

# **FINANCIAL SERVICES COMMISSION**

**OFFICE OF INSURANCE REGULATION  
MARKET INVESTIGATIONS**

## **TARGET MARKET CONDUCT FINAL EXAMINATION REPORT**

**OF**

**ACE AMERICAN INSURANCE COMPANY**

**AS OF**

**OCTOBER 21, 2005**

**NAIC COMPANY CODE: 22667**



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## PURPOSE AND SCOPE OF EXAMINATION

Under authorization of the Financial Services Commission, Office of Insurance Regulation (Office), Market Investigations, pursuant to Section 624.3161, Florida Statutes, a target market conduct examination of Ace American Insurance Company (Company) was performed by Examination Resources, LLC. The scope of this examination was June 1, 2004 through September 29, 2005. The examination began October 16, 2005 and ended October 22, 2005.

The purpose of this examination was to validate the completeness, accuracy and timeliness of reporting Professional Liability claims as required by Section 627.912, Florida Statutes.

In conducting the review, three tests were performed; Completeness, Accuracy and Timeliness. The Completeness test compares the total number of claims closed during the scope period that should have been reported to closed claims that were actually reported. The Accuracy test compares the information required to be reported to the Office to the information contained in the company's claim file. This test was only conducted on a sample of those claims closed during the scope period and actually reported. The Timeliness test compares the date the claim should have been reported to the Office to the date the claim was actually reported. This test was only conducted on those closed claims actually reported within the scope period. The Timeliness test may include closed claims reported during the scope period but actually closed prior to the scope period. However, because they were not closed during the scope period, such claims would not be included in either the Completeness or Accuracy test.

This Final Report is based upon information from the examiner's draft report, additional research conducted by the Office, and additional information provided by the Company. The files examined were selected systematically from data files provided by the Company using Microsoft Excel's "random sample" selection process. Procedures and conduct of the examination were in accordance with the Market Conduct Examiner's Handbook produced by the National Association of Insurance Commissioners.

## COMPANY OPERATIONS

Ace American Insurance Company is a foreign property and casualty insurer licensed to conduct business in the State of Florida. The Company provides professional liability insurance in the State of Florida.

Total Direct Premiums Written in Florida for Professional Liability are broken down as follows:

Year	Total Written Premium (Florida)
2004	\$ 1,484, 221

The Company had ninety-eight (98) Professional Liability claims open as of April 1, 2004, which were subject to Section 627.912, Florida Statutes, and which will need to be reported upon closure as required by the Statute.

Seventeen claims were closed during the scope period and should have been reported pursuant to Section 627.912, Florida Statutes.

## CLAIMS REVIEW

### Findings

#### Completeness Test

The Completeness test compares the total number of claims closed during the scope period that should have been reported to closed claims that were actually reported.

Of 17 closed claims reviewed, 1, or 6%, of the claims were not reported.

One error was due to failure to report closed claims. Section 627.912, Florida Statutes, states that closed claims meeting specific reasons for closure must be reported to the Office. The Company did not report closed claims meeting the requirements of the above statute to the Office.

**Corrective Action:** The Company should report those closed claims which were not previously reported during the scope of the examination. The Company should establish procedures to ensure that all closed claims meeting the reporting requirements of Section 627.912, Florida Statutes, are reported.

#### Accuracy Test

The Accuracy test compares the information required to be reported to the Office to the information contained in the company's claim file. The Accuracy test can only be conducted on those claims closed during the scope period and actually reported. Fourteen (14) claims were reported during the scope period.

Ten closed claims reports were reviewed.

No errors were found.

#### Timeliness Test

The Timeliness test compares the date the claim should have been reported to the Office to the date the claim was actually reported. The Timeliness test can only be conducted on those closed claims actually reported within the scope period 16 claims were reported during the scope period.

Sixteen closed claims were reviewed.

Ten, or 63%, of the claims were in error.

Eleven errors were due to failure to timely report closed claims. Section 627.912, Florida Statutes, states that closed claims meeting specific reasons for closure must be reported to the

Office within a certain time frame. The Company failed to report closed claims within the time frame required.

**Corrective Action:** The Company should establish procedures to ensure that closed claims are reported within the time frame required.

### **SUMMARY OF FINDINGS**

		Actually Reported	Errors
Total Population	17		
Completeness Test		16	1
Accuracy Test		10	0
Timeliness Test		16	10

### **EXAMINATION FINAL REPORT**

The Office hereby issues this report as the Final Report, which is based upon information from the examiner's draft report, additional research conducted by the Office, and additional information provided by the Company.