**Section 925.100 Notification of Adverse Financial Condition**

a) The insurer required to furnish the annual audited financial report shall require the independent certified public accountant to report, in writing within 5 business days, to the board of directors or its audit committee, any determination by the independent certified public accountant that the insurer has materially misstated its financial condition as reported to the Director as of the balance sheet date currently under audit, or of any other determination that the insurer does not meet the minimum capital and surplus requirements of the Code and the net worth requirements of the Health Maintenance Organization Act, Dental Service Plan Act, or the Limited Health Service Organization Act, as of that date.

b) An insurer who has received a report pursuant to subsection (a) shall forward a copy of the report to the Director within 5 business days after receipt of the report and shall provide the independent certified public accountant making the report with evidence of the report being furnished to the Director. If the independent certified public accountant fails to receive the evidence within the required 5 business day period, the independent certified public accountant shall furnish to the Director a copy of the accountant's report within the next 5 business days.

c) No independent certified public accountant shall be liable in any manner to any person for any statement made in connection with subsections (a) and (b) if the statement is made in good faith in compliance with subsections (a) and (b).

d) If the accountant, subsequent to the date of the annual audited financial report filed pursuant to this Part, becomes aware of facts that might have affected the accountant's report, the Director notes the obligation of the accountant to take action as prescribed in AU-C Section 560, Subsequent Events and Subsequently Discovered Facts, AICPA Professional Standards (as of June 1, 2014 (no later amendments or editions), by American Institute of Certified Public Accountants, Inc., 1211 Avenue of the Americas, New York NY 10036-8775; website www.aicpa.org).

(Source: Amended at 39 Ill. Reg. 6485, effective April 24, 2015)