

DEPARTMENT OF INSURANCE

Statutory Authority: 18 Delaware Code, Section 311 (18 **Del.C.** §311)
18 **DE Admin. Code** 1217

PROPOSED

PUBLIC NOTICE

1217 Unfair Discrimination in Life Insurance, Annuities and Health Insurance on the Basis of Physical or Mental Impairment

INSURANCE COMMISSIONER MATTHEW DENN hereby gives notice of intent to adopt proposed Department of Insurance Regulation 1217 relating to the Unfair Discrimination in Life Insurance, Annuities and Health Insurance on the Basis of Physical or Mental Impairment. The docket number for this proposed amendment is 396.

The purpose of the proposed regulation is to identify specific acts or practices in life and health insurance which are prohibited by 18 **Del.C.** §2304(13). The text of the proposed amendment is reproduced in the May 2007 edition of the *Delaware Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.state.de.us/inscom/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:30 p.m., Monday June 4, 2007, and should be addressed to Mitchell Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.739.6278 or email to mitch.crane@state.de.us.

1217 Unfair Discrimination in Life Insurance, Annuities and Health Insurance on the Basis of Physical or Mental Impairment

1.0 Authority

1.1 This regulation is promulgated pursuant to the authority granted by 18 **Del.C.** §§311, 2312 and 29 **Del.C.** Chapter 101.

2.0 Purpose

2.1 The purpose of this regulation is to identify specific acts or practices in life insurance, annuities, and health insurance which are prohibited by 18 **Del.C.** §2304(13).

3.0 Unfairly Discriminatory Acts or Practices

3.1 The following are hereby identified as acts or practices in life and health insurance and annuities which constitute unfair discrimination between individuals of the same class: Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging a different rate for the same coverage solely because of a physical or mental impairment, except where the refusal, limitation or rate differential is based on actual or reasonably anticipated experience.

4.0 Effective Date

4.1 This regulation shall become effective October 1, 2007.

11 DE Reg. 32 (07/01/07)