



**INTERNATIONAL ASSOCIATION  
OF INSURANCE RECEIVERS**  
PROMOTING PROFESSIONALISM AND ETHICS

# 2022 Insurance Resolution Workshop

**February 9-11, 2022  
Eldorado Hotel & Spa  
Santa Fe, New Mexico**



# 2022 IAIR INSURANCE RESOLUTION WORKSHOP

## WELCOME

The 2022 Insurance Resolution Workshop is the International Association of Insurance Receivers' premier event. It is recognized for providing advanced, focused education for insurance receivers, regulators, guaranty system personnel, and other insurance professionals. The workshop includes an interactive program of speakers discussing the latest issues, providing unique networking opportunities.

This year we are offering a Hybrid event. For those of you that would like that "in person" experience, with personal connections, networking and education, we would love to welcome you to the Eldorado Hotel in Santa Fe, New Mexico.

For those of you who would like to join us virtually, we will be live-streaming the educational sessions during the meeting. We are working with the Eldorado Hotel to make this an extraordinary experience for you!

A Special Thank You to our Corporate Sponsors for their Continued Participation and Support!

### A SPECIAL THANKS TO OUR CORPORATE SPONSORS FOR THEIR CONTINUED PARTICIPATION AND SUPPORT!

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#### CONTINUING EDUCATION CREDITS

##### COURSE DESCRIPTION

The two-day conference will focus on emerging risks in the insurance industry, regulatory responses and resolution strategies. Panel topics include discussions of The Challenges of SHIP's Rehabilitation, Federal Issues and Receivable Collections, Market Conduct and Red Flags of Trouble – Unethical Noncompliance and much more.

##### COURSE LEVEL

This program is intended for intermediate and advanced level insurance receivers, regulators, guaranty fund personnel, and other insurance insolvency professionals. There are no advance preparations or prerequisites required as this workshop will provide live delivery of materials and updates building on the knowledge and experience of each participant.

##### FIELDS OF STUDY OFFERED

Specialized Knowledge & Applications

##### INSTRUCTIONAL DELIVERY METHOD

Group-Live & Virtual (Hybrid)

##### IAIR DESIGNATIONS

This workshop is approved for continuing education credit toward IAIR's CIRB and AIRD designations in accordance with IAIR's continuing education policy to maintain certification status. Total credit hours 9.5.

##### NASBA

The International Association of Insurance Receivers (IAIR) is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry of CPE sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be submitted to the National Registry of CPE sponsors through its website: [www.nabsaregistry.org](http://www.nabsaregistry.org). In accordance with the standards of the National Registry of CPE Sponsors, 11.4 CPE credit hours will be granted based on a 50-minute hour.



##### CLE

The program will be submitted for certification to the California, Texas, Illinois and New York State Bars for CLE credit. Though the program and workshop may qualify for continuing legal education credit in other states, participants will need to make their own filings. Upon request, IAIR can certify attendance and content.

##### COVID PRECAUTIONS

For those attending the Workshop in-person, please review the COVID policy and Declaration at the end of this brochure.

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## WORKSHOP AGENDA

### WEDNESDAY FEBRUARY 9

6:00 - 7:30 pm      **Welcome/ Opening Reception**

### THURSDAY, FEBRUARY 10

7:00 - 8:00 am      **Registration/ Breakfast**

8:00 - 8:15 am      **Welcome**

8:15 - 9:15 am      **The Challenges of SHIP's Rehabilitation**

**Patrick H. Cantilo**, Cantilo & Bennett, LLP

**Michael J. Broadbent**, Cozen O'Connor

A discussion of the Approved Rehabilitation Plan for LTC insurer Senior Health Insurance Company of Pennsylvania (SHIP) and the challenges presented by and against the Plan. The conversation will provide basic information about this extraordinary and difficult case and encourage discussion of the many issues it entails.

9:20 - 10:20 am      **RRG – What, Where, When & Why?**

**Tom Hampton**, Dentons US LLP

**Kathleen Birrane**, Commissioner, Maryland Department of Insurance

A discussion of the creation of risk retention groups statutes, how they operate and what they are and how they are different than traditional insurers: when and why they are used and issues that arise if they become insolvent.

