

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Filing Date

FILED

JAN 3 3 14 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Effective Date

Form #8

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: Insurance Commission TITLE NUMBER: 114

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 7-13-93

IS THIS THE FIRST EMERGENCY AMENDMENT TO THE ORIGINALLY FILED EMERGENCY RULE:

Yes

IS THIS THE SECOND EMERGENCY AMENDMENT TO THE ORIGINALLY FILED EMERGENCY RULE:

No

DATE OF FIRST EMERGENCY AMENDMENT: _____

SERIES NUMBER OF RULE: 36 TITLE OF RULE: West Virginia

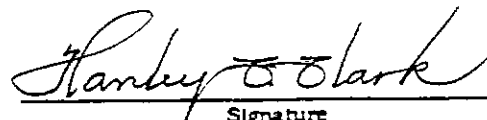
Life and Health Insurance Guaranty Association Act Notice Requirements

THE ATTACHED IS AN EMERGENCY AMENDMENT TO AN EXISTING EMERGENCY RULE. THIS EMERGENCY AMENDMENT BECOMES EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY AMENDMENT ARE AS FOLLOWS:

See Attached.

Use Additional Sheets If Necessary.



Signature

Hanley C. Clark
Insurance Commissioner

6.00



STATE OF WEST VIRGINIA
Offices of the Insurance Commissioner

Legal Division

GASTON CAPERTON
Governor

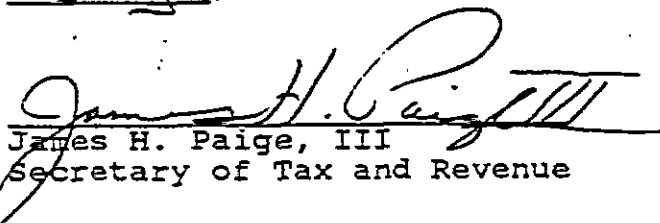
HANLEY C. CLARK
Insurance Commissioner

CONSENT TO PROPOSAL OF RULE

To Whom It May Concern:

Pursuant to West Virginia Code § 5F-2-2(a)(12), the undersigned hereby grants consent to the proposal of the following rule proposed by the Insurance Commissioner of the State of West Virginia: Title 114, Series 36, relating to Notice Requirements under the West Virginia Life and Health Guaranty Association Act.

Signed this 8th day of July, 1993.


James H. Paige, III
Secretary of Tax and Revenue

Insurance Commissioner
Leg. Rule 33-6-31c
Title 114
EMERGENCY

FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY

This amendment adopts the language as modified and approved by the Legislative Rule-Making Committee in the Proposed Rule. The amendment sets forth the summary document adopted by the West Virginia Life and Health Guaranty Association and approved by the Insurance Commissioner pursuant to W. Va. Code § 33-26A-19(b). The amendment further clarifies and simplifies the notice requirements of W. Va. Code § 33-26A-19 by adopting a single form to be used for the disclaimer and notice requirements of W. Va. Code §§ 33-26A-19(b) and 33-26A-19(d).

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: West Virginia Life and Health Insurance Guaranty Association Act
Notice Requirements

Type of Rule: Legislative Interpretive Procedural

Agency: Insurance Commissioner

Address: 2019 Washington Street, East
P.O. Box 50540
Charleston, West Virginia 25305-0540

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$	\$	\$	\$	\$
PERSONAL SERVICES	NONE				
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT	NONE				
OTHER					

2. Explanation of above estimates:

The rule will have no fiscal impact upon state, local or federal government.

3. Objectives of these rules:

The objective of this rule is to provide notice and disclosure to policyholders of certain life, health and annuity insurance contracts that the policy, or portion thereof, may not be covered by the West Virginia Life and Health Insurance Guaranty Association Act. The amendment simplifies the notice requirements of W. Va. Code § 33-26A-19 and adopts a single two-side form to be used in all situations covered by section 19.

Rule Title: West Virginia Life and Health Insurance Guaranty Association Act Notice Requirements.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

The economic impact of the required notice should have minimal impact on the insurance industry.

C. Economic Impact on Citizens/Public at Large.

None.

