

Disability Income

The following standard is provided to assist the insurer in submitting a filing. This is a brief synopsis and not intended to be all-inclusive or contain all requirements or exceptions. All references should be reviewed for compliance. References beginning with "31A" refer to Utah Code and those beginning with "R590" refer to department rules under Utah Admin Code. As required by § 31A-21-201(2), the insurer is responsible for assuring that all filings submitted are in compliance. Filings found to be out of compliance may be referred to our Market Conduct Division for review and possible action.

Filing

Subject	I	G	Citation	Description
Combination	X	X	R590-220-12	A filing that incorporates accident & health insurance and life insurance must be filed under each instance and reference each SERFF tracking number in the Filing Description.
Confidentiality / Classification of Documents	X	X	63G-2-305 R590-220-16	Information an insurer considers to be privileged, proprietary, or confidential must be submitted with a compliant protection request and identify the intended document(s).
Content Standards	X	X	R590-220-5(1)	A form that incorporates other accident & health insurance types must comply with the applicable content standards.
Filing Submission	X	X	31A-1-301(68) 31A-21-201 R590-220	An insurer is responsible for assuring a filing is compliant with Utah law. A non-compliant filing will be rejected and not considered filed with the department.
Form Number	X	X	R590-220-7(1)(b)	A form must be clearly identified by a unique form number, and the form number may not be variable.
Multi-Line	X	X	R590-220-6(2) & (3) R590-220-7(3)	Utah does not allow a single filing for multiple types of insurance (TOI), aka multi-line. All filings must be submitted by TOI and market type (group or individual).
Policy & Related Forms	X	X	31A-1-301(72) & (145) R590-220-7(3)	A policy is an enforceable contract. A policy consists of all related forms.
Variability	X	X	R590-220-6(4)(f) R590-220-7(1)	A form containing variable data must have a certification statement. Variability as a separate document must be identified by its own unique form number and edition date. Blank spaces must be completed to accurately represent the intended purpose and use.

General

Subject	I	G	Citation	Description
Age	X	X	31A-22-613 R590-126-6(8)	If age is used in determining a benefit, a factor affecting premium, or coverage, it must be disclosed.
Appeal / Grievance Process	X	X	31A-22-629 R590-192-8 & 10 R590-203	A form must include an adverse benefit determination and grievance process that complies with the federal claims regulation.
Application	X	X	31A-21-201(3)(a)(iv) R590-126-6(1) R590-220-7(2)	Health questions must be reasonable and include required disclosures. A policy or certificate filing must include an application or an informational copy and reference the SERFF tracking number in the Filing Description.
Arbitration	X	X	R590-215	If included, a permissible arbitration provision must be properly disclosed and may not deprive Utah courts of jurisdiction over an action against an insurer. Permissible: -Compulsory non-binding arbitration. -Voluntary binding arbitration, at the election of an insured. Not permissible: -Compulsory binding arbitration.
Beneficiary / Estate	X	X	31A-22-614(4) R590-192-12(12)	An unpaid benefit following an insured's death is to be issued to the beneficiary or estate. Imposing a dollar limit is not considered good faith.
Cancellation, Renewability, and Termination	X	X	31A-22-607(4) 31A-22-727 R590-126-5(3)	A policy may not be terminated without cause before the renewal date. A captioned renewal or non-renewal disclosure, with duration, is required on the first page of the policy.
Certificate	X	X	31A-21-311	A certificate must contain a summary of the benefits, exclusions and limitations, and any rights of conversion.
Claim Settlement	X	X	31A-26-301 & 301.6 R590-192	Claims must be settled in a fair and timely manner. Interest must be paid when a claim is not addressed promptly.
Company Name & State of Domicile	X	X	31A-21-201, 301 & 311	A form must conspicuously reference the exact name of the insurer and its state of domicile; variability is not permitted.

