

440 – Office of Superintendent of Insurance File Plan

This file plan was developed to be a guide for Office of Superintendent of Insurance employees. This guidance document was created to ensure consistent records classification and to provide agencies with other relevant record information. The final disposition authority resides in the Functional Records Retention and Disposition Schedule (FRRDS), 1.21.2 NMAC.

This file plan only list records series of program's specific to the Office of Superintendent of Insurance. For records series of a general administrative nature, refer to the General Administrative Records File Plan. For records of a financial nature, refer to the General Financial Records File Plan. For records of a personnel or medical nature, refer to the General Personnel/Medical Records File Plan.

440-001 INVESTIGATIONS FILES:

Division/unit: Investigations

Maintenance system: Chronological by date

Record series content: Records concerning investigations conducted by the office of the superintendent of insurance regarding a complaint filed or business entity regulated by the office of superintendent of insurance. File may contain investigation reports, exhibits, audit worksheets, copies of invoices, types of complaints, inspection form, correspondence, etc.

Classification:

(A) **Insurance fraud and workers' compensation investigations:** 1.21.2.634 NMAC, Investigations - Legal Matter Management

(B) **Consumer complaint and insurance investigations:** 1.21.2.633 NMAC, Hearings and Appeals - Historical

File closure: Close of investigation

Confidentiality: Portions of this record may be confidential.

[New - 03/31/2021]

440-002 to 440-010

440-011 QUARTERLY AND ANNUAL INSURANCE FINANCIAL STATEMENT FILES:

Division/unit: Examinations

Maintenance system: Chronological by date, then alphabetical by insurance type, then company name

Record series content: Mandatory quarterly and annual insurance financial statements submitted to the office of superintendent of insurance for examination and analysis. File may include annual statement (e.g., supporting exhibits, schedules, liabilities, assets, etc.), quarterly statement (e.g., supporting exhibits, schedules, liabilities, assets, etc.), analysis report, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Date analysis report issued by the office of superintendent of insurance

[New - 03/31/2021]

440-012 AUDIT FILES:

Division/unit: Examinations

Maintenance system: Chronological by calendar year, then alphabetical by company name

Record series content: Records concerning domestic insurer examinations which determine financial condition, contractual compliance, statute and regulations compliance, etc. File may contain annual statement, examination of accounts, transactions, affairs, assets, etc.

Classification: 1.21.2.415 NMAC, General - Audits and Compliance

File closure: Date superintendent accepts audit report

Confidentiality: Portions of this record may be confidential.

[New - 03/31/2021]

440-013 to 440-20

440-021 INDIVIDUAL AND BUSINESS ENTITY ACTIVITY FILES:

Division/unit: Agent licensing

Maintenance system: Chronological by date, then alphabetical by company name

Record series content: Records concerning all transactions regarding broker, agent, or solicitor activities. File may include nonresident broker license application; home-state certification; broker renewal application; non-resident broker application for property and casualty; request for license examination; request for resident license; non-resident life and health agent application; renewal of agent appointment; notice of agent appointment; adjusters application; home-state certification; adjusters renewal application; corporation, partnership, proprietorship, and agency applications; to transact business if insurance; application for insurance administrator business license; application to add agents or solicitors to an agency license; application to add administrators to business license; letters of certification; letters of clearance verifying agents appointment status; request for resident license; bond information, etc.

Classification: 1.21.2.667 NMAC, Professional Licenses

File closure: Close of calendar year in which license expired or terminated

[New - 03/31/2021]

440-022 INDIVIDUAL AND BUSINESS ENTITY BOND FILES:

Division/unit: Agent licensing

Maintenance system: Chronological by date, then alphabetical by individual or business entity name

Record series content: Records documenting bond coverage for an individual or business entity for adjusting insurance for New Mexico insurance companies. Bond may show applicant's name, social security number, address, company name, bond amount, surety signature, attorney-in-fact signature, request for release, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Date surety is released

Confidentiality: Portions of this record may be confidential.

[New - 03/31/2021]

440-023 CONTINUING EDUCATION COURSE FILES:

Division/unit: Agent licensing

Maintenance system: Chronological by date of course, then numerical by course number

Record series content: Records concerning approved office of superintendent of insurance continuing education courses for insurance agents, solicitors, brokers and nonresident agents. File may contain request for approval of continuing education credit in New Mexico, course curriculum, study material, approval course confirmation, etc.