Date: Jan 3, 1994

Signature of Agency Head or Authorized Representative

Hanley C. Clark

Hanley C. Clark
Insurance Commissioner

DATE: January 3, 1994

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Insurance Commissioner

EMERGENCY RULE TITLE: West Virginia Life and Health Insurance Guaranty Association
Notice Requirements

1. Date of Filing January 3, 1994

2. Statutory authority for promulgating emergency rule:
West Virginia Code § 33-26A-19(d)

3. Date of filing of proposed legislative rule: July 13, 1993

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?
Adopts new language.

5. Has the same or similar emergency rule previously been filed and expired?
No.

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.
See next question.

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

House Bill 2632, passed on April 10, 1993, effective July 9, 1993,

enacted W. Va. Code § 33-26A-19(d) which requires the Insurance

Commissioner to promulgate a rule on or before August 2, 1993

regarding the policyholder notice required by that subsection.

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

See previous question.

Insurance Commissioner
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Title 114, Series 36

**WEST VIRGINIA LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATION ACT NOTICE REQUIREMENTS**

Title 114, Series 36

BRIEF SUMMARY OF RULE

This proposed emergency rule specifies the form and content of the notice and disclaimer required to be given, pursuant to West Virginia Code § 33-26A-19, to those certain persons identified in Section 3(a) of the West Virginia Life and Health Insurance Guaranty Association Act, as amended and re-enacted by House Bill 2632 (effective July 9, 1993). This notice is to be delivered to policyholders of certain life, health and annuity insurance policies or contracts where any portion of the policy or contract is not guaranteed by the insurer, or under which the risk is borne by the policy or contract holder. The disclaimer must be attached to the face of the Summary Document which describes the general purposes and current limitations of the Guaranty Association Act.

FILED

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JAN 3 3 14 PM '94

EMERGENCY
WEST VIRGINIA LEGISLATIVE RULE
INSURANCE COMMISSIONER

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

CHAPTER 33-26A
SERIES 36

WEST VIRGINIA LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATION ACT NOTICE REQUIREMENTS

Section

§ 114-36-1. General.

§ 114-36-2. Definitions.

§ 114-36-3. Form and Content of Notice.

~~§ 114-36-4. Form and Content of Disclaimer.~~

Appendix A. Notice of Exclusion from Coverage or Limited Coverage Concerning Coverage Limitations and Exclusions Under the West Virginia Life and Health Insurance Guaranty Association Act.

~~Appendix B. West Virginia Life and Health Insurance Guaranty Association Disclaimer.~~

114CSR36

EMERGENCY
WEST VIRGINIA LEGISLATIVE RULE
INSURANCE COMMISSIONER

CHAPTER 33-26A
SERIES 36

WEST VIRGINIA LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATION ACT NOTICE REQUIREMENTS

§ 114-36-1. General.

1.1. Scope. -- This rule applies to ~~insurance companies~~ Member Insurers and their agents that provide insurance coverage ~~to those certain individuals defined in Code § 33-26A-3(a) for~~ direct, nongroup life, health, annuity and supplemental policies or contracts, for certificates under direct group policies and contracts, and for unallocated annuity contracts, ~~if any portion of the policy or contract is not guaranteed by the insurer or under which the risk is borne by the policy or contract holder.~~ to those persons specified in West Virginia Code § 33-26A-3(a).

1.2. Authority. -- West Virginia Code §§ 33-26A-19(d); 33-2-10.

1.3. Filing Date. --

1.4. Effective Date. --

§ 114-36-2. Definitions.

As used in this legislative rule:

2.1. ~~"Act" means the West Virginia Life and Health Insurance Guaranty Association Act, West Virginia Code §§ 33-26A-1 et seq.~~ "Commissioner" means the Insurance Commissioner of the State of West Virginia.

2.2. ~~"Association" means the West Virginia Life and Health Insurance Guaranty Association created under section six of the Act.~~ "Disclaimer" means the disclaimer required to be placed on the face of the Summary Document pursuant to West Virginia Code § 33-26A-19(c).

