

**RULES  
OF  
TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE  
INSURANCE DIVISION**

**CHAPTER 0780-01-37  
ANNUAL STATEMENT FILING REQUIREMENTS**

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**0780-01-37-.01 PURPOSE.**

The purpose of this Chapter is to set forth the manner in which insurers, companies and health maintenance organizations licensed in the State of Tennessee file annual and quarterly financial statements and annual and quarterly financial reports with the commissioner.

**Authority:** T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118 and 56-44-102. **Administrative History:** Original rule filed September 17, 1976; effective October 18, 1976. Repeal and new rule filed March 16, 2005; effective May 30, 2005. Amendment filed April 15, 2009; effective June 29, 2009.

**0780-01-37-.02 SCOPE.**

Every insurer and/or company authorized to do business under the provisions of Title 56, that is required to file annual statements pursuant to T.C.A. § 56-1-501, 56-44-102, or otherwise by law, must file such annual and quarterly statements in the manner provided by this Chapter. Every health maintenance organization, authorized to do business under the provisions of Title 56, Chapter 32, that is required to file an annual report pursuant to T.C.A. § 56-32-108, must file annual and quarterly reports in the manner provided by this Chapter.

**Authority:** T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118 and 56-44-102. **Administrative History:** Original rule filed September 17, 1976; effective October 18, 1976. Repeal and new rule filed March 16, 2005; effective May 30, 2005. Amendment filed April 15, 2009; effective June 29, 2009.

**0780-01-37-.03 AUTHORITY.**

This Chapter is promulgated by the commissioner pursuant to T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118 and 56-44-102.

**Authority:** T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118 and 56-44-102. **Administrative History:** Original rule filed September 17, 1976; effective October 18, 1976. Repeal and new rule filed March 16, 2005; effective May 30, 2005. Amendment filed April 15, 2009; effective June 29, 2009.

**0780-01-37-.04 DEFINITIONS.**

As used in this Chapter, unless noted otherwise, the following definitions shall apply:

- (1) "Annual statement" means and includes annual statements, the Statement of Actuarial Opinion, Management's Discussion and Analysis and any other documents specified in T.C.A. § 56-1-501.
- (2) "Commissioner" means the commissioner of the Tennessee Department of Commerce and Insurance.
- (3) "Department" means the Tennessee Department of Commerce and Insurance.
- (4) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- (5) "Health maintenance organization" means any person that undertakes to provide or arrange for basic health care services to enrollees on a prepaid basis pursuant to Title 56, Chapter 32 of the Tennessee Code Annotated.
- (6) "NAIC" means the National Association of Insurance Commissioners.

**Authority:** T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118, and 56-44-102(a)(1).

**Administrative History:** Original rule filed September 17, 1976; effective October 18, 1976. Repeal and new rule filed March 16, 2005; effective May 30, 2005. Amendment filed April 15, 2009; effective June 29, 2009.

**0780-01-37-.05 FORM OF ANNUAL STATEMENTS.**

- (1) In meeting the annual financial reporting requirements of T.C.A. § 56-1-501, all insurers and/or companies enumerated in T.C.A. § 56-1-501(b), 56-44-102, or otherwise required to file annual statements by law must use the following annual statement forms adopted by the NAIC, as amended from time to time, as is appropriate for each line or types of insurance business in which the company is engaged, unless such forms are in contradiction with a law or statute:
  - (a) Life and Accident and Health Annual Statement Blank;
  - (b) Property and Casualty Annual Statement Blank;
  - (c) Title Annual Statement Blank;
  - (d) Fraternal Annual Statement Blank; and
  - (e) Health Annual Statement Blank.
- (2) Insurers and/or companies are required to use any annual statement forms adopted by the NAIC for any other lines or types of insurance business that may be applicable to insurers licensed and operating in this State.
- (3) Health maintenance organizations required to file annual reports pursuant to T.C.A. § 56-32-108 must use the blank prescribed by the NAIC for health maintenance organizations.

(Rule 0780-01-37-.05, continued)

**Authority:** T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118 and 56-44-102. **Administrative History:** Original rule filed March 16, 2005; effective May 30, 2005. Amendment filed April 15, 2009; effective June 29, 2009.

**0780-01-37-.06 INSTRUCTIONS FOR COMPLETION OF ANNUAL STATEMENTS FORMS.**

- (1) For completion of the annual statement forms required under Rule 0780-01-37-.05, and except when such instructions conflict with a statute, the applicable instructions adopted by the NAIC, as amended from time to time, and as follows, as well as all other applicable rules promulgated by the commissioner, must be followed in completing and filing the annual statement forms:
  - (a) Instructions for Completing Life and Accident and Health Annual Statement Blank;
  - (b) Instructions for Completing Property and Casualty Annual Statement Blank;
  - (c) Instructions for Completing Title Annual Statement Blank;
  - (d) Instructions for Completing Fraternal Annual Statement Blank; and
  - (e) Instructions for Completing Health Annual Statement Blank.
- (2) Insurers and/or companies are required to use any instructions adopted by the NAIC which are applicable to any annual statement form referenced in Rule 0780-01-37-.05.
- (3) Health maintenance organizations are required to use any instructions adopted by the NAIC which are applicable to any annual report form referenced in Rule 0780-01-37-.05.

**Authority:** T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118 and 56-44-102. **Administrative History:** Original rule filed March 16, 2005; effective May 30, 2005. Amendment filed April 15, 2009; effective June 29, 2009.

