

State of Delaware



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Department of Insurance

FORMS AND RATES BULLETIN NO. 6

ADVERTISING OF MEDICARE SUPPLEMENT AND LONG-TERM CARE INSURANCE PRODUCTS IN DELAWARE

Original No. 90-9
Adopted August 14, 1990
Amended April 15, 1992

Under Regulation 12, adopted in June 1973, the Department established standards for advertising accident and sickness insurance policies. Under 18 Del. C., Section 2304(1) (Prohibiting misrepresentation and false advertising; 18 Del. C., Section 3408 (Standards for advertising Medicare supplement insurance); 18 Del. C., Section 7101 (Purpose is to protect applicants for long-term care insurance from unfair or deceptive sales or enrollment practices); and 18 Del. C., Section 505, standards for solicitation and advertising are extended to all insurance products sold in Delaware.

In order to carry out the mandates of these sections and to ensure that advertising of all Medicare supplement and long-term care insurance products in Delaware truthfully and unambiguously represents the nature of the product sold, all advertising of such products must be submitted to the Delaware Insurance Department for review and approval prior to presentation to the public.

EFFECTIVE OCTOBER 1, 1990, NO NEW ADVERTISING AND/OR PROMOTIONAL LITERATURE FOR MEDICARE SUPPLEMENT OR LONG-TERM CARE INSURANCE WHICH WILL BE PRESENTED TO DELAWARE CITIZENS BY AGENTS, BROKERS OR DIRECT MAIL, AND/OR THROUGH ADVERTISING THROUGH THE PRINT MEDIUM, BY TELEPHONE, ON TELEVISION OR RADIO, MAY BE USED UNLESS SUBMITTED IN ADVANCE TO THE DELAWARE INSURANCE DEPARTMENT FOR REVIEW AND APPROVAL. Each submission shall be made not less than 30 days in advance of the proposed date of a dissemination or distribution to Delaware citizens. There is no filing fee required for this review. At the end of 30 days, the advertising or promotional literature may be used unless the Department has notified the insurer of disapproval. The Commissioner may, by order, exempt from these requirements any advertising form or material to which, in his opinion, this requirement may not be reasonably applied.

In addition, ON OR BEFORE OCTOBER 1, 1990, copies of all advertising and promotional literature for Medicare supplement and long-term care insurance currently used for presentation to Delaware residents must be submitted to the Department for its review. Advertisements and promotional material currently in use may continue to be used unless and until disapproval by the Commissioner. If disapproved, the material may no longer be used in Delaware and the insurer will be required to remove the material from public dissemination within 30 days. The Commissioner may, by order, exempt any advertising form or material to which this requirement may not be reasonably applied.