

Baker Donelson Snags Insurance Regulation Vet In Nashville

By **Andrew Scurria**

Law360, New York (October 04, 2013, 7:14 PM ET) -- Baker Donelson Bearman Caldwell & Berkowitz PC has picked up an expert in insurance regulation formerly with Burr & Forman LLP who is also a key architect of some of Tennessee's market-based insurance reforms over the past fifteen years, Baker Donelson said Wednesday.

After half a decade at Burr & Forman, David Broemel landed as a senior counsel at Baker Donelson's Nashville office on Tuesday, he told Law360. His practice is primarily devoted to shaping regulatory pushes on behalf of the insurance industry and counseling other companies on compliance with insurance market regulations, especially the myriad of new requirements imposed by the Affordable Care Act.

He cited the firm's strong presence near the Nashville statehouse and in Washington D.C., which he said would help him expand his practice beyond its traditional scope.

"What drew me here was the platform and the depth in Nashville," Broemel said. "Most of my practice is regulatory, but there's a ceiling — there's only so much regulatory law to go around. But the business and litigation side is infinite, so I'm hoping to help recruit clients and participate in other aspects of the law."

Broemel has been developing his insurance practice since joining the Tennessee Insurance Department in the 1970s, where he served as general counsel. Since then he has gained experience managing legislative initiatives for insurance trade groups that have introduced competition into the insurance marketplace and lowered prices for consumers and businesses, he said.

Representing the American Insurance Association, he was instrumental in drafting a bill that overturned the state's administered-pricing system for worker's compensation insurance, whereby the state's governor, Insurance Commissioner and Secretary of State had veto power over any rate increase. The bill replaced it with a system that centered on prospective loss costs developed by the National Council on Compensation Insurance, a rating organization.

“We have a very competitive market, and it has served insurers well,” Broemel said.

In addition, he helped push through legislation that replaced the prior-approval system for commercial lines insurance with a use-and-file system mandating that insurers file rates and forms within a certain period of time after they are first used, as well as a bill allowing for so-called flex-rating on personal lines, removing the prior-approval requirement for rate increases under 15 percent.

“Moving from administered, bureaucratic pricing to competitive market pricing, I think, always gives the consumer the best service and the best price,” Broemel said. “Over the years it’s been in effect, it’s proven to be a very good system. You look in states that continue to have administered pricing, and they still have large residual markets, and Tennessee does not.”

At Baker Donelson, he expects his practice to focus on client concerns over the health care law’s implementation, such as the advisability of private exchanges and a defined contribution plan versus traditional group health insurance, noting that Baker Donelson boasts a robust client list on both the payor and provider sides.

His practice also involves a generalized litigation component that entails coverage disputes from a wide variety of insurers.

“David brings a wealth of insurance regulatory experience to our team, and we are confident that his background will serve as a great benefit to our clients,” said George Dale, a former Mississippi Insurance Commissioner and a senior public policy advisor in the firm’s Jackson, Miss., office. “I worked with David on many projects during my tenure and now look forward to working with him as a member of Baker Donelson.”

--Editing by Philip Shea.

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