Classification: 1.21.2.402 NMAC, Courses and Programs

File closure: Close of calendar year in which course discontinued

[New - 03/31/2021]

440-024 to 440-030

440-031 IDEAL DATA SYSTEM:

Division/unit: Company licensing

Maintenance system: Numeric by primary key

Record series content: System tracks all current and past transactions of insurance companies and purchasing groups licensed in New Mexico. Data may include company name, address, home address,

contact person, telephone number, state of domicile, incorporation date, license date, NAIC individual number, NAIC group number, company type, securities information, mergers, acquisitions, re-domestications, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of calendar year in which application accepted

[New - 03/31/2021]

440-032 COMPANY OR BUSINESS ENTITY APPLICATION FILES:

Division/unit: Company licensing

Maintenance system: Chronological by date, then alphabetical by company name

Record series content: Applications for a certificate of authority or certificate of registration to engage in the business of insurance. File may include articles of incorporation, by-laws, report of examination, re-insurance contracts, board of directors' resolution, purchasing group contract processing form, insurance group contract processing form, correspondence, etc.

Classification:

(A) **Foreign and domestic companies** 1.21.2.416 NMAC, Insurance

(B) **Denied or withdrawn application:** 1.21.2.107 NMAC, Denied, Rejected or Withdrawn

Records

File closure: Close of calendar year in which application approved, denied or withdrawn

[New - 03/31/2021]

440-033 COMPANY OR BUSINESS ENTITY DEPOSIT FILES:

Division/unit: Company licensing

Maintenance system: Chronological by date, then alphabetical by company name

Record series content: Records concerning deposits made and maintained with office of superintendent of insurance by a company or business entity as a condition of licensure or registration in New Mexico. File may include application for deposit of securities held as special, general deposit or trust deposit, description of security deposit, deposit or withdrawals of securities form, surety bond deposit form, surety bond withdrawal form, copy of surety bond, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of calendar year in which deposit withdrawn

[New - 03/31/2021]

440-034 INSURANCE COMPANY DOCUMENT FILES:

Division/unit: Company licensing

Maintenance system: Chronological by date, then alphabetical by company name

Record series content: Records concerning insurance company license renewals and the submittal of all insurance company changes to its organizational structure. File may include renewal of certificate of authority, certificate of compliance, certificate of deposit, certificate of valuation, insurance company contact processing form, copy of amended articles, copy of amended by-laws, biographical affidavits, withdrawal letter, reinstatement letter, acquisition of control or merger with an insurer, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of calendar year in which submitted

[New - 03/31/2021]

440-035 SALE OF SECURITIES FILES:

Division/unit: Company licensing

Maintenance system: Chronological by date, then alphabetical by company name

Record series content: Records concerning authorization for insurance company entities to sell securities, common stocks or notes to the public. File may include registration of securities application, prospectus, federal forms, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Date of expiration

[New - 03/31/2021]

440-036 SURPLUS LINES BROKER DATABASE:

Division/unit: Company licensing

Maintenance system: Numerical by primary key

Record series content: Database tracks information on insurance companies using surplus line brokers. Data may include policy information on surplus line broker (e.g., license number, broker name, social security number, surety bond name, bond number, etc.) and corresponding insurance policies references, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of calendar year in which policy is superseded or repealed

Confidentiality: Portions of this record may be confidential.

[New - 03/31/2021]

440-037 SURPLUS LINES BROKER POLICY FILES:

Division/unit: Company licensing

Maintenance system: Chronological by date, then alphabetical by surplus lines broker name

Record series content: Records concerning policies issued for insurance companies using surplus line brokers. File may include form surplus line broker information (e.g., license number, broker name, social security number, surety bond name, bond number, etc.) and corresponding insurance policies, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of calendar year in which policy superseded or repealed

Confidentiality: Portions of this record may be confidential.

[New - 03/31/2021]

440-038 to 440-050

440-051 TITLE INSURANCE MAINTENANCE ASSESSMENT FUND FILES:

Division/unit: Title insurance

Maintenance system: Chronological by date, then alphabetical by underwriter name

Record series content: Records concerning office of the superintendent of insurance fee assessments on insurance underwriters. File may include assessment notice, check copy, transmittal form copy, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of fiscal year in which fee paid

[New - 03/31/2021]

440-052 to 440-060

440-061 SAFETY BONUS PROGRAM FILES:

Division/unit: Workers' compensation

Maintenance system: Chronological by calendar year, then alphabetical by company name

Record series content: Records documenting safety bonus programs approved by superintendent. Approved safety bonus programs allow companies to reward employees for complying with programs and allow companies to receive premium discounts on their workers compensation insurance. Files may include safety program, certificate of approval, correspondence, etc.

Classification: 1.21.2.262 NMAC, Employer Account Files

File closure: Close of the calendar year in which certificate of approval issued

[New - 03/31/2021]

440-062 to 440-070

440-071 SKI RESORT CERTIFICATE OF INSURANCE COVERAGE FILES:

Division/unit: Property and casualty

Maintenance system: Chronological by date, then alphabetical by ski resort name

Record series content: Records concerning proof of insurance coverage and inspections for all ski resorts operating in New Mexico. Files may include copy of certificate of insurance, inspection report, correspondence, etc.