2.3. ~~"Code" means the Code of West Virginia.~~ "Member Insurer" means any insurer licensed or which holds a certificate of authority to transact in this state any kind of insurance for which coverage is provided under section three of this article, and includes any insurer whose license or certificate of

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authority in this state may have been suspended, revoked, not renewed or voluntarily withdrawn, and includes nonprofit service corporations as defined in article twenty-four of this chapter and health care corporations as defined in West Virginia Code §§ 33-25-1 et seq.: Provided, That the term "member insurer" does not include a health maintenance organization, a fraternal benefit society, a mandatory state pooling plan, a mutual assessment company, any entity that operates on an assessment basis, an insurance exchange, or any other similar entity.

2.4. "Commissioner" means the Commissioner of Insurance of West Virginia. "Notice" means the two-sided single page document set forth in Appendix A of this rule entitled "NOTICE CONCERNING COVERAGE LIMITATIONS AND EXCLUSIONS UNDER THE WEST VIRGINIA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION. The Notice comprises the Summary Document, Disclaimer and the non-coverage notice of partial or non-coverage required by West Virginia Code § 33-26A-19(d).

2.5. "Covered Policy" means any policy or contract described in subdivision (1) of subsection (B) of section three of the Act, unless subdivision 2(d) of Subsection B of Section three of the Act applies to such policy. "Policy or Contract" means the following types of policies or contracts issued by a Member Insurer to persons described in West Virginia Code § 33-26A-3(a):

2.5.1. Direct nongroup life insurance, health insurance, annuities and supplemental policies or contracts;

2.5.2. Certificates under direct group life insurance policies, health insurance policies, or annuity contracts; or

2.5.3 Unallocated annuity contracts.

2.6. "Disclaimer" means the disclaimer required to be placed on the face of the Summary Document pursuant to subsection e, section nineteen of the Act [Code § 33-26A-19(e)]. "Summary Document" means the document describing the general purposes, limitations and exclusions under the West Virginia Life and Health Insurance Guaranty Association Act, West Virginia Code § 33-26A-1 et seq., as adopted by the West Virginia Life and Health Insurance Guaranty Association and approved by the Commissioner and required to be given to Policy or Contract Holders by Member Insurers or their agents pursuant to West Virginia Code § 33-26A-19(b).

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~~2.7. "Excluded Policy" means any policy or contract of insurance described in subdivision (1) of subsection (b) of section 3 of the Act [Code § 33-26A-3(b)(1)] and excluded from coverage in whole or in part, under paragraph (a), subdivision (2), subsection (b) of section three of the Act [Code § 33-26A-3(b)(2)(A)].~~

~~2.8. "Notice" means the notice required to be given to a policyholder of an Excluded Policy pursuant to Section 19(d) of the Act and as set forth in Appendix A of this rule.~~

~~2.9. "Summary Document" means the document, required by Subsection (b), Section 19 of the Act, as prepared by the Association and approved by the Commissioner which describes the general purposes and current limitations of the Act.~~

§ 114-36-3. Form and Content of Notice.

~~3.1. On or after August 2, 1993, no insurer or agent may deliver an Excluded Policy to a policy or contract holder, unless the Notice required by Code § 33-26A-19(d) is delivered to the policy or contract holder prior to or at the time of delivery of the Excluded Policy.~~ On or after January 1, 1994, no Member Insurer or its agent may deliver a Policy or Contract to a Policy or Contract Holder, unless the Notice as set forth is delivered to the Policy or Contract Holder prior to or at the time of delivery of the Policy or Contract.

3.2. The insurer or agent making the delivery of the Notice shall maintain a record of such delivery.

3.3. The Notice shall be printed on a separate sheet of paper ~~in a minimum 10 point type~~. The Notice may not include the name and address of the ~~insurance company~~ Member Insurer issuing the ~~Excluded Policy or Contract~~ or the name and address of the agent who procured the ~~Excluded Policy or Contract~~.

3.4. The Notice shall be identical to that prescribed by the Commissioner in Appendix A of this rule.

3.5. Delivery of the Notice as set forth in Appendix A of this rule shall satisfy the delivery of a separate written notice of partial or total non-coverage to Policy or Contract Holders of Policies or Contracts where any portion of the Policy or Contract is not guaranteed by the Member Insurer, or under which the risk is borne by the Policy or Contract Holder.

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3.56. A form filing is not required for the Notice.

