



February 9, 2016

Amy Parks
Acting Insurance Commissioner
Department of Business and Industry
Division of Insurance
1818 East College Parkway, Suite 103
Carson City, NV 89706



RE: LCB File No. R039-14: NRS 689A Conformity - Comments in OPPOSE IN PART

Dear Commissioner:

On behalf of Anthem and its affiliates, I write in response to the proposed INTENT TO ACT UPON REGULATION regarding Advertisements (LCB File No. R039-14). We have no objection to the Department's attempt to repeal the filing requirement position of the existing regulation. However, for the reasons enumerated, we oppose the expansion of the rule to include "Internet Websites."

I. The Regulation Does Not Sufficiently Define *Internet Website*

The proposed amendment expands the definition of "Advertisement" to include "Internet Websites," however it does not sufficiently define the term "Internet Website." Because the regulation does not sufficiently define "Internet Website," the amended regulation could be interpreted such that any information maintained on an Internet Website could be deemed an "Advertisement" and therefore subject to the requirements placed on insurers under 689A.270.

For the Department's information, the plain meaning of these terms is provided below.

- The plain meaning of "Internet" is defined as "an electronic communications network that connects computer networks and organizational computer facilities around the world." <http://www.merriam-webster.com/dictionary/Internet>
- The plain meaning of website is defined as "a place on the World Wide Web that contains information about a person, organization, etc., and that usually consists of many Web pages joined by hyperlinks." <http://www.merriam-webster.com/dictionary/Web%20site>
- The plain meaning of World Wide Web is defined as "a part of the Internet accessed through a graphical user interface and containing documents often connected by hyperlinks —called also *Web*." <http://www.merriam-webster.com/dictionary/World%20Wide%20Web>

As is clear from the definitions above, the term Internet Website includes publicly facing and private websites, whether or not related to the sale or marketing of insurance.

II. The Regulation Could Significantly Increase Costs for Insurers if All Internet Websites Are Deemed Advertisements

Under NAC 689A.270, every accident and health insurer must maintain a complete file containing every printed, published or prepared advertisement of individual policies and typical printed, published or prepared advertisements of blanket, franchise and group policies disseminated in this or any other state whether or not licensed in the other state. The file is subject to inspection by the Division. All advertisements must be retained for at least 3 years.

While it's true that Advertisements can be published on internet websites, the medium itself is unique compared to the other mediums defined under section 689A.020(1) because those mediums are not ever used for operations or interaction with the end user. In contrast to the other mediums described under 689A.020(1), such as newspapers, magazines, radio and television scripts, insurers day to day operations often occur via the internet. Because of this, if the definition of Internet Websites is not limited or further defined, NAC 689A.270 could result in a vast expansion of the requirements placed on insurers that are not currently contemplated.

Maintaining all information on every internet website may not be feasible or even possible. In addition, the costs for the industry are unknown but are likely to be significant if the Department takes a broad interpretation of the amendment. Accordingly, we must respectfully oppose the portion of the amendment that expands the definition, at this time.

Respectfully submitted,



Tracey Woods, *Senior Director, Government Relations*
Anthem, Inc.