10:20 - 10:35 am      **Networking Break**

10:35 - 11:35 am      **CIGA v Azar – The History, The Decision and The Impact**

**Brad Roeber**, CIGA

**Steven T. Whitmer**, Locke Lord

**Julie L. Young**, Locke Lord

**Wayne D. Wilson**, Retired, CIGA

This Panel will address the Ninth Circuit's seminal decision in CIGA v. Azar, which for the first time held that a guaranty fund was not a "primary payer" within the meaning of the Medicare Secondary Payer Act. The Panel will address the history of the decision, the grounds and holding of the decision, and how the decision potentially impacts other guaranty funds.

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## THURSDAY, FEBRUARY 10

11:35 - 1:00 pm

### Luncheon

1:00 - 2:00 pm

### Federal Issues and Receivable Collections

**Mark Bennett**, Cantilo & Bennett LLP

**Joe Holloway**, California Conservation and Liquidation Office

**Kirsten Byrd**, Husch Blackwell

An overview of litigation involving collection of Risk and Market Stabilization Programs in the Affordable Care Act (ACA), including federal issues and state receivership insolvency law matters arising between Receivers and U.S. Department of Health and Human Services (HHS)/Centers for Medicare & Medicaid Services (CMS). The panel will discuss the difficulty of obtaining collections from HHS/CMS for amounts under the Risk and Market Stabilization Programs for the ACA.

2:10 - 3:30 pm

### Oceanus & Reciprocity

**James Kennedy**, Attorney

**Francine Seyama**, Legal Insurance Regulatory Consulting

**Mike Fitzgibbons**, FitzGibbons and Company Inc

**Matt Garcia**, Barnett & Garcia, PLLC

**Bill Goddard**, Instructor, Insurance Solvency Regulation,  
University of Connecticut School of Law

Michael Fitzgibbons, Special Deputy of Oceanus Insurance Company, a Risk Retention Group, In Liquidation will address the background of the Oceanus liquidation and current status, while Francine Semaya, retained as New York Counsel, will address the difficult road to the enforcement of the South Carolina statutory stay for over 200 malpractice cases pending throughout the State of New York. We will also raise the issue of the potential impact of the NY appellate court decisions on future insolvencies.

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## THURSDAY, FEBRUARY 10

3:30 - 3:45 pm      **Networking Break**

3:45 - 4:45 pm      **Lincoln Memorial – PNC Litigation**

**Chris Fuller**, The Fuller Law Group

**JoAnn Howard**, JoAnn Howard & Associates

**James Rhodes**, Kerr, Irvine, Rhodes & Ables

**Joel Glover**, Faegre Drinker Biddle & Reath LLP

In late 2021, the asset recovery litigation in the Lincoln Memorial Life Insurance Company et al receivership culminated with the collection of a \$111,000,000 judgment from PNC Bank. Litigation recoveries to date in these estates now total over a quarter of a billion dollars. The panel will discuss the process by which a combination of plaintiffs- affected guaranty associations and the Special Deputy Receiver of the insolvent companies - joined forces in 2009 to jointly pursue claims against a variety of parties ranging from former management to outside professionals including trustees, attorneys and accountants.

4:45 - 4:55 pm      **Day 1 Wrap Up**

6:00 - 7:30 pm      **Reception**

## FRIDAY, FEBRUARY 11

7:00 - 8:00 am      **Breakfast**

8:00 - 8:10 am      **Welcome**

8:10 - 9:10 am      **Penn Treaty – Uniqueness of the Runoff Structure, Rate Increases and a Wellness Initiative**

**Bart Boles**, Texas Life & Health Guaranty Association

**Nolan Tully**, LTCG

**Matt Morton**, LTCG

The panel will describe the unique runoff structure implemented for the Penn Treaty and American Network insolvencies by the life & health guaranty association system utilizing anew captive insurance company, a national premium rate increase strategy, and now a pilot wellness program. The challenges and benefits for various stakeholders including policyholders, guaranty associations, member companies, and regulators will be explored, as well as the ways in which the unique runoff structure has led to changes across the long-term care insurance industry.