**0780-01-37-.07 INSTRUCTIONS FOR COMPLETION OF QUARTERLY FINANCIAL STATEMENTS.**

- (1) In addition to annual statements required by T.C.A. § 56-1-501, all insurers and/or companies enumerated in T.C.A. § 56-1-501(b), 56-44-102, or otherwise required by law to file annual statements are also required to file financial statements on a quarterly basis. Such quarterly statements must be filed on May 15, August 15, and November 15 of each year. Foreign insurers and/or companies shall, unless requested by the commissioner, file their quarterly statements with the NAIC in lieu of filing such statements with the commissioner.
- (2) All insurers and/or companies enumerated in T.C.A. § 56-1-501(b), 56-44-102 or otherwise required by law to file such annual statements must use the following Quarterly Financial Statement forms adopted by the NAIC, as amended from time to time:
  - (a) Life and Accident and Health Quarterly Statement Blank;
  - (b) Property and Casualty Quarterly Statement Blank;

(Rule 0780-01-37-.07, continued)

- (c) Title Quarterly Statement Blank;
  - (d) Fraternal Quarterly Statement Blank; and
  - (e) Health Quarterly Statement Blank.
- (3) Insurers and/or companies are required to use any quarterly statement form adopted by the NAIC for any other lines or types of insurance business that may be applicable to companies licensed and operating in this State.
- (4) Health maintenance organizations required to file annual reports pursuant to T.C.A. § 56-32-108 shall also file a quarterly financial statement on the quarterly statement form adopted by the NAIC for health maintenance organizations. Such quarterly statements must be filed on May 15, August 15, and November 15 of each year.

**Authority:** T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118, and 56-44-102(a)(1).

**Administrative History:** Original rule filed April 15, 2009; effective June 29, 2009.

**0780-01-37-.08 FILING OF ANNUAL AND QUARTERLY STATEMENTS.**

- (1) For insurers and companies not domiciled in Tennessee, the annual statements required by this Chapter shall be filed electronically with the NAIC. Such entities shall file with the commissioner a hard copy jurat page only, in the manner provided by the commissioner, subscribed and sworn to by the entity's president and secretary, or in their absence, by two (2) of its principal officers.
- (2) For all insurers and companies domiciled in Tennessee, the annual statements required by this Chapter shall be filed electronically with the commissioner. Domestic insurers and companies shall also file the annual statement electronically with the NAIC. All insurers and companies domiciled in Tennessee shall also file with the commissioner one (1) non-electronic signed original and one (1) non-electronic copy of the annual statement. The original and hard copy annual statements should be subscribed and sworn to by the insurer's or company's president and secretary, or in their absence, by two (2) of its principal officers as required by applicable Tennessee law.
- (3) (a) For insurers and/or companies not domiciled in Tennessee, each quarterly statement may be filed electronically with the NAIC, unless the commissioner requests otherwise.
- (b) For insurers and/or companies domiciled in Tennessee and all health maintenance organizations, each quarterly statement shall be filed electronically with the commissioner, and one (1) signed original and one (1) hard copy of each quarterly statement shall also be filed with the commissioner. Domestic insurers and/or companies and health maintenance organizations shall also file the quarterly statement electronically with the NAIC.
- (4) For purposes of this Rule, health maintenance organizations shall file in the same manner as domestic insurers pursuant to Paragraph (2) of this Rule.

**Authority:** T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118, 56-44-102 and 56-44-103.

**Administrative History:** Original rule filed April 15, 2009; effective June 29, 2009.

**0780-01-37-.09 DUE DATES FOR FILING OF ANNUAL AND QUARTERLY STATEMENTS.**

- (1) Original and hard copy annual statement and annual report filings and hard copy jurat pages, if required by this Chapter, shall be mailed on or before March 1 of each year.
- (2) Original and hard copy quarterly filings, if required by this Chapter, shall be mailed on or before May 15, August 15 and November 15 of each year.

**Authority:** T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118, 56-44-102 and 56-44-103.  
**Administrative History:** Original rule filed April 15, 2009; effective June 29, 2009.

**0780-01-37-.10 EFFECT OF FILING IN VIOLATION OF THIS CHAPTER.**

Financial statements or information not prepared in a manner consistent with all applicable laws and the National Association of Insurance Commissioners' Accounting Practices and Procedures Manual in effect for the applicable reporting period shall be deemed not to meet the filing requirements of T.C.A. §§ 56-1-501 and 56-32-108 or Rule 0780-01-37-.06 and Rule 0780-01-37-.07.

**Authority:** T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118, and 56-44-102(a)(1).  
**Administrative History:** Original rule filed April 15, 2009; effective June 29, 2009.

**0780-01-37-.11 VIOLATION AND PENALTIES.**

- (1) Any insurer or company that fails to make and file its annual statement in the form and time provided by this Chapter shall be subject to the applicable penalties provided for by T.C.A. § 56-1-502 and 56-44-104, as well as such other sanctions provided for by law.
- (2) Any health maintenance organization that fails to file its annual report in the form and time provided by T.C.A. § 56-32-108 and this Chapter shall be subject to the applicable penalties provided for by T.C.A. § 56-1-801 and 56-44-104, as well as such other sanctions provided for by law.

**Authority:** T.C.A. §§ 56-1-501, 56-2-305, 56-1-801, 56-2-301, 56-1-502, 56-32-108, 56-32-118, 56-44-102(a)(1) and 56-44-104. **Administrative History:** Original rule filed April 15, 2009; effective June 29, 2009.

**0780-01-37-.12 SEVERABILITY.**

If any provision of this Chapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the Chapter and the application of such provision to other persons or circumstance shall not be affected thereby. To this end, the provisions of this chapter are declared severable.

**Authority:** T.C.A. §§ 56-1-501, 56-2-301, 56-32-108, 56-32-118 and 56-44-102. **Administrative History:** Original rule filed April 15, 2009; effective June 29, 2009.