3.7. Member Insurers and their agents that provide the following types of excluded coverages or services excluded from coverage under the West Virginia Life and Health Insurance Guaranty Act are not required to provide the Notice required by this rule to the contract or policy holders receiving the excluded coverages or services:

3.7.1. Any policy or contract of reinsurance, unless assumption certificates have been issued;

3.7.2. Any plan or program of an employer, association or similar entity to provide life, health or annuity benefits to its employees or members to the extent that the plan or program is self-funded or uninsured, including, but not limited to, benefits payable by an employer, association or similar entity under:

3.7.2.1. A multiple employer welfare arrangement as defined in section 514 of the Employee Retirement Income Security Act of 1974, as amended;

3.7.2.2. A minimum premium group insurance plan;

3.7.2.3. A stop-loss group insurance plan;

3.7.2.4. An administrative services only contract;

3.7.3. Any policy or contract issued in this state by a Member Insurer at a time when the member insurer was not licensed or did not have a certificate of authority to issue the policy or contract in West Virginia;

3.7.4. Any unallocated annuity contract issued to an employee benefit plan protected under the federal pension benefit guaranty corporation.

~~§ 114-36-4. Form and Content of Disclaimer.~~

~~4.1. Sixty (60) days after approval of the Summary Document by the Commissioner, no insurer or its agent may deliver a Covered Policy to a policy or contract holder unless the Summary Document and Disclaimer is delivered to the policy or contract holder prior to or at the time of delivery of the Covered Policy.~~

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Title 114, Series 36
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~~4.2. If a "free look" period is not required by state law for the type of policy coverage being solicited, the Summary Document and Disclaimer must be delivered by the insurer or agent to the applicant at the time of solicitation or preliminary negotiations.~~

~~4.3. An insurer or its agent shall make the Summary Document and Disclaimer available to a policyholder upon request.~~

~~4.4. The insurer or agent making the delivery of the Disclaimer and Summary Document shall maintain a record of such delivery.~~

~~4.5. The Disclaimer shall be printed in a minimum 10 point type and printed on the face of the Summary Document. This Disclaimer may not include the name and address of the insurance company issuing the Covered Policy or the name and address of the agent who procured the Covered Policy.~~

~~4.6. The Disclaimer shall be identical to that prescribed by the Commissioner in Appendix B of this rule.~~

~~4.7. A form filing is not required for the Summary Document or the Disclaimer.~~

~~APPENDIX A~~

~~NOTICE OF EXCLUSION FROM COVERAGE OR LIMITED
COVERAGE UNDER THE WEST VIRGINIA LIFE AND HEALTH
INSURANCE GUARANTY ASSOCIATION ACT~~

~~Residents of West Virginia who purchase life insurance, annuities, or health insurance should know that insurance companies licensed in West Virginia to write these types of insurance are members of the West Virginia Life and Health Insurance Guaranty Association (the "Guaranty Association"). The purpose of the Guaranty Association is assure that policyholders will be protected, within limits, in the event that a member insurance company becomes financially unable to meet its obligations. If this should happen, the Guaranty Association will assess its member insurance companies for the money to pay the claims of insured persons living in this State and, in some cases, to keep coverage in force. The valuable extra protection provided by insurers through the Guaranty Association is not unlimited, however.~~

~~The Guaranty Association may NOT provide coverage for this policy, or a portion of this policy. If coverage is provided by the Guaranty Association, it may be subject to substantial limitations or exclusions.~~

~~Coverage is NOT provided for your policy or any portion of it that is not guaranteed by the insurance company or for which you have assumed the risk, such as a variable contract sold by prospectus.~~

~~You should not rely on coverage by the West Virginia Life and Health Insurance Guaranty Association in selecting an insurance company or in selecting an insurance policy.~~

~~Insurance companies and their agents are required by law to give or send you this Notice. However, insurance companies and their agents are prohibited by law from using the existence of the West Virginia Life and Health Insurance Guaranty Association to induce you to purchase any kind of insurance policy.~~

~~Inquiries concerning this Notice may be directed to the following:~~

~~West Virginia Insurance Commission
Consumer Services Division
2019 Washington Street, East
P.O. Box 50540
Charleston, West Virginia 25305-0540
(304) 558-3386
Toll Free 1-800-435-7381~~