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## FRIDAY, FEBRUARY 11

9:15 - 10:15 am

### **Using Assumption Reinsurance Agreements in Receivership**

**Joel Glover**, Faegre, Drinker, Biddle & Reath, LLP  
**Evan Bennett**, Evan D. Bennett, LLC

Learn what Assumption Agreements are and how they are used in receiverships, ceding company and reinsurer perspectives in a receivership, OPT-INS and OPT-OUTS. Attendees will gain a working knowledge of what one may need to handle Assumption Reinsurance in a receivership.

10:15 - 10:30 am

### **Networking Break**

10:30 - 11:30 am

### **Market Conduct Red Flags of Ethics and Other Troubles” *Keeping Market Conduct Ethical***

**Doug Hartz**, Insurer Governance Consulting - IGC, PS  
**Tim Mullen**, NAIC  
**John Francini**, NTG Consultants

The panel will discuss how market conduct analysis and examinations can reveal red flags of ethical violations, noncompliance with market conduct requirements and other troubles. This will involve a discussion of how particular red flags may relate to ethical, compliance and financial-condition problems at the same time. The panel will discuss how market conduct requirements (in addition to the financial condition requirements) for insurers arise from the industry and its regulators coevolving over decades to ensure that consumers of insurance, the industry’s customers, and the primary concern of both the industry and its regulators, do not have their levels of trust violated in any manner. A violation of trust in this context could lead to a decrease in insurance use. This would result in lower revenue and profits for the industry. This would in turn lead to less need for regulatory surveillance. The industry and its regulators work together in association with each other to control their resource use in keeping the insurance industry well run and regulated.

11:30 – 11:40 am

### **Wrap Up & Closing Remarks**

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## REGISTRATION INFORMATION

Register online at [www.iair.org](http://www.iair.org)

### HOTEL ACCOMODATIONS

The Eldorado Hotel, Santa Fe, New Mexico

IAIR's reduced group room rate of **\$159.00 per night** plus applicable tax (currently 7.0%) will be available until **5:00 pm on Friday, January 14, 2020**, or until the group block is sold out, whichever occurs first. Reservations can be made online by clicking on the hotel reservation [link](#), or by calling their reservations department at 505-988-4455 and referring to the *IAIR Resolution Workshop*. The group rate will be offered three days prior and three days after the workshop, based on availability. All reservation requests need to be accompanied by at least one night's room and tax deposit or guaranteed by a major credit card for the reservation to be processed and confirmed.

Check-in time is 4:00 pm and check-out time is 11:00 am. Guests arriving prior to 3:00 pm will be assigned accommodations as they become available. Please note that neither IAIR nor The Eldorado Hotel will contact you directly to make reservations. IAIR also does not utilize any third-party companies for hotel reservations.

### TRANSPORTATION TO THE HOTEL ALBUQUERQUE INTERNATIONAL SUNPORT

Eldorado Hotel & Spa is only 60 minutes from the Albuquerque International Sunport, which sees roughly 340 flights daily on airlines including Alaska Airlines, American Airlines, Delta, Jet Blue, Southwest Airlines and United Airlines.

Groome Transportation provides transfer service between the Albuquerque International Airport and Eldorado Hotel & Spa with frequent and convenient trips throughout each day (Telephone: 505-242-0302 or, toll free, 888-775-5696). RoadRunner Shuttle & Charter offers similar services. Feel free to call them at 505-424-3367.

### SANTA FE MUNICIPAL AIRPORT

Located southwest of the city, the Santa Fe Municipal Airport provides commercial airline service by American Eagle Airlines with daily flights to and from Santa Fe and Dallas-Fort Worth (DFW) and Los Angeles (LAX). Commercial service is also offered by United Express with daily service to and from Santa Fe and Denver (DEN) and Phoenix (PHX).

### DRESS CODE

The dress code for the event is business casual. The average daily high temperature for Santa Fe in early February is 50°F; average daily low temperature is in the low 40's.

### DIETARY RESTRICTIONS

If you have a dietary restriction, please contact IAIR Headquarters by January 15 or make note of your requirements on the registration form.

