that addresses AI-related risks, ensure data integrity, and minimize bias while validating and testing to ensure accuracy.
- 3. Third-Party AI Systems and Data perform due diligence on any third-party AI systems or data, include provision for audits and compliance with regulatory standards, and auditing third-party systems for compliance with internal and external standards.

- 4. Consumer Transparency and Communication inform consumers when AI systems impact decisions about their coverage, claims or pricing and provide clear explanations of how AI-driven decision are made; and
- 5. Documentation and Reporting maintain comprehensive documentation of the AIS Program, including data practices, risk management and AI system development; and provide detailed reports on AI performance, bias detection, and validation to regulators.

In conclusion, Mr. VanDyke talked about future trends and challenges in AI regulation, including algorithmic discrimination where new laws require insurers to implement strict bias audits and fairness testing to avoid discriminatory outcomes such as Colorado's law. He also noted the growing demand for transparency and consumer control leading to requirements for consumer disclosures and opt-out options for automated decision making. Additionally, he suggested Attorney Generals might oversee AI, particularly in insurance.

#### Author: Joan Olson

# **Topic:** Parametric Insurance

#### Presenter: Diana Nelson, VP Corp. Solutions, Swiss Re

Information for this segment was not available at the time of publication.

# Interactive Session: Case Studies

#### Facilitator: Mackenzie Mahler, Country Financial

#### Contributors: Olivia Sarraga, Liberty Mutual and Lindsay Xander, VA BOI

During this segment, the facilitator and contributors presented various complaint cases to the attendees who then worked in groups at their tables to present their findings/recommendations regarding the complaints. The larger group posed questions back and forth on the various scenarios as each table gave their output.

#### Contributed by: Adam Stanhope

# Interactive Session: Speed Networking with Regulators

#### Coordinators: Regina Bourne, Travelers and Marie Mack, The Hanover

A perennial favorite of all attendees, this Exchange again included a speed networking event where each table had a regulator that could answer guided questions from the coordinators to help everyone get to know one another better. Questions were not just focused on industry matters, but also to engage on a person letter so that regulators and industry members could get to know each other on a more personal level. It was a lively session as always and has again scored highly in the survey of attendees.

# Virtual Session: Age Friendly, The Key to Attracting & Retaining Experienced Employees

# Presenter: Catherine Collinson, CEO & President of Transamerica Institute for Retirement Studies. Facilitator: Adam Stanhope, The Hanover

#### The Importance and Benefits of Being an Age-Friendly Employer

Catherine Collison offered valuable insights into the modern multi-generational workplace, emphasizing the critical role of recruiting, and retaining experienced workers. This strategy creates a win-win situation, benefiting both employers and employees.

#### The Need for Age-Friendly Practices

Currently, the workforce comprises four to five generations, bringing a rich diversity of talent, life experience, skills, and technical expertise. However, labor shortages are a significant challenge, with 37% of employers reporting negative impacts on their companies. This issue is further compounded by the accelerated exit of the aging baby boomer generation and the upcoming transition of Gen X, who will start turning sixty in 2025. Despite these challenges, only 21% of employers prioritize the professional growth and development of all employees, including those aged fifty and above. This gap underscores the urgent need for programs that support lifelong learning and development for employees of all ages.

#### Benefits of Being an Age-Friendly Employer

- Enhanced Talent Pool: By being age-friendly, employers can attract and retain the best talent, including older workers who bring valuable experience and skills. Assessing employee recruiting and retention efforts to ensure age inclusiveness can be crucial to addressing labor shortages and ensuring that businesses have the skills they need to succeed.
- Improved Employee Satisfaction: There is often a disconnect between employers' perceptions and employees' experiences. While 83% of employers consider themselves age-friendly, only 75% of workers agree. Similarly, 84% of employers state that they are helpful in supporting work-life balance while only 76% of employees agree. Employers who support work-life balance and offer flexible work arrangements and aligned benefit packages can better cater to the needs of their diverse workforce. Bridging these gaps can lead to higher employee satisfaction and retention overall.
- **Diverse Perspectives**: A multi-generational workforce brings diverse perspectives that can drive innovation and improve problem-solving.
- **Succession Planning**: Offering flexibility to older workers can help in retaining and transitioning institutional knowledge and skills. This can be achieved through flexible pathways to retirement, transition to part-time positions, or changing roles towards the end of a career.

• **Organizational Priority**: Making age-friendliness an organizational priority and creating business plans accordingly can ensure that recruiting and retention efforts are age-inclusive. Promoting lifelong learning and fostering a multi-generational workforce can help in maintaining a competitive edge and ensuring continuous development.

In conclusion, being an age-friendly employer is not just about meeting the needs of older workers; it is about creating a supportive and inclusive environment for all employees. By doing so, employers can attract and retain top talent, drive innovation, and ensure longterm success.

\*Of note, Catherine Collison recommended the following book as a valuable resource: In Control at 50+: How to Succeed in the New World of Work by Kerry Hannon.