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Definitions	X	X	31A-1-301 R590-126-3	A form must comply with these definitions and others, as applicable.
Electronic Notices	X	X	31A-21-316	An electronic notification must provide consumer awareness and consent, and be filed with the department.
Endorsement or Rider	X	X	31A-21-106(2) 31A-21-302 R590-126-6(3) & (4)	An in-force contract may not be modified unless it is in writing and requires a signed acceptance by the policyholder. If an additional premium is charged, the premium must be disclosed in the policy or certificate.
Examination Period	X		31A-22-606	A policy must include a notice advising the timeframe and right to return the policy for any reason.
Felony, Riot, Insurrection or Illegal Activities	X	X	31A-21-201(3) R590-126-4(4)	A loss must be directly related to the insured's voluntary participation.
Grace Period	X	X	31A-22-607	A policy must include a grace period. A group policy must provide a 30-day grace period and must not be terminated before the end of the grace period.
Incontestability	X	X	31A-22-609	Only a fraudulent misstatement regarding insurability is a basis for avoidance after coverage has been in effect for two years.
Incorporation by Reference	X	X	31A-21-106 Bulletin 94-1	A form may not incorporate any provision not fully disclosed unless citing a federal or state law, rule, or public directive.
Jurisdiction	X	X	31A-21-314	A form may not contain any provision requiring it to be construed according to the laws of another jurisdiction, or deny Utah courts jurisdiction.
Limitation of Actions	X	X	31A-21-313	A form may not limit an action brought against an insurer to earlier than 60 days after proof of loss, waiver of proof of loss, or denial of payment. An insurer may not limit or restrict an action to less than three years.
Limitations or Exclusions	X	X	31A-21-201(3) R590-126-4	A form may not limit or exclude coverage or benefits that are in the public's interest. An exception must be approved by the commissioner.
Nondiscrimination Among Health Care Professionals	X	X	31A-22-618 R590-126-3	An insurer may not unfairly discriminate against any licensed class of health care provider when the treatment is within the scope of the provider's license.
Notice and Proof of Loss	X	X	31A-21-312 R590-192-7 Bulletin 87-6	The proof of loss provision must allow the insured or claimant to file a notice or proof of loss as soon as reasonably possible.
Notice of Termination	X	X	31A-22-716	A policy must include a provision that obligates the policyholder to give 30 days prior written notice to each member.
Outline of Coverage	X		31A-22-605(7) R590-126-8(5)	An outline of coverage must be in the prescribed format and contain the required content.
Overpayment / Payment Recovery	X	X	31A-21-108 31A-26-301.6(14) R590-131-8(6)	Recovery of an overpayment improperly paid must be by the timeframes outlined in statute.
Physical Exam	X	X	31A-21-201(3)(a)	If an insurer requires a physical exam, the insurer must pay for the exam.
Premium Change	X	X	31A-21-106(2)(b) 31A-21-302 R590-126-5(14)	A change in premium is only allowable at renewal and in specific circumstances.
Reinstatement	X		31A-22-608	A form must include the required reinstatement provision when applicable.
Return of Premium	X	X	31A-21-302 31A-21-315	An insurer must return any excess premium without being requested.
Usual & Customary	X	X	31A-21-201(3)(a) R590-126-3(48) R590-126-6(5)	The use of a term such as usual & customary, or similar, must be defined.

Dependent

Subject	I	G	Citation	Description
Administrative or Court Ordered Coverage	X	X	31A-22-610.5	Coverage must be provided without regard to open enrollment, dependency, residency, or service area. Unless otherwise specified in a court order, coverage must remain in force as it would for any other dependent.
Dependent Eligibility	X	X	31A-22-610.5	If providing coverage for a dependent child, the following apply: - a dependent must be covered up to age 26; - all dependents must be treated equally (step, court or administrative ordered, etc); - may not require financial dependency; - may not require residency status; - may not require student status; and - coverage must continue in force through the last day of the month

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Disabled Dependents	X	X	31A-22-611	A form that provides dependent coverage must comply with the terminology and eligibility of an impaired dependent.
Enrollment when Additional Premium not Required	X	X	31A-22-610(2)(e)	If additional premium is not required for a new dependent, an insured has 30 days from the denial of a claim to enroll the child.
Spouse Rights	X	X	31A-22-612 R590-126-5(2)	A form that provides spouse coverage must comply with all applicable provisions.

Specific

Subject	I	G	Citation	Description
Benefit Reduction Disclosure	X	X	R590-161-4	A reduction in a benefit amount must be clearly explained.
Benefit Standards	X		R590-126-7(5)	A form must comply with the minimum required standards.
Elimination Period	X		R590-126-7(5)	A time period may not exceed those outlined in statute.
Preexisting Conditions	X	X	31A-22-605.1 R590-126-3(38) R590-126-4(2) R590-126-6(6)	A preexisting condition may not be defined more restrictively than outlined in statute and must appear as a separate paragraph.
Reasonable Time Limits	X	X	31A-21-201(3)(a)(i)	A time limit exceeding a 30-day duration to receive a benefit, for a specific condition, is considered unfair and not in the public's interest.
Recurrent Disability	X		R590-126-5(9)	A provision relating to a recurrent disability may not be separated by a period greater than six months.
Time Limit for Occurrence of Loss	X		R590-126-5(10)	A plan may not require a loss to commence less than 30 days after the date of an accident.

Rating

Subject	I	G	Citation	Description
Requirements	X		R590-85	A rate filing must contain: - the type of renewability; - Utah and nationwide experience; - current and proposed rates; - prior rate-related SERFF tracking number(s); - average annual premium per policy; - a list of states where a similar product has been filed; and - other information as outlined in statute.

Reporting

Subject	I	G	Citation	Description
Discontinuance	X	X	31A-21-201(1)	When discontinuing or non-renewing a plan, the department requests the number of policyholders and covered lives affected, and identify the plan currently marketed as the most similar replacement.
Plan of Orderly Withdrawal	X	X	31A-4-115	Before withdrawing from offering a line of insurance, an insurer must submit: - a request in writing for approval by the commissioner; - a notification of intent to the appropriate divisions; and - a copy of the above information filed in SERFF.
Withdrawal of Previous Filing(s)	X	X	R590-220-5(8)	An insurer must notify the department when they no longer offer a form, rate, or supplementary information.

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