### WORKSHOP REGISTRATION RATES

#### EARLY REGISTRATION DEADLINE: JANUARY 15, 2022

	In Person	Virtual
Regulator – Member	\$450	\$400
Regulator - Non-Member	\$650	\$600
Small Firm*/NFP** - Member	\$650	\$600
Small Firm*/NFP** - Non-Member	\$850	\$800
Corporate/Large Firm – Member	\$900	\$850
Corporate/Large Firm - Non-Member	\$1,050	\$1,000
Spouse/Guest	\$175	

#### AFTER JANUARY 15, 2022

Regulator - Member	\$500	\$450
Regulator - Non-Member	\$700	\$650
Small Firm*/NFP** - Member	\$700	\$650
Small Firm*/NFP** - Non-Member	\$900	\$850
Corporate/Large Firm - Member	\$900	\$850
Corporate/Large Firm - Non-Member	\$1,100	\$1,050
Spouse/Guest	\$225	

(All rates include all scheduled food and beverage functions. The Spouse/Guest rate is not available to IAIR members.)

\*Sole proprietor or less than 5 full time employees \*\* Not for Profit

### CANCELLATION POLICY

Refunds less a \$100 administrative fee are offered through January 15, 2022. Twenty-five (25%) percent of the amount paid will be refunded after January 15, 2022.

### REFUND REQUESTS AND CANCELLATIONS MUST BE SUBMITTED IN WRITING TO

Martha Heinze, IAIR Account Manager  
610 Freedom Business Center, Suite 110  
King of Prussia, PA 19406  
Phone: 610-992-0015, Fax: 610-992-0021, [martha@iair.org](mailto:martha@iair.org)

For additional questions or for more information, please contact Martha Heinze at IAIR Headquarters at (610) 992-0017 or at [martha@iair.org](mailto:martha@iair.org).

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## COVID-19 DECLARATION FOR IN-PERSON ATTENDEES

IAIR is committed to the safety of all attendees to the 2022 Insurance Resolution Workshop. Due to the recent escalation in COVID cases due to the Omicron variant, IAIR has implemented a mandatory vaccine/testing policy and is only admitting attendees to the Workshop who have been vaccinated or have received a negative COVID PCR test within 72 hours of arrival. We are asking all visitors to submit responses to the following questions within 24 hours of or upon arrival at the Workshop. While attending the Workshop, you may be asked to wear a face mask or face covering, adhere to social distancing protocols, and follow other CDC and state or local guidelines such as practicing proper hand hygiene.

Despite reasonable precautions taken, IAIR cannot ensure that you will not be exposed to nor contract COVID-19 as a result of participating in this Workshop or related activities. By attending the Workshop, you acknowledge and understand all risks associated with possible exposure to and contraction of COVID-19 and are voluntarily participating in the event for your own benefit, the value of which is sufficient consideration for your voluntary execution of this agreement. Additionally, you, your heirs and your personal representatives agree to release and hold harmless IAIR and its employees, directors, officers, representatives, counsel, and agents from any and all alleged and/or actual liability, claims, actions, lawsuits, damages, or losses of any kind which arise out of or result from attendance at and participation at the Workshop or related activities. The contact information below may be used for contact tracing purposes.

Attendee Name \_\_\_\_\_

Attendee Company Name \_\_\_\_\_

E-mail Address \_\_\_\_\_ Cell Number \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

### PLEASE CONFIRM ONE OF THE FOLLOWING

- I am fully vaccinated. (In accordance with CDC guidelines, "fully vaccinated" means that two weeks have elapsed since (a) the second dose of a two-dose vaccine series (Pfizer/Moderna) or (b) a dose of a single-shot vaccine (Johnson & Johnson), **OR**
- I have taken a COVID-19 PCR test within 72 hours of the first day I will attend the Workshop, and the result was negative.

**IF YOU ARE NOT ABLE TO ATTEST TO EITHER OF THE STATEMENTS ABOVE, YOU CANNOT ATTEND THE WORKSHOP IN PERSON.**

### PLEASE ALSO ATTEST TO **BOTH** OF THE FOLLOWING

- Regardless of whether I have been vaccinated, I have not had the following symptoms within the past 10 days: runny nose, headache, fever greater than or equal to 101.5F, cough, shortness of breath/difficulty breathing, fatigue, chills, muscle pain, sore throat, or loss of taste or smell.
- I have not had contact with anyone who has been diagnosed with COVID-19 or exposed to someone who may possibly have COVID-19 in the past 10 days.

**IF YOU ARE NOT ABLE TO ATTEST TO BOTH OF THE STATEMENTS ABOVE, YOU CANNOT ATTEND THE WORKSHOP IN PERSON.**

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