~~West Virginia Life and Health Insurance Guaranty Association
Post Office Box 816
Huntington, West Virginia 25712~~

~~This Notice does not change anyone's rights or obligations under the Guaranty Act or the rights or obligations of the Guaranty Association.~~

~~APPENDIX B~~

~~WEST VIRGINIA LIFE AND HEALTH INSURANCE
GUARANTY ASSOCIATION DISCLAIMER~~

~~The West Virginia Life and Health Insurance Guaranty Association (the "Guaranty Association") provides coverage of claims under some types of life, health and annuity policies if the insurer becomes financially unable to meet its obligations. COVERAGE MAY NOT BE AVAILABLE FOR YOUR POLICY. Even if coverage is provided, there are substantial limits and exclusions. Coverage may be conditioned on residence in West Virginia. Other conditions may also preclude coverage.~~

~~Your insurer and its agents are prohibited by law from using the existence of the Guaranty Association or its coverage to sell you an insurance policy. You should not rely on availability of coverage under the Guaranty Association when selecting an insurer or an insurance policy.~~

~~The Guaranty Association or the West Virginia Insurance Commission will respond to questions you may have which are not answered by this document. Policyholders with additional questions may contact:~~

~~West Virginia Insurance Commission
Consumer Services Division
2019 Washington Street, East
Post Office Box 50540
Charleston, West Virginia 25305-0540
(304) 558-0401
Toll Free 1-800-435-7381~~

~~or~~

~~West Virginia Life and Health Insurance Guaranty Association
Post Office Box 816
Huntington, West Virginia 25712~~

~~This document does not change anyone's right or obligations under the Guaranty Act or the rights and obligations of the Guaranty Association.~~

Insurance Commissioner
Legislative Rule
Title 114, Series 36
EMERGENCY

APPENDIX A
attached

**NOTICE CONCERNING COVERAGE
LIMITATIONS AND EXCLUSIONS UNDER THE WEST VIRGINIA
LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT**

Residents of West Virginia who purchase life insurance, annuities or health insurance should know that the insurance companies licensed in this state to write these types of insurance are members of the West Virginia Life and Health Insurance Guaranty Association. The purpose of this association is to assure that policy holders will be protected, within limits, in the unlikely event that a member insurer becomes financially unable to meet its obligations. If this should happen, the Guaranty Association will assess its other member insurance companies for the money to pay the claims of insured persons who live in this state and, in some cases, to keep coverage in force. The valuable extra protection provided by these insurers through the Guaranty Association is not unlimited, however. And, as noted in the box below, this protection is not a substitute for consumers' care in selecting companies that are well-managed and financially stable.

The West Virginia Life and Health Insurance Guaranty Association may not provide coverage for this policy. If coverage is provided, it may be subject to substantial limitations or exclusions, and require continued residency in West Virginia. You should not rely on coverage by the West Virginia Life and Health Insurance Guaranty Association in selecting an insurance company or in selecting an insurance policy. For a complete description of coverage, consult Article 26A, Chapter 33 of the West Virginia Code.

Coverage is NOT provided for your policy or any portion of it that is not guaranteed by the insurer or for which you have assumed the risk.

Insurance companies or their agents are required by law to give or send you this notice. *However, insurance companies and their agents are prohibited by law from using the existence of the guaranty association to induce you to purchase any kind of insurance policy.*

The Guaranty Association or the West Virginia Insurance Commission will respond to questions you may have which are not answered by this document. Policyholders with additional questions may contact:

West Virginia Life and Health Insurance Guaranty Association
P. O. Box 816
Huntington, West Virginia 25712

West Virginia Insurance Commissioner
Consumer Services Division
2019 Washington Street, East
P. O. Box 50540
Charleston, West Virginia 25305-0540
(304) 558-3386
Toll Free 1-800-642-9004
TDD 1-800-435-7381

The state law that provides for this safety-net coverage is called the West Virginia Life and Health Insurance Guaranty Association Act. On the back of this page is a brief summary of this law's coverages, exclusions and limits. This summary does not cover all provisions of the law nor does it in any way change anyone's rights or obligations under the act or the rights or obligations of the Guaranty Association.

