



BULLETIN NO. 2024-07

TO: ALL PERSONS AND ORGANIZATIONS SUBJECT TO THE JURISDICTION OF THE INSURANCE COMMISSIONER

RE: 2024 RULE CHANGES

FROM: GLEN MULREADY, INSURANCE COMMISSIONER

DATE: August 22, 2024

The purpose of this bulletin is to inform all persons and organizations subject to the jurisdiction of the Insurance Commissioner of the rule changes for 2024. **Disclaimer:** *The following overview does not include every change made to the rules in 2024. Please refer to the Oklahoma Secretary of State Administrative Rules (SOS) webpage to view all changes.*

Rule change effective August 11, 2024

OAC 365: 10-1-18 Annual provider directory audit report

(a) Reports of inaccurate information. Each health benefit plan, as defined in 36 O.S. § 6060.4, shall offer the general public a clearly identifiable and easily accessible way in accordance with 36 O.S. § 6971 to report inaccurate information in the plan's provider directory. No later than two (2) days after receipt of a report of inaccurate information, the plan shall investigate and either verify or update the information.

(b) Audits and sample size. Each health benefit plan shall, at least annually, audit its provider directories for accuracy in accordance with 36 O.S. § 6971. Each plan that chooses to audit based on a reasonable sample size of providers shall include in the audit report filed with the Insurance Department the sample size amount and an explanation of the methodology used to determine that the sample size is statistically valid.

(c) Annual provider directory audit report.

(1) By March 1, 2025, and by every March 1st thereafter, each insurer of a health benefit plan shall file with the Insurance Department an Annual Provider Directory Audit Report for the preceding calendar year. This Report shall be filed electronically in the manner and form designated by the Insurance Commissioner and in accordance with any instructions posted on the Insurance Department website.

(2) The report shall include at least the following information:

- (A) The number of reports of inaccurate information received by each health benefit plan;
- (B) The date each report was received;
- (C) The date each report was investigated;
- (D) The corrective action(s) taken or, if no action is taken, an explanation as to why;
- (E) All auditing reports conducted by each plan; and
- (F) Any other information the Insurance Commissioner deems necessary.

The Annual Provider Directory Audit Report form can be found on the Oklahoma Insurance Department website at: <https://www.oid.ok.gov/regulated-entities/financial/market-conduct-regulation/>. The Annual Provider Directory Audit Report must be filed by emailing the completed form to OIDRegulatoryReporting@oid.ok.gov.

Rule Change effective August 11, 2024

OAC 365: 15-1-26 Motor vehicle repairs

- (a) “Core Based Statistical Area” or “CBSA” means the geographic area designated by the U.S. Office of Management and Budget based on the most recent census data.
- (b) “Repair facility” means a motor vehicle repair or motor vehicle glass repair or replacement facility, whichever is applicable.
- (c) To establish a competitive price for motor vehicle repairs in accordance with 36 O.S. § 1250.8(H), an insurer shall conduct a market survey of the prices charged for repairs performed in accordance with manufacturing standards by repair facilities within the CBSA the facility performing the repairs is located within or is nearest to. A competitive price shall be an amount equal to or greater than the mean of all of the prices provided to the insurer by repair facilities within the CBSA that are capable of making the repairs in accordance with the applicable manufacturing standards.
- (d) Insurers may use automobile collision repair estimating software to establish competitive prices if the software complies with the requirements set forth in 36 O.S. § 1250.8 and this rule.
- (e) Market Surveys shall be updated sufficiently to reflect current market conditions.
- (f) Upon request by the Department, insurers shall provide copies of the market surveys and all related documentation to the Department within twenty (20) days.
- (g) Insurers and their representatives shall not make false or misleading statements about market surveys or competitive prices for motor vehicle repairs to repair facilities, policyholders, or members of the public.

Property and Casualty carriers, along with Surplus Lines carriers writing personal or commercial passenger auto policies in the State of Oklahoma shall file a “*Market Survey Attestation*” by **December 31, 2024**. The Market Survey Attestation can be found on the Oklahoma Insurance Department website at: <https://www.oid.ok.gov/regulated-entities/rate-and-form-filing/rate-and-form-filing-forms/>. The Market Survey Attestation must be filed through the Systems for Electronic Rates and Forms Filing (“SERFF”). <https://www.serff.com/>

Questions concerning this bulletin should be directed to the Oklahoma Insurance Department’s Legal Division at 405-522-4805 or by email to bo.debose@oid.ok.gov.