



TO: Jennifer Cawley, Executive Director, TALHI

CC: Bart Boles, Executive Director, TLHIGA

FROM: Jacqueline Rixen

DATE: September 4, 2018

RE: Comparison chart of Chapter 463, Texas Insurance Code to the 2017 NAIC Life and Health Insurance Guaranty Association Model Act

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GA Act		NAIC Model Act	
Subchapter A	General Provisions	Model Act Sections	
463.001	Short Title	§ 1	Title
463.002	Purpose	§ 2	Purpose
463.003	General Definitions	§ 5	Definitions
463.0031	Def PPOB- Plan sponsor	§ 5Q, S	
463.004	Construction	§ 4	Construction
463.005	Immunity	§ 17	Immunity
463.006	Rules (Ad Code)		
Subchapter B	Governance & Participation in Assoc		
463.051	Purpose & Reg of Assoc	§ 6A, B	
463.052	Required Participation	§ 6A	
463.053	Board of Directors	§ 7	Board of Directors
463.054	Public Members – eligib	§ 7A	
463.055	Term-Vacancy	§ 7A	
463.056	Compensation of BOD	§ 7C	
463.057	Financial stmt of BOD	NONE	
463.058	Conflicts of interest	§ 10c(9)	
463.059	Tel & Video mtgs	§ 10c(3)	

<b>Subchapter C</b>	<b>Gen powers and duties</b>		
463.101	General Powers/Duties	§ 8	Powers & Duties
463.102	Plan of Op/Amendmts	§ 10	Plan of Operation
463.103	Personnel	§10D	
463.104	Assoc. Records	§14B	Misc provisions
463.105	Accounts	§ 6A	
463.106	Delegate Powers/duties	§10D	
463.107	Exempt from Tax	§ 16	
463.108	Det & Pre of Insolv.	§ 12	Prevention of Insolv.
463.109	Court/Intervention	§ 8J	
463.110	Annual Report	§ 15	Exam & Annual Report
463.111	Advice & Assistance	§ 8I	
463.112	BOD access to records		
463.113	BOD report at end of Insolvency		
463.114	Summary doc/disclaimer	§ 19B	
<b>Subchapter D</b>	<b>Assessments</b>	<b>Section 9</b>	<b>Assessments</b>
463.151	Making/Paying Assmts	§ 9A	
463.152	Classes of Assmts	§ 9B	
463.153	Amount of Assmts	§ 9C	
463.154	Deferment	§ 9D	
463.155	Deposit of Assmts		
463.156	Cert of Contrib	§ 9H	
463.157	Refunds	§ 9F	
463.158	Use of Assmts		
463.159	Failure to Pay/coll by C	§11B	Duties/Powers Commis
463.160	Prem tax cred – A	§ 13	Credits for Assmts paid
463.161	Prem tax cred – B	§ 13	
463.162	Assign/transfer PTC		
463.163	Insured's liability under assessment plan		
<b>Subchapter E</b>	<b>Coverage provided</b>	<b>Section 3</b>	<b>Coverage &amp; Limitations</b>
463.201	Insureds Covered	§ 3A	
463.202	Pols/Cons Covered	§ 3B	
463.203	Pols/Cons Excluded	§ 3B(2)	
463.204	Obligations Excluded	§ 3C	

463.205	Protection by another jurisdiction	§ 3A(6); §8E	
463.206	Discretion – manner of providing benefits	§ 8O,P	
<b>Subchapter F</b>	<b>Powers/Duties – Imp/ Insolvent Members</b>	<b>Section 8</b>	<b>Powers &amp; Duties of Association</b>
463.251	Impaired Domestic	§8A	
463.252	Impaired Foreign/not paying claims	§8A	
463.253	Insolvent Insurer	§8B	
463.254	L/H Pols/Cons	§8B(2)	
463.255	Guarant’d Interest Rate	§8B(2)(h)	
463.256	Alternative Pol	§8B(2)(e)	
463.257	Lien/Moratorium	§8F	
463.258	Prem – reissued cov	§8B(2)(f)	
463.259	Prem due in receivership	§8D	
463.260	Limits/term GA cov	§3B(2)(j)&(g); §8P; §8C	
463.261	Assignmt of Rights	§8K	
463.262	Subro/Assignmt + available assets to GA	§3C(f)	
463.263	Deposits to GA	§8G	
463.264 <sup>1i</sup>	Reinsurance	§8N	
<b>Subchapter G</b>	<b>Operation of Impaired/ Insolvent Insurer</b>		
463.301	Issue/renew policies		
463.302	Distribs to sh/affiliates	§14E(2)	
463.303	Assets for Cov policies	§14C	
463.304	Distrib of ownership rts of Imp/Insolv insurer	§14E(1)	

<sup>1</sup> Texas has a short version of Model Act reinsurance provision

<b>Subchapter H</b>	<b>Powers &amp; Duties of Commissioner &amp; TDI</b>	<b>Section 11</b>	<b>Powers &amp; Duties of Commissioner</b>
463.351	Notice of Comm acts	§12 A	
463.352	Advice from BOD	§12 B	
463.353	Examination of Insurer		Exam of Assoc/Annual R
463.354	Demand to Cure Imp	§11A(2)	
463.355	Failure to Comply w Plan of Operations	§10B	
463.356	Assume P & D of GA	§8H	
463.357	Notification of effect of chapter	§11D	
463.358	Stmt of Premiums	§11A (1)	
<b>Subchapter I</b>	<b>Appeals &amp; other acts</b>		
463.401	Appeal to Comm	§11C; §9I(5)	
463.402	Venue	§8Q	
463.403	Appeal Bond	§8Q	
463.404	Stay/non binding	§18	
<b>Subchapter J</b>	<b>Prohibited Practices</b>		
463.451	No advertising	§ 19A	