



THE STATE OF FLORIDA

OFFICE OF INSURANCE REGULATION MARKET INVESTIGATIONS

MARKET CONDUCT FINAL EXAMINATION REPORT

OF

THE PRUDENTIAL LIFE INSURANCE COMPANY OF AMERICA

AS OF

December 28, 2009

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EXECUTIVE SUMMARY

In June 2006, the Florida Legislature enacted the Freedom to Travel Act, which modified Florida's Unfair Trade Practices Act by placing prohibitions on life insurance limitations upon an individual based solely on the individual's past lawful foreign travel or future lawful travel plans. The Florida Unfair Trade Practices Act also prohibits the refusal to insure, or continue to insure, based on the individual's race, color, creed, marital status, sex, or national origin.

Rule 69D-2 Florida Administrative Code became effective in October 2006 to implement the provisions of Section 626.9891, Florida Statutes. This rule requires a higher level of detail and accountability for Insurer Anti-Fraud Special Investigative Unit (SIU) Description filings and Insurer Anti-Fraud Plan filings.

A target market conduct examination of The Prudential Insurance Company of America was performed to determine compliance with Sections 626.9541(1)(g), 626.9541(1)(x), 626.9541(1)(dd) and Section 626.9891, Florida Statutes and Rules 69O-125.003 and 69D-2, Florida Administrative Code.

No violations were found during the examination.

PURPOSE AND SCOPE OF EXAMINATION

The Office of Insurance Regulation (Office), Market Investigations, conducted a target market conduct examination of The Prudential Insurance Company of America (Company) pursuant to Section 624.3161, Florida Statutes. The examination was performed by Examination Resources, LLC. The scope period of this examination was July 1, 2007 through June 30, 2009. The offsite examination began November 16, 2009 and ended December 28, 2009.

The purpose of this examination was to review compliance with Sections 626.9541(1)(g), 626.9541(1)(x), 626.9541(1)(dd) and 626.9891, Florida Statutes and Rules 69O-125.003 and 69D-2, Florida Administrative Code.

The examination included the following procedures:

- Review policy applications to determine if applications were denied, issued in a manner other than applied for, had benefit changes or canceled solely on the individual's past lawful foreign travel experiences, or future lawful foreign travel plans, and compliance with Section 626.9541(1)(dd), Florida Statutes and Rule 69O-125.003, Florida Administration Code.
- Review policy applications to determine if applications were denied, issued in a manner other than applied for, had benefit changes or canceled based on national origin in compliance with Section 626.9541(1)(g) and (x), Florida Statutes.

- Review reinsurance agreements to verify if any of the agreements place any limitations as a result of the applicant's past and/or future foreign travel or the applicant's place of birth.
- Review Anti-Fraud Plan to ensure it has been filed and implemented as required by Rule 69D-2 Florida Administrative Code and Section 626.9891, Florida Statutes.

In reviewing materials for this draft report, the examiner relied on records provided by the Company. Procedures and conduct of the examination were in accordance with the *Market Regulation Handbook* produced by the National Association of Insurance Commissioners.

COMPANY OPERATIONS

The Prudential Insurance Company of America is a foreign Life and Health insurer licensed to conduct business in the State of Florida on September 26, 1915. The Company provides life, group life and annuities, variable life, accident and health, and variable annuities coverage in the State of Florida.

Total Direct Premiums Written in Florida for Life Insurance was as follows:

| Year | Total Written Premium In Florida (Per Schedule T of the Annual Statement) |
|------|--|
| 2007 | \$768,853,267 |
| 2008 | \$486,381,944 |

LIFE APPLICATION REVIEW

I. FILE REVIEW

The examiners reviewed information contained in the Company's individual life and group life underwriting files, which could have included but not limited to the application, field underwriting guidelines, telephone interviews, questionnaires, underwriting notes, correspondence with agents and consumers, medical records, financial information, and the Company's Agent training materials.

The Company did use applications that contained travel related questions and did use travel questionnaires.

The Company received 506 life insurance applications during the scope period. However, 250 of these cases were inquiries and do not represent policies applied for and as such, 256 policies were truly applied for during the scope period.

Declined Applications:

The examiner reviewed 31 declined applications. No violations were found.

Policy Issued With Limitations or Policy Benefit Change:

The examiner reviewed 6 policies issued with limitations or with policy benefit changes. No violations were found.

Canceled Policies:

The examiner reviewed 171 canceled policies. No violations were found.

II. COMPLETENESS AND ACCURACY TEST

A sample of 86 applications submitted during the scope of the examination were reviewed to verify that declinations, applications issued in a manner other than applied for, benefit changes, and cancelations were included on the respective listings provided by the Company. There were no violations found.

A sample of 116 of canceled policies which were not selected for detailed review were reviewed to verify that the reason for cancelation was as reported by the Company in the data files. There were no violations found.

REINSURANCE AGREEMENTS REVIEW

The Company's reinsurance agreements that were in place during the scope of the examination were reviewed to verify if any of the agreements place limitations on coverage as a result of an applicant's past lawful foreign travel, future lawful travel plans or the applicant's place of birth.

Reinsurance agreements contain provisions placing limitations due to past and/or future foreign travel or the applicant's place of birth. Some of the agreements contain the following provision:

Applications with Foreign Travel qualify for automatic reinsurance except when such travel is to a country specifically not allowed under the Company's foreign travel requirements. "Foreign Travel" is defined as no more than three months outside the United States or Canada.

Although the agreements did contain provisions placing limitations, none of the files reviewed indicated that any had been denied, issued other than applied for or canceled due to the applicant's past and/or future foreign travel or the applicant's place of birth.

ANTI-FRAUD PLAN REVIEW

The Company has submitted a description of its SIU in form DFS-L1-1689 as required by Rule 69D-2.003, Florida Administrative Code.

The Company has implemented its Anti-Fraud Plan as required by Section 626.9891, Florida Statutes.

No violations were found.

EXAMINATION FINAL REPORT SUBMISSION

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