

Title of Exposure Draft: ASOP 41 Actuarial Communications

Comment Deadline: June 1, 2026

Instructions: Please review the exposure draft, and give the ASB the benefit of your recommendations by completing this comment template. Please fill out the tables within the section below, adding rows as necessary. Sample for completing the template provided at the following link:

Each completed comment template received by the comment deadline will receive consideration by the drafting committee and the ASB. The ASB accepts comments by email. Please send to comments@actuary.org and include the phrase 'ASB COMMENTS' in the subject line. Please note: Any email not containing this exact phrase in the subject line will be deleted by our system's spam filter.

The ASB posts all signed comments received to its website to encourage transparency and dialogue. Comments received after the deadline may not be considered. Anonymous comments will not be considered by the ASB nor posted to the website. Comments will be posted in the order that they are received. The ASB disclaims any responsibility for the content of the comments, which are solely the responsibility of those who submit them.

If you wish to reinforce any comments provided in another commentator's submission, please clearly state how your comments agree or differ. Commentators who restate comments verbatim or with slight variations may be asked to revise their comments.

I. Identification:

Name of Commentator or Company
Robert M Damler, MAAA, FSA

II. ASB Questions (If Any). Responses to any transmittal memorandum questions should be entered below.

Question No.	Commentator Response

III. Specific Recommendations:

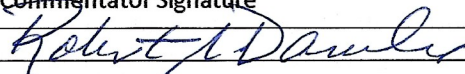
Section # (e.g. 3.2.a)	Commentator Recommendation (Please provide recommended wording for any suggested changes)	Commentator Rationale (Support for the recommendation)
1.2 Scope	Paragraph 3, "... the actuary should comply with this standard to the extent <i>the standard does not conflict</i> with applicable law."	I am uncertain if an applicable law would prohibit form and content; however, the form and content of applicable law may conflict with ASOP 41. Further, prohibition would be included within conflict. The conflict provides greater latitude to the actuary in the actuarial communication that may be conforming with an applicable law.
2.4 Intended User	"Any person or entity who the actuary identifies as able to, <i>or the actuary has reasonable knowledge will</i> , rely on an actuarial communication."	An actuary may have knowledge of others that will rely on the actuarial communication. However, if the actuary does not identify the "other party" as an intended user, then it would not appear that the "other party" has any recourse to ASOP 41 as they are not an intended user. Example: An actuary provides an actuarial certification of capitation rates for a state Medicaid agency as required by Federal law. The actuary has full knowledge that the

		<p>capitation rates will be used in a contract between the state Medicaid agency and contracted health plans. Further, the actuary has full knowledge that the capitation rates will be submitted to the Centers for Medicare and Medicaid Services (CMS) for their actuarial review and approval. If the actuary does not identify either the contracted health plans or CMS as an intended user, then many, if not all, aspects of ASOP 41 does not inure to the other parties.</p>
--	--	--

IV. General Recommendations (If Any):

Commentator Recommendation (Identify relevant sections when possible)	Commentator Rationale (Support for the recommendation)
<p>Use of Principal, Intended User, and the combination of such terms within Section 3.</p>	<p>I am uncertain of the use of "intended users" only vs. "principal" only or both in the guidance of Section 3. For example, Section 3.1 "Clarity, Form and Content" only applies to "intended users". Section 3.2 "Timing", includes the needs of the "principal" and the needs of the "intended users". Section 3.5 "Uncertainty or Risk" takes into the needs of the "intended users" but not the "principal". Should "principal" be removed from "Timing"? It appears that in all other items of Section 3 that it is only the "intended users" that the actuary has concern for.</p> <p>Further, Section 4.1.a. the actuary needs to disclose "the intended users" and, as appropriate, the "principals". If the intended users are not included within the "principal" as allowed by the definition, does the actuary have the option on whether to disclose or identify the principal?</p> <p>I would request that the use of these two terms either individually or combined be reviewed for appropriateness. It appears that each of the items in Section 3 should apply or be considered by the actuary in relation to the principal and the intended users.</p>

V. Signature:

<p>Commentator Signature </p>	<p>Date 3/19/2026</p>
---	--------------------------------------