COVERAGE

Generally, individuals will be protected by the West Virginia Life and Health Insurance Guaranty Association if they live in West Virginia and hold a life or health insurance contract, annuity contract, unallocated annuity contract, or if they are insured under a group life, health or annuity insurance contract, issued by a member insurer. Member insurer also includes non-profit service corporations (W. Va. Code §33-24) and health care corporations (W. Va. Code § 33-25). The beneficiaries, payees or assignees of insured persons are protected as well, even if they live in another state.

EXCLUSIONS FROM COVERAGE

However, persons holding such policies are not protected by this association if:

- they are eligible for protection under the laws of another state (this may occur when the insolvent insurer was incorporated in another state whose guaranty association protects insureds who live outside that state);
- the insurer was not authorized to do business in this state;
- the policy was issued at a time when the insurer was not licensed or authorized to do business in the state;
- their policy was issued by an FMO, a fraternal benefit society, mandatory state pooling plan, a mutual protective association or similar plan in which the policy holder is subject to future assessments, an insurance exchange, or any entity similar to the above.

The association also does not provide coverage for:

- any policy or portion of a policy which is not guaranteed by the insurer or for which the individual or contract holder has assumed the risk;
- any policy of reinsurance (unless an assumption certificate was issued);
- interest rate yields that exceed an average rate;
- dividends;
- credits given in connection with the administration of a policy by a group contractholder;
- employer or association plans to the extent they are self-funded (that is, not insured by an insurance company, even if an insurance company administers them) or uninsured, including:
 - i. multiple employer welfare arrangement;
 - ii. minimum premium group insurance plan;
 - iii. stop loss group insurance plan; or
 - iv. administrative services only contract.
- any unallocated annuity contract issued to an employee benefit plan protected under the federal pension guaranty corporation;
- any portion of any unallocated contract which is not issued to or in connection with a specific employee, union or association's benefit plan or a governmental lottery.

LIMITS ON AMOUNT OF COVERAGE

The act also limits the amount the association is obligated to pay out: The association cannot pay more than what the insurance company would owe under a policy or contract. Also, for any one insured life, the association will pay a maximum of \$300,000 - no matter how many policies and contracts there were with the same company, even if they provided different types of coverages. Within this overall \$300,000 limit, the association will not pay more than \$100,000 in cash surrender values, \$100,000 in health insurance benefits, \$100,000 in present value of annuities, or \$300,000 in life insurance death benefits - again, no matter how many policies and contracts there were with the same company, and no matter how many different types of coverages.

Note to benefit plan trustees or other holders of unallocated annuities (GICs, DACs, etc.) covered by the act: for unallocated annuities that fund governmental retirement plans under §§ 401(k), 403(b) or 457 of the Internal Revenue Code, the limit is \$150,000 in present value of annuity benefits including net cash surrender and net cash withdrawal per participating individual. In no event shall the association be liable to spend more than \$300,000 in the aggregate per individual; for covered unallocated annuities that fund other plans, a special limit of \$1,000,000 applies to each contract holder, regardless of the number of contracts held with the same company or number of persons covered. In all cases, of course, the contract limits also apply.



STATE OF WEST VIRGINIA
Offices of the Insurance Commissioner

Legal Division

GASTON CAPERTON
Governor

HANLEY C. CLARK
Insurance Commissioner

January 3, 1994

HAND DELIVERED

Ms. Judy Cooper, Director
Administrative Law Division
Office of Secretary of State
State Capitol
Charleston, WV 25305

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

JAN 3 3 14 PM '94

FILED

Dear Ms. Cooper:

Enclosed please find for filing fourteen (14) copies of the following:

- (1) Notice of Emergency Amendment to an Emergency Rule;
- (2) Facts and Circumstances Constituting the Emergency;
- (3) Fiscal Note;
- (4) Consent Form;
- (5) Brief Summary of Rule;
- (6) Legislative Rule-Making Review Committee Questionnaire;
- (7) The amended emergency rule entitled "West Virginia Life and Health Insurance Guaranty Association Act Notice Requirement" (Series 36).

Please contact me if further information is required.

Very truly yours,

Jeffrey W. VanGilder
Associate Counsel

JWV/cjs
Enclosures