Classification: 1.21.2.163 NMAC, Insurance Certificates and Bonds

File closure: Date policy expires

[New - 03/31/2021]

440-072 INSURANCE COMPANY POLICY FORMS AND RATE FILINGS:

Division/unit: Property and casualty

Maintenance system: Chronological by calendar year, then numerical by group code number

Record series content: Records concerning the approved or rejected policies and rate filings submitted by insurance companies and motor clubs in New Mexico. File may include line of insurance, life and credit life policies, property and casualty filing summary, medicare supplemental policies, long-term care policies, accident and health policies, health maintenance organization plans, vision plans, dental policies, non-profit organization rates, rate group and individual advertisements, certificates of assumptions, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of calendar year in which filed

[New - 03/31/2021]

440-073 to 440-080

440-081 MEDICARE SUPPLEMENTAL AND LONG TERM ANNUAL REPORTS:

Division/unit: Life and health

Maintenance system: Chronological by date, then alphabetical by company name

Record series content: Annual reports of all current medicare supplemental and long-term care companies. Report may include company name, date received, form number, approval status, contact person, action date, policy type, check number, filing fee, authority number, etc.

Classification: 1.21.2.116 NMAC, Reports - General

File closure: Close of calendar year in which report submitted

[New - 03/31/2021]

440-082 to 440-090

440-091 COMPANY AND BAIL BOND TAX AND FEE FILES:

Division/unit: Revenue processing

Maintenance system: Chronological by date, then alphabetical by company name

Record series content: Records concerning premium tax and fee payments made by insurance companies and bail bondsmen. File may include annual and quarterly estimated premium tax forms (e.g., company name, tax identification number, tax information, etc.), amended reports, annual statements, filing fee notices, correspondence, etc.

Classification: 1.21.2.354 NMAC, Tax Assessments

File closure: Close of calendar year in which created

Confidentiality: Portions of this record may be confidential.

[New - 03/31/2021]

440-092 RECEIVERSHIP ACCOUNT DATABASE:

Division/unit: Revenue processing

Maintenance system: Numerical by primary key

Record series content: Database tracks and maintains receivership account information for insurance companies that have gone out of business. Data may include attorney name, adjuster name, fee amount, deposit balance, interest accrued, check number, payee name, narrative, payment amount, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of calendar year in which account closed

[New - 03/31/2021]

440-093 RECEIVERSHIP FILES:

Division/unit: Revenue processing

Maintenance system: Chronological by date, then alphabetical by insurance company name

Record series content: Records concerning litigation pertaining to insurance companies that have gone out of business and whose funds are being held for policy holders claims. File may include court proceedings, court order, order to close account, motions, pleadings, claim records, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Date file closed

[New - 03/31/2021]

440-094 RECEIVERSHIP FINANCIAL FILES:

Division/unit: Revenue processing

Maintenance system: Chronological by date, then alphabetical by insurance company name

Record series content: Records concerning insurance companies that have gone out of business and funds were held for pending policyholder claims. Files may include court proceedings, court order, securities withdrawal form, bank statements, order to close account, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of calendar year in which file closed

[New - 03/31/2021]

440-095 PATIENT COMPENSATION FUND DATABASE:

Division/unit: Revenue processing

Maintenance system: Numerical by primary key

Record series content: Database tracks and maintains information on health care providers covered under the patient compensation fund. Data may include client name, date payment received, coverage begin and end date, payment amount, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of calendar year in which account closed

[New - 03/31/2021]

440-096 PATIENT COMPENSATION TRUST FUND CLAIM PAYMENT FILES:

Division/unit: Revenue processing

Maintenance system: Chronological by date, then alphabetical by patient's surname

Record series content: Records concerning patient malpractice claims against providers covered under the patient's compensation trust fund. Files may include request for settlement copy, payment records, lawsuit copy, court order copy, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of calendar year in which case closed

[New - 03/31/2021]

440-097 PATIENT COMPENSATION FUND HEALTH CARE PROVIDER FILES:

Division/unit: Revenue processing

Maintenance system: Chronological by date, then alphabetical by provider's name

Record series content: Records concerning surcharge payments for health provider's coverage under the medical malpractice act's patient compensation fund. Files may include general purpose endorsement, declaration, policy period, coverage, classification, name of insured, insurance certificate, payment date, doctor inquiries, attorney inquiries, correspondence, etc.

Classification: 1.21.2.416 NMAC, Insurance

File closure: Close of calendar year in which file closed

[New - 03/31/2021]