### Contributed by: Krista Young

# Interactive Sessions: Breakout Segments.

#### Topic: Life & Health Breakout Session

#### Facilitators: Kristi Colbert, United Healthcare and Joan Olson, Swiss Re

Discussion Regulation Best Interest ("Reg BI") – it is a SEC suitability law. Discussed suitability, delegation of suitability and the audit process if suitability is delegated.

Majority of the discussion between companies and regulators involving complaint response format:

- How regulators would like supporting documentation presented. Want attachments grouped together or another format? Some states had a more general format of supporting documentation. Pointed out the Missouri DOI has a table of contents for their requirements, Ohio DOI has a list of required items, TX DOI has a document limit of fifty pages which can be challenging depending on the complaint topic.
- Do regulators want the full policy or only the part of the policy that applies to the complaint topic? Some used to only request applicable policy pages but there were concerns that they did not have the relevant sections of the policy. Most would like a full copy of the duplicate or specimen, so they do not have to come back to us for more information.
- Situs question. Do regulators handle complaint that were issued in other states? Most handle all complaints no matter the issue state. They want us to respond to them and will either reply directly to the complainant or forward the complaint and response to the correct state. Never hurts to let them know upfront if they are not the issue state for the policy involved with the complaint.
- Death claims cases. Discussed interpleader, no cause of death and small estate affidavits to resolves these claims.

#### Contributed by: Jackie Smiley

#### **Topic: Property & Casualty Breakout Session**

#### Facilitators: Thomas Herndon, Liberty Mutual and Regina Bourne, Travelers

This segment broke to a different room for those in the P&C industry/regulatory space to focus on specific topics of concern to the lines of insurance in that space. The topics included:

Aerial Imagery Use was a top complaint reason. Property policy non-renewals driven by the use of aerial imagery whether it is drones, satellites or airplane photography. There really is no regulation in this space specific to is use, but regulators stated that companies should acknowledge its use and verify the information if they take action based on same.

Verification can be through roofers, company staff using a drone in person, make sure you specify the reason for the non-renewal and make sure your underwriting guidelines support this practice.

Another topic raised was Roof Claims in general. Customers indicating the entire neighborhood has damage, but they are declined coverage due to it not being hail damage. The use of engineers to inspect the roof when there is a dispute is common. The age of the roof is always a consideration because of existing wear issues. Participants discussed cosmetic damage exclusions.

The last topic discussed was Auto Body Shops. Specifically, storage fees for abandoned vehicles and length of storage covered. Labor Rates, Original Equipment manufacturer vs. Aftermarket parts being used on vehicles. Regulators asked about steering customers to shops which the industry participants all agreed is something they never see with their claims staff: however, carriers do offer direct repair shop programs as an option to customers who may not already have a shop they want to use. There was finally discussion about Tesla vehicles and the difficulties with those repairs.

#### **Contributed by: Regina Bourne**

# Wednesday September 25, 2024, Session

Following both the Regulator Breakfast meeting and the ICAE Business Meeting, the entire group reconvened in the main hall for the final topics of the exchange:

# **Topic: Ask the Regulators & Company Reps Panel**

#### Facilitator: Krista Young, Liberty Mutual

Panelists: Gunther Eger, Liberty Mutual; Hadiya Swann, NC DOI; Maggie Strope, MO DCI, and Shaun Johnson, Brighthouse Financial

Information for this segment was not available at the time of publication.

# **Topic:** Everybody at the Table – Building Bridges by Embracing DEI & Civility

#### Featured Speaker: Bernadette Spenser, Consultant/Co-Owner of Destiny Designed Unlimited, LLC

#### Facilitator: Lindsay Xander, VA BOI

Bernadette Spenser opened the segment with a presentation that included a table exercise where members asked a partner at their table to tell them a story about inclusion or exclusion that had occurred in their life. Then the partner was asked to tell the story back to their fellow partner.

Ms. Spenser then provided insights regarding the value of inclusion and diversity in our society based on her own personal experiences. This included how DEI benefits organizations as they seek to grow and become more profitable. She also emphasized the importance of civility throughout her presentation, including a story from her past as a corrections officer working in a prison. She stressed the importance of making connections within your workplace and demonstrating civility to others. She also talked about being vulnerable as part of getting to know yourself better and being more authentic. A few key statements from her presentation which stood out to me were:

"You can't grow yourself until you know yourself."

"Empathy is the secret sauce for emotional intelligence."

"You can't give what you don't have." (related to vulnerability)

Following Ms. Spenser's presentation, the session moved to a fireside chat segment where Lindsay Xander joined her on stage. They explored their past association through Toastmasters which Lindsay had joined recognizing that it was something she needed to do for her own personal development even though she dislikes being in front of a group of people speaking. Lindsay shared some personal insights into herself and was vulnerable with the membership allowing us to then engage with her and Bernadette on some of the points they were raising about authenticity, diversity, inclusion, and equity.

#### Author: Adam Stanhope

#### Closing

The exchange closed with final thoughts from ICAE President, Kristi Colbert, who thanked all attendees for their participation and contributions to the success of the exchange. She presented some gifts to attendees who made significant contributions during the exchange and she previewed that next year's in-person exchange set to take place in Boise, Idaho.

#### ICAE Catalyst 2024 Exchange Editor: Adam Stanhope, The Hanover Insurance Group

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